

I-287

Minnesota House of Representatives

House Land and Water Resources Committee

Subcommittee on Water Resources and Pollution

*Subcommittee on Minnesota River
Flooding and Drainage*

HOUSE LAND AND WATER RESOURCES COMMITTEE
SUBCOMMITTEE ON WATER RESOURCES AND POLLUTION
SUBCOMMITTEE ON MINNESOTA RIVER FLOODING AND DRAINAGE

Final Report
Interim 1969-70

State of Minnesota
House Research Department
October 28, 1970

COMMITTEE ON LAND AND WATER RESOURCES

Joe Gimpl, Chairman

SUBCOMMITTEE ON WATER RESOURCES AND POLLUTION

Robert Dunn, Chairman

SUBCOMMITTEE ON MINNESOTA RIVER FLOODING AND DRAINAGE

Representative Ernest Schafer, Chairman

Joint subcommittee members included representatives:

Robert C. Bell

M. K. Hegstrom

Howard A. Knutson

Robert J. McFarlin

Willard M. Munger

Richard N. Nolan

W. D. Shores

John P. Wingard

TABLE OF CONTENTS

I. COMMITTEE CHARGE	Page 1
II. DESCRIPTION OF COMMITTEE ACTIVITY	Page 1
III. CONCLUSIONS DRAWN	Page 3
IV. RECOMMENDATIONS	Page 7
A. Major Policy	Page 8
B. Policy Implementation	Page 17
C. Specific Legislative Actions	Page 22
D. Modification of Existing Policy	Page 25
APPENDIX	
I. Minutes of Subcommittee Hearings.	
II. Partial Listing of Resource Materials.	
III. Agency and Department Relationships to the Proposed Water and Related Land Resources Board	

I. COMMITTEE CHARGE

House Resolution #32, passed on the 102nd day of the legislative session, prescribed the activity for the Land and Water Resources Committee. That resolution read in part as follows:

"Be it further resolved by the House of Representatives of the State of Minnesota that the Committee on Legislative Administration and Rules is hereby specifically authorized to submit the following study proposals to activated standing committees, or subcommittees thereof, or to interim commissions for study as it deems advisable: ...

Land and Water Resources

1. Water pollution problems
2. Drainage laws and water resources
3. Minnesota river flood control ...

Assignment of any of the studies, as specified aforesaid, shall in no manner be in limitation upon the rights and authority of the Committee on Legislative Administration and Rules to assign such other studies or work to any standing committees, subcommittees, or interim commissions during the interim as it deems advisable, it being the intention of this resolution to specify certain proposals for possible studies but in no manner to restrict the authority of the Committee on Legislative Administration and Rules to assign any other matter, or to assign a specified topic to any other standing committee, subcommittee, or interim commission."

II. DESCRIPTION OF COMMITTEE ACTIVITY

Representative Joseph Gimpl, chairman of the Land and Water Resources Committee, appointed two separate subcommittees to cover the scope of the charge described in Resolution #32. Representative Robert Dunn was appointed chairman of the Subcommittee on Water Pollution and Water Resources. Representative Ernest Schafer was appointed chairman of the Subcommittee on Drainage and Minnesota

River Flooding Problems. It was decided that both subcommittees would continue to meet jointly until enough basic data was collected to insure that both subcommittees would have the same backgrounding in state water needs. The total interrelationship of water-related problems soon forced a reconsideration of this point, and the subcommittee chairmen decided to continue meetings on a joint basis without holding separate hearings or discussions at any point.

The joint subcommittees met on ten separate occasions to hear testimony from various groups, agencies, and individuals interested in water. The first joint hearing was held in September of 1969, and the last in June of 1970. In July of 1970, the joint subcommittees met with the Water Resources Coordinating Committee to discuss water policy with all of the agencies represented on the Coordinating Committee. Then, from August through October of 1970, the subcommittee chairmen, legislative staff and consultant sifted through the testimony to compile the first presentation of the report of the joint subcommittees.

