

# **Water Resources Administration in Virginia: Analysis and Evaluation**

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## PREFACE

The focus of this study is the design of the institutional structures for water resources management in the Commonwealth of Virginia rather than the evaluation of agency performance under existing legislative mandates. Recommendations contained in the report are intended to improve institutional effectiveness and not to solve problems that may relate to personnel. Therefore a recommendation to transfer a responsibility from one agency to another or to create an additional coordination mechanism does not necessarily imply that the agencies involved have not performed assigned duties satisfactorily. In fact, the dedicated efforts of agency personnel have often overcome obstacles posed by the existing institutional framework and achieved a higher degree of success than would have been anticipated. The objective of these recommendations is to suggest means to remove these obstacles such that future agency efforts can be more closely focused on water resource management problems with a minimum of effort expended in overcoming the management system.

The authors express their appreciation to state agency personnel for their considerable assistance during the course of the study. This assistance has involved the contribution of substantial time in discussing agency operations and providing various types of information. Important assistance has also been provided through review and comment regarding preliminary drafts of the individual sections of the report concerning each agency and also with respect to a preliminary draft of the recommendations.

Response to the preliminary recommendations has ranged from complete agreement in some cases to total opposition in others. All comments have been fully considered in preparing the final report. In some situations a preliminary recommendation has been modified to reflect input obtained during the review process, while in other cases suggestions for modification have been rejected. Full responsibility for the final recommendations rests solely with the authors.

Acknowledgment is also given to the other contributors to this report. Norene Essary typed much of the original manuscript; Victoria Esarey did the typesetting. Phyllis Mullins and Jenny Short worked on production.

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## ABSTRACT

A description and analysis of the responsibilities of Virginia's administrative agencies and other governmental entities related to water resources management is presented as a basis for evaluating the adequacy of the state's institutional framework for management. Since the existing structure consists of the exercise of specific management functions by several relatively independent managerial entities, the study explores possible gaps in existing authority, overlapping authority, and the existence of adequate coordination mechanisms between agencies and other government bodies operating in functionally related areas of responsibility.

The study focuses primarily on the state's administrative agencies. Detailed consideration is given to the operations of the State Water Control Board, State Department of Health, Virginia Soil and Water Conservation Commission, Commission of Game and Inland Fisheries, State Corporation Commission, Council on the Environment, Department of Conservation and Economic Development, Commission of Outdoor Recreation, Virginia Institute of Marine Sciences and the Virginia Port Authority. The analysis also encompasses other agencies less directly involved in water resources management as well as other governmental bodies exercising such related responsibilities as local governments, interstate commissions, special districts, and the courts of the state.

Recommendations to remedy deficiencies identified in the existing structure are presented in several areas, including water policy and management philosophy, water resources development, water quality, ground water, marine resources, water-oriented recreation, and statutory updating. A primary area of concern addressed in these recommendations involves allocation of water and coordination of water resources development. It is suggested that the executive arm of state government assume a more active role in water allocation and water supply planning, and that a higher degree of coordination of water resource development with applicable policy and plans is necessary. Water quality management is another area where institutional change is needed, especially with regard to centralization of administrative responsibilities and coordination of non-point pollution control with the state's primary water quality management program.

# Agency Responsibilities

## INTRODUCTION

The special characteristics of the water resource have resulted in an approach to management that is highly unique when compared to that utilized for many other natural resources. In addition to its essential role in maintaining life, water provides a wide range of other services extending from the strictly utilitarian to the esthetic. Many of these services are incompatible to some degree, creating the need for decision processes for choice between competing objectives. Since the market in which most goods and services are exchanged has not been used extensively for the process of choice regarding the services of water, an elaborate system of laws and administrative agencies has been developed to control water use. The complexity of this managerial framework makes the question of institutional design one of the most significant water resource management issues.

Public involvement in management involves all levels of government. At the federal level, involvement has been characterized by massive programs of investment in water resource development projects and intensive regulation in the area of quality protection and private development in navigable waters. Although there is variation among the states, the state level of government generally has been less involved in direct investment in development but more concerned with planning and control of private water use and development. A significant function that has primarily been performed at the state level is the allocation of water supplies among competing users. Local government generally has exercised few direct water resource management functions with the exception of development of supplies for the inhabitants of the local jurisdiction. However, local government traditionally has exercised control over land use, an activity that is integrally related to many aspects of water resources management. In addition to these three basic levels of government, certain management functions have also been vested in special units of government of both an interstate and intrastate nature. Examples of this arrangement would include river basin commissions and special districts established to perform specific water resource management functions.

With regard to the exercise of water resources management functions at any level of government, the executive, legislative, and judicial branches all play significant roles. Using state government as an example, the typical institutional structure includes several agencies within the executive branch having responsibilities for administration of a variety of water-related laws passed by the state legislature, with the courts of the state serving in their traditional role as final arbiters in disputes involving interpretation of legislation and also exercising certain direct management responsibilities.

The relative significance of the role of the executive branch of state government as compared to that of the judicial branch varies considerably among the states, with the variation most notable in the area of water allocation. In one group of states, essentially no legislation nor administrative procedures apply to the allocation pro-