

# INTERSTATE WATER SOLUTIONS FOR THE NEW MILLENIUM

## EXECUTIVE SUMMARY



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**Interstate Council  
on Water Policy**

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During the past 30 years, the water community in the United States has witnessed a remarkable re-discovery of watershed-based planning and management approaches to resource stewardship. This trend is especially evident in the development of multi-jurisdictional organizations that anticipate and resolve water-related challenges across traditional political boundaries and focus the laws, policies, programs and projects of various communities toward more efficient, integrated solutions. Our cities, counties, states, tribes and federal agencies depend increasingly on interstate and watershed organizations as coordinating bodies for watershed-based planning and development initiatives to manage water supply, flood protection, water quality controls, fisheries management, recreational areas and other interdependent priorities.

In short, this rediscovery is driven by a broader recognition and acceptance of the need for integrated water resource management.

The logic of the watershed orientation in the US dates back at least to the recommendations of John Wesley Powell, who asserted in the 1890s that the management of water in the arid regions of the US should be entrusted to the people making a living within the watershed.

In response to our increasing reliance on interstate water organizations, the Interstate Council on Water Policy (ICWP) has undertaken this study of the various interstate water management patterns and practices across the US as the foundation for recommendations intended to amplify the effectiveness of these organizations in the future of water resource management. Objectives included characterization and analysis of organizational forms, the federal role and the geographic scale and nature of interstate water issues in terms of their effect on the structural and operational characteristics of interstate organizations. We developed a set of case studies and conclude with a set of seven findings and recommendations intended to help existing agencies and organizations enhance their effectiveness in meeting 21<sup>st</sup> Century water management challenges.

This study builds upon past ICWP initiatives, which have included a national survey of river basin organizations (1997), the adoption of an Interstate Partnership Declaration by nine such entities (1999); and the work of an Interstate Governmental Water Resources Standing Committee, formed by ICWP that same year. It also builds on the thoughtful contribution of effort and ideas by many partners in government, the private sector and non-governmental organizations.

This assessment highlights the substantial contribution that interstate water organizations have made in the evolution of water resources planning, policy and management and indicates they are well-suited as service delivery mechanisms for national initiatives, a role that is not fully utilized at present. Our assessment also substantiates a need to strengthen state/federal partnerships if we want a more cohesive national approach to water resource management while accommodating regional differences in hydrology, law, socioeconomic priorities, *etc.*

Our assessment of the role that federal laws, agencies and funding are serving in the management of interstate waters and the resolution of associated conflicts indicates steady progress in recognizing the existence of interstate issues and acknowledging the primacy of state laws and policies in the allocation of interstate waters. Federal programs and agencies contribute substantial leadership, funding, research and technical capability to interstate programs, complementing the capabilities of state, tribal and local agencies.

Drawing from this assessment, discussion and examples and from the principles articulated in our National Water Policy Charter (see Appendix 1), we offer the following findings as the basis for discussion, development and implementation of action items by members of the ICWP with our partners in the water community. While these findings relate specifically to interstate organizations, they clearly have relevance to intrastate and international organizations and, in general, any entity operating within a watershed where the integration of water resource management should take place across political or other boundaries.

Enhancing the role of interstate organizations will require strategic advocacy and an active presence at the national and regional levels. The ICWP will expand its efforts accordingly and, as part of its normal strategic planning, review its structure, priorities and resource commitments in order to assure that it is well positioned in light of current and emerging opportunities.

The following findings and recommendations anticipate development of an action agenda to improve water resource policy and management processes by the ICWP in partnership with federal officials and association leaders.

**Finding 1:** Interstate organizations have demonstrated their effectiveness in a variety of important roles, including water resource planning, monitoring, management, and policy development. Nonetheless, much of their potential is underutilized. Their contributions are not always recognized by their member state- or federal agency representatives or by state legislative or congressional leaders. As a result, the extent to which they have been enabled and engaged, and their ability to attract the necessary financial resources, has been compromised. As the federal budget tightens, the capabilities of many federal agencies and programs must adjust accordingly. The proven abilities of interstate organizations to assume substantial responsibility for water resource stewardship assessment, planning and project implementation in an open, inclusive process should provide an attractive option for sustaining a full range of integrated programs and services

**Recommendation 1: Highlight and Promote the Effectiveness of Interstate Water Organizations.** Better information is needed to illustrate and publicize the specific contributions that interstate organizations are making to more efficient and effective water resource management decisions, and to encourage increased support for and reliance upon them. Among other objectives, these programs should produce a more visible and consistent presence at water meetings and conferences, enhance the national awareness of interstate water organizations (the consistencies and variations in their organization and responsibilities as well as their accomplishments and challenges).

**Finding 2:** The federal government has played a significant role in the management of interstate waters. This role has had many dimensions over time, ranging from exclusive decision making responsibility to technical assistance and financial support. Federal officials serve substantial roles in many interstate organizations: as a predominant member; as a co-equal partner; or in a supporting/observer role. Regardless of their role, the federal agencies have important national responsibilities with respect to interstate waters and bring valuable expertise, data and modeling assets, perspective and resources that complement those of the states in the interstate setting. A strong state/federal partnership is necessary to enhance the efficiency and capacity of integrated water resource management efforts in the interstate setting, especially in these years of very lean budgets and reduced agency capabilities.