III. CONCLUSIONS DRAWN

Water and related land resource problems are largely a consequence of man's desire to achieve higher standards of living. As we strive for increased economic activity, reduction in unemployment, increased personal income, and a general improvement in social welfare, we create conflicting demands for our resources. The continuing pressures and demands for enhancement of our environment and economic well-being have created steadily growing unsatisfied demands for water and related land resources.

In the past, there has been considerable activity in Minnesota associated with the development and management of water and related land resources. For example, water-supply and sewage treatment plants have been constructed at most cities and villages as well as at many smaller communities. The state has adopted water quality standards for its interstate waters.

Water-oriented recreation facilities have been provided in connection with parks, waysides, reserves, and monuments scattered throughout the state, especially in northern Minnesota. Fish management programs have been extended to many areas and hundreds of wildlife management areas have been developed. Wetland waterfowl production areas in the western part of the state are being managed.

Agricultural lands have been drained in extensive areas in western and southwestern parts of Minnesota. Farmers, especially in southeastern Minnesota, have made considerable progress in the installation of conservation practices to reduce and control erosion. Some flood control and prevention has been accomplished as soil and water conservation projects under the provisions of the small

watershed Public Law 566, particularly in the northwest, west central and southeast parts of the state.

Flood control projects of the U. S. Army Corps of Engineers, counties, cities and others have been constructed and maintained in the Red River valley in northwestern Minnesota, Minnesota River and Upper Mississippi River valleys in southern Minnesota, and Zumbro River and Root River valleys in southeast Minnesota. Three dams and reservoirs have been constructed in western Minnesota. Other flood control projects involve channel improvements, flood walls, levees, and diversion channels.

Extensive improvements of rivers and harbors for navigation are located along the Mississippi River from the Iowa border to the head of navigation in Minneapolis, on the Minnesota River 25.6 miles upstream from the Mississippi River, on the St. Croix River about 44 miles upstream from the Mississippi River, along the north shore of Lake Superior and in the Duluth-Superior Harbor at the tip of the lake. Navigation is served by flow supplements from storage in headwaters reservoirs in north central Minnesota, by deepening and widening river channels, and by locks and dams providing pools in which navigable depths can be maintained.

In 1967, there were thirty-three hydro-electric plants of at least 100 horsepower capacity in Minnesota. The larger installations include plants on the Upper Mississippi River, on the St. Louis River near Duluth, on the Rainy River at International Falls, and on the St. Croix River.

Past development and management practices, as substantial as they are, have not kept pace with the steadily growing demands placed

upon water and related land resources.

Not only does Minnesota have catch up problems to contend with in the future, but continuing pressures and demands for enhancement of the environment and improved economic well-being can be expected to create steadily growing demands for water and related land resources.

Minnesota has mineral wealth, beautiful scenery, great outdoor recreational potential, and industrious people. All the ingredients for a great culture and a great agricultural and industrial economy are present. In addition, the state does not have an overall water shortage.

Information presented in "Background Information for Framework Statewide Water and Related Land Resources Planning in Minnesota", Tech. Bull. No. N2, June 1969, Minnesota State Planning Agency and "Minnesota Water and Related Land Resources - First Assessment", June 1970, Minnesota State Planning Agency indicate the existence of and possible future problems associated with pollution; recreation, fish and wildlife; water supply; land drainage, treatment and irrigation; flood damages; water-borne transportation; and power.

Water and related land resources planners have been and are chiefly concerned with the preservation, development, and use of natural resources. In light of present environmental concerns, in the future planners will have to be more concerned primarily with the protection and quality of man-made and natural environments for human health and welfare. Plans based on ecologically sound policies for man-environment relationships must be developed. These plans must be based on the assumption that changes in the attitudes, values,

and expectations of people are inevitable.

The recent upsurge of public concern over environmental questions reflects a belated recognition that past planning efforts failed to adequately consider desirable man-environment relations. The state, faced with a wide range of most pressing environmental challenges and dangers, cannot remain complacent in its water and related land resources planning about environmental threats. The selection of programs and projects for solving existing and future problems must focus on environmental concerns.

