

Metropolitan Area Local Water Management Rule Amendment, June 3, 2015

The goal of the Metropolitan Area Local Water Management Rule amendment, Minnesota Rules Chapter 8410 (Rules) is to build on BWSR's experience implementing the Metropolitan Water Management program by moving away from an overly prescriptive, one-size-fits-all approach to a more result-oriented framework. In essence, future watershed plans would consist of periodically updated inventories and goals, and frequently updated implementation and capital improvement plan sections.

In a nine month period from Fall 2001 to Summer 2002, the Metro Water Planning Rules Advisory Committee (Committee) met five times to complete a rough draft of the revised Rules. This process was temporarily delayed when BWSR intended to propose legislation to amend Minnesota Statutes §§ 103B.201 - 103B.255. The relevant statutes have not been amended.

The Committee defined their recommended changes in four categories: 1) Plan Content, 2) Plan Development Process, 3) Intergovernmental Coordination, and 4) Organizational Capacity. In their last meeting in June, 2002, the Committee agreed on the majority of specific rule changes needed to assemble a complete initial draft Rules document in accordance with the list below. The Committee identified a few issues that remain, however the remaining issues cannot be addressed in the Rules revision without statutory changes. The following is a brief summary, by category, of the Committee's recommended changes and any remaining unresolved issues:

1) Plan Content – “Efficient Implementation”

- Focusing plans on priority issues.
- Accountable administration and targeted capital improvement programs.
- Incorporating new data, analysis and inventories.
- Frequently updated implementation and capital improvement plans.
- Mechanisms for addressing impaired waters.

2) Plan Development Process – “Engagement and Involvement to Prioritize”

- Tailoring programs to meet multiple objectives.
- Early announcement of “priority issues” through intensive citizen and agency involvement.
- Better annual reporting to evaluate if implementation achieves local goals.
- More attractive amendment and review procedures.

B. Remaining Issues:

- Streamlining and shortening the plan review process (statute changed)

3) Intergovernmental Coordination – “Connection with Local Land use and State Regulations”

A. Rule Change Recommendations:

- Better link between local comprehensive land use plans and metro water management plans.
- Procedures if local preferences conflict with state standards.

B. Remaining Issues:

- Improving groundwater /surface water interactions (statute change would be necessary).

4) Organizational Capacity – “Accountability for a Consistent Level of Implementation Metro-Wide”

A. Rule Change Recommendations:

- Increase self-evaluation through development of report card.
- Develop guidelines for determination of non-implementation.
- Allow for alternative reporting methods such as “eLINK”.

B. Remaining Issues:

- No Issues Identified

A New Committee, consisting of many of the previous Committee members, met four times from February to June, 2009. The draft rule amendment was extensively modified based on the New Committee’s recommendations. The New Committee reconvened from January to June, 2011 to finish work on the draft rule revision. Some statute revisions were being sought in the 2012 legislative session. The formal rulemaking process began in March, 2013, with publication of the Request for Comments on the draft rule amendment. Some revisions to the draft rule amendment were made based on comments received. The Statement of Need and Reasonableness (SONAR) is finished. The Notice to Adopt the rule amendment process finished with many comments being submitted and no public hearing being held. Several revisions were made to the draft rule based on comments that were received.

The rule amendment has been approved by the Office of Administrative Hearings. It is anticipated the amended rule will be promulgated in July, 2015.

Questions or comments should be directed to Jim Haertel at jim.haertel@state.mn.us or 651-297-2906.