**Recommendation 2: Engage Federal Agencies in Collaborative Planning and Implementation of Interstate Water Management Programs and Projects.** Interstate water organizations should expand their efforts to engage appropriate federal officials and agencies effectively in data collection, planning, and implementation efforts. Federal participation in interstate organizations should be directed, in part, at addressing barriers that have historically impeded integrated water resource management. Among others, this includes problems of fragmented authorities and inconsistent standards, inadequate and unreliable data and funding; complex procedures and rigid criteria.

**Finding 3:** Interstate water organizations are efficient service-delivery mechanisms for federal programs and projects that have regional (i.e., multi-state) dimensions. However, this role has not been institutionalized in federal legislation or recognized in the development and administration of many federal programs. Furthermore, the erosion of federal funding in recent years for interstate water organizations has compromised their ability to sustain essential services.

**Recommendation 3: Fully Engage Interstate Water Organizations in Implementing Federal Programs, Initiatives, and Policies.** Federal programs, initiatives, and policies should be implemented in a manner that recognizes the distinct challenges on interstate waters and the need for interstate collaboration. They should also be designed to engage and invest in existing interstate organizations to the greatest extent possible and to provide incentives that reward collaborative approaches among states and other jurisdictions.

**Finding 4:** The River Basin Commissions and Water Resources Council established under the Water Resources Planning Act of 1965 were abandoned in the early 1980s. The problems they were intended to resolve, however, still present a substantial concern. In many regions, successor organizations have evolved to meet the needs –or new organizations have developed to fill the void. A stubborn gap in national policy persists, where federal water programs and policies remain disjointed, fragmented, and sometimes in serious conflict. In addition, there doesn't appear to be an adequate interface at the national level between federal policies and interstate water management needs.

**Recommendation 4: Establish a New Federal Advisory Committee for Coordinating Federal Water Programs, Policies, and Laws and to Guide Federal Involvement in Large-Scale Watershed and Interstate Water Management Initiatives.** The federal Advisory Committee on Water Information (ACWI) provides a very useful framework, consistent with the Federal Advisory Committee Act (FACA), for engaging stakeholders in a regular review and refinement of water data programs, policies, priorities and operations. A similar advisory committee should be established for the assessment and guidance of programs and policies related to other aspects of water management, particularly those related to large-scale watershed and interstate water resource management concerns, and focus on areas where there is conflicting guidance from federal statutes.

**Finding 5:** Federal water programs are designed primarily to respond to national priorities, which may or may not be consistent with local and regional needs, opportunities and values. Interstate water organizations provide an effective means for integrating federal and regional priorities, responding to issues at a regional scale, and promoting regional identity and enthusiasm for solutions that are consistent with national policies.

**Recommendation 5: Interstate Water Organizations Should Nourish and Promote Regional Approaches for Meeting National Priorities.** Federal officials and agencies and the ICWP should encourage interstate organizations to nourish local strategies and projects tailored to local hydrology, needs, opportunities and ecology and should cultivate sufficient flexibility in state and federal programs to allow for adaptation to new methods for assessing needs, establishing priorities, implementing projects and measuring results.

**Finding 6:** Large scale sustainable use and ecosystem restoration initiatives have been promoted with increasing regularity in recent years, an indication of growing local, state and federal support for integrated water resource management with a watershed perspective. These initiatives require effective collaborative governance. In some instances, failure to recognize and rely on existing interstate organizations has resulted in the creation of new entities, with redundant or confused responsibilities, and the inefficient use of limited public resources.

**Recommendation 6: Interstate Water Organizations & ICWP Should Evaluate Emerging Large-Scale Resource Management Initiatives and Seek Full Engagement of Existing Organizations.** As large-scale resource management initiatives emerge, they should be reviewed by interstate organizations and the ICWP to assure that existing organizations are engaged to their full potential. Federal officials should be alerted to this need, as well.

**Finding 7:** As an institutional form, interstate organizations exhibit a broad range of structural and operational characteristics that reflect the needs and circumstances of the watershed and constituent states. Although these organizations provide an extensive range of services, states often limit their authority in an effort to retain more independent control over the resulting rules, programs and projects. In addition, the normal turnover of official representatives in the governing and managing committees reduces the momentum needed in decision-making and implementation of interstate water organizations and leads to a diminished sense of potential as a vibrant forum for collaboration and problem-solving.

**Recommendation 7: Enhance Education and Strategic Planning Functions for Committee Members and Key Stakeholders of Interstate Water Organizations.** Interstate water organizations should maintain regular education and strategic planning functions for new and continuing members of their executive and management committees and for all interested stakeholders to strengthen their awareness of -and their confidence in -the capacity of the organization. These programs should sustain a stronger awareness of the organization's responsibilities and limitations and their relation to other resource management organizations in their watershed or region.



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