State water and related land resources policy in large part is scattered as formal declarations of policy and statements in existing codified and uncoded laws. There is need to consolidate major policies so that their visibility can be improved, they can be considered as a whole body, and inconsistencies and deficiencies in light of environmental concerns can be minimized.

During the course of Committee activity, statements were made by witnesses indicating the need to reduce the level of administrative problems in water and related land resources planning, development and management in the Department of Conservation water permit system and in the review of rules, regulations and criteria developed by state agencies: Need was also indicated for a mandatory waste water training and certification program; a state grant-in-aid program for construction of sewer facilities; water appropriation or pollution emission fees; licensing of septic tank pumpers; an annual license fee for operation of nuclear and fossil fuel electric generating plants; and registration and licensing of well drillers.

There has grown a complex arrangement for the administration

of water and related land resources activities in Minnesota. The administrative system has become so large and complicated that few if any governmental officials and citizens have a clear understanding of the entire system. There are many responsible people who feel that the proper development and management of water resources is being hindered by present institutional arrangements.

Minnesota has 30 major state and federal governmental units dealing with water resource problems. There are over 50 other organizations concerned with water resources in the state. Cooperative effort and communication between these organizations could stand much improvement. Water and related land resources activities undertaken by agencies which are not now properly unified nor integrated do not provide for the efficient development and management of resources. An uncoordinated, piece-meal, and compartmentalized approach has been largely followed in the planning, development, and management of water and related land resources.

Responsibility for comprehensive coordination and cooperation within the water and related land resources development and management field is not centralized. There is not a single entity charged specifically with the responsibility of coordinating federal, state, interstate, local and non-governmental activities pertaining to water and related land resources planning, development, and management.

IV. RECOMMENDATIONS

The committee recommends that the legislature adopt an act consistent with the conclusions drawn and described earlier. The purpose of this act would be: To modify and weld together existing and new policies and to declare a comprehensive state policy which will

provide a guide to the best use, or combination of uses, of the water and related land resources of Minnesota to meet foreseeable short and long-term demands and needs; to encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding and appreciation of the ecological systems and water related land resources important to the state, nation and world; to provide improved coordination of existing state agencies through the creation of a Water and Related Land Resources Board; to provide for the coordination of water resources special district activities through the creation of a Water and Soil Development Commission; to abolish the Soil and Water Conservation Commission and the Water Resources Board; to establish a joint Senate-House Standing Commission to be concerned with water and land related resources and broader environmental concerns.

A. Major Policy

The committee recommends that the act contain the following statements concerning water and related land resources policy: The legislature, recognizing the profound impact of water and related land resources planning, development and management on the future prosperity and security of Minnesota's people; and recognizing further the profound impact of man's activity on the interrelations of all components of the water and related land resources environment, particularly the influences of population growth, high density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and the critical importance of

restoring, maintaining and enhancing environmental quality to the overall welfare and development of man; declares that it is the continuing policy of the state government, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and water and related land resources can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Minnesota's people.

In order to carry out the policy set forth herein, it is the continuing responsibility of the state government to use all practical means, consistent with other essential considerations of state policy, to improve and coordinate state plans, functions, programs and resources to the end that the state may: fulfill the responsibilities of each generation as trustee of water and related land resources for succeeding generations; assure for all Minnesota's people safe, healthful, productive, and aesthetically and culturally pleasing surroundings; attain the widest range of beneficial uses of water and related land resources without degradation, risk to health and safety, or other undesirable and unintended consequences; preserve important historic, cultural, and natural aspects of our state heritage, and maintain and improve, wherever possible, a water and related land resources environment which supports diversity and variety of individual choice; achieve a balance between population and water and related land resources use which will permit high standards of living and a wide sharing of life's amenities; enhance the quality of water and related land resources and approach the

maximum attainable recycling of resources; develop and manage water and related land resources to assure a supply adequate to meet long-range seasonal requirements for domestic, municipal, industrial, agricultural, fish and wildlife, recreational, power, navigation, and quality control purposes from surface or ground water sources, or from a combination of these two; reduce flood damages through flood plain management, stressing non-structural measures such as flood plain zoning and flood proofing, and flood-warning practices; implement land resource-use practices that effectively reduce siltation and loss of the land base through activities associated with farming, mining, construction, forestry, and other activities of man; improve water quality through control of municipal and industrial waste discharge, agricultural pollution, and littering; and apply the multi-use concept to water and related land resources in a way that will permit utilization of the resource base in an efficient and balanced manner to serve the greatest number of people.

The Legislature authorizes and directs that, to the fullest extent possible:

1) the policies, rules and regulations, and public laws of Minnesota shall be interpreted and administered in accordance with the policies set forth in this act, and

2) all agencies of state government shall:

A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences in planning and in decision making which may have an impact on water and related land resources environment;

B) insure that presently unquantified water and related

land resources amenities and values are given appropriate consideration in decision-making along with economic and technical considerations;

C) include in every recommendation or report on proposals for legislation and other major state actions significantly affecting the quality of water and related land resources, a detailed statement by the responsible official on:

i) the environment impact of the proposed action;

ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

iii) the relationship between local short-term uses of water and related land resources and the maintenance and enhancement of long-term productivity;

iv) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

v) the impact on state government of any federal controls associated with proposed actions; and

vi) the multi-state responsibilities associated with proposed actions.

D) study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

E) recognize the worldwide and long-range character of water and related land resources problems;

F) make available to local governments, institutions, and individuals, advice and information useful in restoring, maintaining,

and enhancing the quality of water and related land resources; and

G) initiate and utilize ecological information in the planning, development and management of water and related land resources.

It is hereby declared to be the policy of the state to:

Encourage the construction, improvement, maintenance, and operation of water supply treatment systems, works or facilities to assure the provision of safe and potable water supplies. Recognize known health hazards in water supplies and unknown dangers posed by radioactive contaminants, new detergents, pesticides, chemicals and other contaminants, and foster action to prevent, reduce or eliminate health hazards.

Classify waters and adopt standards of purity and quality to achieve a reasonable degree of purity of water resources of the state consistent with the maximum enjoyment and use thereof in furtherance to the welfare of the people of the state. Prohibit or direct the abatement of any discharge of sewage, industrial waste, or other wastes, into any waters of the state where the same will be in conflict with established classifications and standards of purity. Make and alter reasonable orders requiring the discontinuance of the discharge of sewage, industrial waste or other wastes into any waters of the state resulting in pollution in excess of the applicable classifications and standards;

Provide for the prevention, control, and abatement of pollution of all waters of the state, so far as feasible and practical, in furtherance of conservation of such waters and protection of the public health and in furtherance of the development of the economic

welfare of the state by: (a) preventing any new pollution; and (b) abating pollution giving due consideration to the establishment, maintenance, operation, and expansion of business, commerce, trade, industry, traffic and other economic factors and other material matters affecting the feasibility and practicability of any proposed action, including, but not limited to, the burden on a municipality of any tax which may result therefrom and shall take or provide for such action as may be reasonable, feasible and practical under the circumstances. Promote adequate and efficient systems and means of collecting, conveying, pumping, treating and disposing of domestic sewage and garbage and industrial wastes. Control and regulate privies, cesspools, septic tanks, toilets, and other facilities and devices for the reception or disposal of human excreta and/or other domestic wastes.

Promote pollution control and prevention programs and projects by: (a) authorizing state grants-in-aid for the payment of interest on loans made by political subdivisions of the state for the acquisition and betterment of public lands and buildings and other public improvements of a capital nature needed for the purposes of the control of water pollution; (b) providing an income tax credit for pollution control equipment; (c) exempt from taxation real and personal property used solely and exclusively for the abatement and control of water pollution; (d) encourage waste treatment (including advanced waste treatment) instead of stream low-flow augmentation for dilution purposes to control and prevent pollution; and (e) encouraging cooperation between two or more municipalities to prevent, control, or abate pollution.

Promote solid waste disposal control by encouraging the updating of collection systems, elimination of open dumps, and improvements in incinerator practices.

Control possible adverse environmental effects of mining and provide for the reclamation of lands and waters subjected to mining processes, while at the same time promoting the orderly development of mining.

Acquire, develop, maintain and improve state parks; state public camp grounds; boat launching facilities; state recreation reserves; trails; state monument sites; wildlife sanctuaries; forest and other reserves; botanical gardens; and means for public access to historic sites; and to lakes, rivers, and streams and to other natural phenomena; lands and waters for wildlife habitat purposes; and public portages.

Encourage the provision of adequate recreational facilities and environmental improvements in and near urban areas. Promote the preservation of historic sites, buildings, structures, and antiquities of state and national significance for the inspiration, use, and benefit of the people of the state. Provide guidance for the wise development of shorelands of public waters and thus preserve and enhance the quality of surface waters, and preserve the economic and natural environmental values of lands. Encourage the preservation of shorelines, rapids, waterfalls, and other natural features. Provide for the management of fishing in lakes. Encourage and promote the use of privately owned lands and waters by the public for beneficial outdoor recreational purposes.

Guide expansions in water and related land resources development

and management using the following order-of-priority list of broad investment areas:

A) Provision of adequate water supplies, B) Environmental quality improvement, including pollution control and prevention within the fiscal capability of the state, C) Provision of additional water-oriented recreation facilities and protection of natural resources, D) Soil and water management, and E) Flood damage reduction.

Provide for the state to remain water rich by requiring that any plans for future water resources development and management involving diversions of water from the state shall reach conclusions as to the availability of surplus water beyond the next 50 years, and that the state shall not export water without retaining the "use rights" of the water after a specified period (possibly the planned project life-50 years) if unforeseen needs arise in the future.

Provide for the efficient allocation of water resources between competitive users through the state's existing modified riparian law of water rights, with its principles of reasonable and beneficial use and its permit system.

Discourage the disturbance, obstruction, or interference with the natural flow or condition of public waters beyond the boundaries of the state in a manner so as to seriously affect the public welfare and interests of the state.

Not to prohibit but to guide development of the flood plains of this state consistent with the enumerated legislative findings to provide state coordination and assistance to local governmental units in flood plain management; to encourage local governmental units to

adopt, enforce and administer a sound flood plain management program for the state and coordinate federal, state, and local flood plain management activities in the state. Encourage the use of non-structural measures such as flood plain zoning instead of structural measures to reduce future flood damages.

Consider water and related land resources programs in context with all other programs of the state, such as education, transportation, welfare and economic development programs. Require water and related land resources plans to include an accounting system that permits the display of the results of planning for any one objective or any combination of objectives in quantitative terms. Encourage the cooperation and assistance of the United States and any of its agencies, and of agencies of this state, in the work of special districts and local governments according to the plans and policies of the state. Encourage and foster the development and management of water and related land resources at the local level according to prescribed policies and regulations of the state.

Conserve and utilize the water and related land resources of the state in the best interests of the people of the state, and for the purpose of promoting the public health, safety, and welfare. Secure and maintain a proper balance among industrial, commercial, agricultural, water supply, residential, recreational, and other legitimate uses of water resources in the state.

Provide for the conservation of the soil and water resources of the state and for the control and prevention of soil erosion. Promote land treatment and discourage drainage adverse to the environment and good soil and water management.

Encourage the collection of basic data pertaining to all waters of the state. Control and supervise, so far as practicable, the construction, reconstruction, repair, removal, or abandonment of dams, reservoirs, and all control structures in any of the public waters of the state. Encourage the restoration and control of water levels in lakes. Encourage the conservation of groundwaters of the state by requiring owners to control wells to prevent wastes. Control the displacement of groundwaters by underground storage of gas or liquid under pressure. Promote safety for persons and property in connection with the use of the waters of the state.

B. Policy Implementation

1) There should be created a Water and Related Land Resources Board to be charged specifically with the responsibility of coordinating all activities pertaining to water and related land resources planning, development, and management.

The Board should consist of five members appointed by the Governor by and with the consent of the senate for staggered six year terms. No member appointed can be an officer or employee of the state or federal government. The Governor shall appoint the Chairman and the Board shall elect other officers. Members serve on a part-time per diem basis, and are reimbursed for expenses.

The Board shall appoint an Executive Director and hire the necessary staff.

The Board should be charged with the following responsibilities and duties:

A) Implement the environmental policies of this act by:

1) providing guidelines to state agencies for preparing

and submitting the environmental statements required in the Act;

2) taking into consideration environmental concerns, the Board shall review and approve on behalf of the state and in the name of the Governor all major programs and projects affecting Minnesota water and land resources;

3) having the authority to prescribe the procedures under which such reviews will be accomplished and the regulations through which controls will be achieved. These procedures and regulations will be established only after hearings as prescribed in Minnesota Statutes, Chapter 15, "The Administrative Procedures Act".

B) Issue a single permit for all water and related land resources development and management activities based upon recommendations of the Department of Health, Department of Natural Resources, and Pollution Control Agency.

C) Develop state-wide water and land resources plans consistent with overall state plans formulated by the State Planning Agency and participate in federal-state regional planning. Those representing the state on federal-state organizations shall periodically report to the Board, and the Board shall review and comment on the relation of federal-state planning efforts to state-wide planning efforts. State agency participation in federal-state activities shall be coordinated by the Board. The Board would coordinate state-interstate commission activities.

D) Administer funds associated with the Federal Water Resources Planning Act of 1965.

E) Review rules and regulations pertaining to water and

related land resources formulated by state agencies and eliminate inconsistencies from a comprehensive point of view.

F) Review and make comment to the legislature on budget requests of state agencies as they affect the water and related land resource policies of the state.

G) Administer programs for identification of lake eutrophication problems and remedial measures.

H) Transmit to the Governor and legislature on or before January 15 of each year the legislature meets a Water and Related Land Resources Report. The report shall:

- 1) assess the status and condition of the state's water and related land resources in relation to environmental trends and development and management practices;

- 2) contain a description of completed, in progress, authorized, and planned programs and projects on a statewide basis;

- 3) recommend an order of priorities for major water and related land resources programs and projects, and provide appropriate benefit and cost data. The order of priorities will cover in general a period of fifty years in the future and in detail a period of fifteen years.

- 4) recommend after a review of programs and activities of state agencies, areas of deficiency and remedial measures.

- 5) make recommendations related to institutional arrangements that would best implement the policies of the Act.

- I) Conduct studies pertaining to the following matters and include the results of the studies in the report mentioned under

Item H.

- 1) lake eutrophication
- 2) agricultural runoff
- 3) quantity and quality of public water supply
- 4) thermal pollution and radiation hazards
- 5) need for a state land use policy

J) All state agencies concerned with water and related land resources shall submit annually to the board a report summarizing their activities.

K) Retain consultants to assist its staff to fulfill its duties and responsibilities. The board may direct any state department or other agency of the state government to furnish the board with such personnel, equipment, and services as are necessary to enable it to carry out its powers and duties, and may prescribe the terms thereof, including reimbursement of costs. Any moneys appropriated to a state department or other agency of the state government for this purpose should be included in annual appropriations of such department or agencies for purposes of providing funds expended in furnishing personnel, equipment, and services to the Board.

L) The board shall have all the responsibilities and duties assumed by the Water Resources Coordinating Committee, State Planning Agency, which committee is abolished.

11) There should be created a Water and Soil Development Commission that would assume the responsibilities and duties presently vested in the Soil and Water Conservation Commission and Water Resources Board, both of which should be abolished.

The Commission should consist of three members appointed by the Governor by and with the consent of the Senate for a four year term coinciding with the term of the Governor. No member appointed can be an officer or employee of the state or federal government. The Governor shall appoint the Chairman, and the Commission shall elect other officers. Members serve on a part-time per diem basis and are reimbursed for expenses.

The Commission shall appoint an executive director and hire the necessary staff.

The Commission shall be charged with the following responsibilities and duties:

- 1) designated as the organization to provide liaison with the United States Soil Conservation Service, United States Corps of Engineers, and United States Department of Interior with regard to matters associated with review and approval of Public Law 566 and Corps of Engineers programs and projects;

- 2) coordinate the activities of all water and related land resources special purpose districts;

- 3) supervise the transition of agencies affected by the repeal of Minnesota Statutes, Chapter 111;

- 4) serve as sponsor of the Type IV, Minnesota River Basin Study and assume responsibility for coordinating all sub-state regional, federal-state planning Type I, II, III, and IV Studies;

- 5) review and approve all drainage ditch improvements and new drainage ditch construction;

- 6) review the multiplicity and fragmentation of special purpose districts and make recommendations to the Water and Related

Land Resources Board concerning consolidation of districts, changing of district boundaries, and the need for state-wide coverage of district boundaries;

iii) The committee concludes as a result of its investigations that the scope of its legislative charge was not broad enough to deal with all aspects of the environmental problem. It is, therefore; recommended that the Minnesota Resources Commission undertake a study to determine what actions are necessary to resolve the total environmental problem. Should the Minnesota Resources Commission expire, a standing commission with membership from the Senate and House should be created to investigate possible environmental actions by the state.

C. Specific Legislative Actions

The joint subcommittees recommend that bills be formulated and adopted as laws covering the following subject matters:

1. Establish a state grant-in-aid loan program to encourage municipalities to build new or upgrade existing waste water treatment facilities. The state in providing 25% of costs would make possible an increase of federal sharing to 50 or 55% instead of the current 33-1/3%, allowing a reduction in the local share from 66-2/3% to 20 or 25%.

2. To require localities to impose user charges on the amount and strength of waste to increase equity and to work toward self-financing systems; require the PCA to impose an effluent charge for self-treated industrial waste.

3. To provide for a substantial increase in penalties for

violation of anti-pollution laws, regulations, or rules with the presumption of continuing pollution from the date first proven with the burden of proof of abatement being placed on the polluter. These provisions and the concept of each day of pollution constituting a separate offense should be applicable to both Chapters 115 and 116.

4. To improve the capabilities of the Pollution Control Agency to monitor, enforce, and inspect the operations of waste treatment facilities; establish an annual license fee for fossil fuel and nuclear power plants to finance necessary monitoring.

5. Establish a mandatory waste water and water treatment plant operator training and certification program similar to Ohio's.

6. To provide funds to counties for the implementation of lakeshore zoning and to clarify the enforcement responsibilities and procedures in cases where counties fail to act as required.

7. To grant counties permissive authority to construct and operate waste treatment facilities in whole or part of their county.

8. Control scavengers (septic tank pumpers) to prevent effluent from being dumped into a stream, creek or lake.

9. Establish a state-wide water and related land resources intelligence system.

10. To create a statutory framework under which the petitioning by the state for all federal-state regional water and related land resources institutions would be by resolution of the legislature; those representing the state on such organizations should be appointed with the advice and consent of the Senate.

11. To establish a system for periodically renewing water permits, and a license fee to finance processing of permits.

12. To establish a program for registration of well drillers calling for a code, and further providing for systematic reporting on all wells drilled.

13. That Minnesota Statutes, Chapter 111, be repealed.

14. All conservancy districts operating under M. S. 111 would be required to operate under M. S. 112.

15. Repeal provisions creating judicial ditches and transfer that authority to county boards acting jointly or watershed districts, including a transfer of present systems.

16. Create a joint interim commission to study possible recodification of drainage laws.

17. Revise water rights:

a. The policy of limiting the appropriation and use of surface water for irrigation to a maximum allowable use of six inches per acre per year is arbitrary and provision must be made to alter this policy based on a priority of use system and an analysis of the hydrologic conditions of the lake or stream from which water will be appropriated.

b. As the demands for water increase in the future, the need to use water by diversions and transfers from other watersheds will be felt in several areas of the state. Water should be capable of being transferred by purchase and other voluntary means. The water permit system should allow for controlled transfers and diversions of water from one watershed to another.

c. The rights to use water afforded the mining industry should be modified to require periodic review and should be similar to standards required of all other water users.

18. Require state and local agencies, charged with developing a water policy through the issuance or denial of resource use permits, to develop and publish within a specified time rules, regulations, and criteria that form the basis of evaluating and processing a permit application.

19. Provide funds for lake eutrophication remedial measure demonstration projects.

D. Modification of Existing Policy

To bring the statutes into conformity with the recommendations of the committee it is necessary that the words listed below under existing laws be deleted.

Existing laws inconsistent with or unduly duplicating policy:

Minnesota Statutes, Section 106.021

drain in whole or in part lakes which have become normally shallow and of a marshy character and are not of sufficient depth or volume to be of any substantial public use.

Minnesota Statutes, Section 93.13

When a meandered or public lake does not exceed 80 acres in area, within the original meander line, and is surrounded in part by state land upon which a state mineral lease has been issued and is in force and effect, then such lake, with the approval of the executive council, may be drained and the iron ore removed from the bed thereof.

APPENDIX I
MINUTES OF COMMITTEE HEARINGS

September 26, 1969	Page 1 - 9
November 21, 1969	Page 10 - 13
December 12, 1969	Page 14 - 19
January 28, 1970	Page 20 - 28
February 19, 1970	Page 29 - 39
March 19, 1970	Page 40 - 60
April 24, 1970	Page 61 - 73
May 11, 1970	Page 74 - 110
May 27, 1970	Page 111 - 130
June 11, 1970	Page 131 - 142

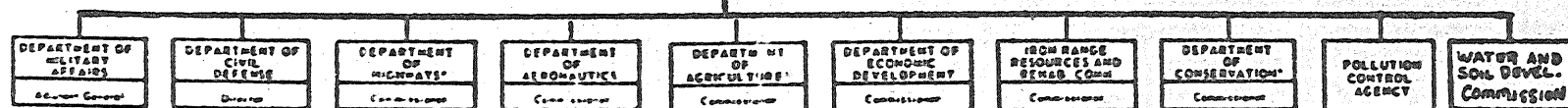
APPENDIX II

Partial Listing of Reference Materials

1. Agricultural Extension Service, University of Minnesota. Flood Plain Management. Vol. I, Nos. 1-4 and Vol. II, Nos. 1 and 2. A series of reports on flood plain management.
2. Haik, Raymond A., Hills, David L., Walton, William C. Aspects of Water Resources Law in Minnesota. A report prepared by the Water Resources Research Center, University of Minnesota. Minneapolis: University of Minnesota, 1969.
3. Haik, Raymond A., Hills, David L., Walton, William C. Codified and Uncodified State Laws and Municipal Ordinances ~~on~~ on Water and Related Land Resources in Minnesota. A report prepared by the Water Resources Research Center, University of Minnesota. Minneapolis: University of Minnesota, 1968.
4. U.S. Army Corps of Engineers. Water Resources Development in Minnesota. A report prepared by the U.S. Army Engineer Division, North Central. Chicago: 1969.
5. Water Resources Coordinating Committee. Background Information for Framework Statewide Water and Related Land Resources Planning in Minnesota. A report prepared by the Water Resources Coordinating Committee of the State Planning Agency. St. Paul: 1969.
6. Water Resources Coordinating Committee. Minnesota Water and Related Land Resources, First Assessment. A report prepared by the Water Resources Coordinating Committee of the State Planning Agency. St. Paul: June, 1970.

WATER AND RELATED LAND RESOURCES BOARD

1. Check all major proposals against environmental policy and impact statement.
2. Review rules and regulations for inconsistencies.
3. Receive report of activities in land and water areas.
4. Review and comment on budget items related to land and water.
5. Make recommendations on institutional arrangements for protecting the environment.



AGENCY AND DEPARTMENT RELATIONSHIPS TO THE PROPOSED WATER AND RELATED LAND RESOURCES BOARD