



IOWA CHAPTER

## Establishing a Water Trustee

Iowa is blessed with rivers, streams, lakes, ground water, wetlands, and aquifers. Iowa's waters are critical infrastructure for businesses, farming, and residents. After all, we all need clean water.

The state of Iowa has an interest in maintaining, protecting, and preserving the water of the state for today and for future generations. The government must protect and maintain the waters of the state for the public's use.

One of our goals is to have all water bodies in the state brought to the fishable swimmable standard - water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water.

Iowans need to be assured that the rivers, streams, and lakes where they fish, boat, and swim, and wade in are free of harmful contaminants. Today that is not the case. The press regularly reports about high levels of nutrients entering Iowa's waters and causing the dead zone in the Gulf of Mexico. Throughout the summer months, beaches at lakes across the state are closed due to high bacteria levels, algae growth, and the threat of microcystin toxins that can harm human health.

Iowa needs to double down on its efforts to improve water quality. Currently, the administrative branch of government serves as the fiduciary responsible for protecting the waters of the state. That function is served through the Iowa Department of Natural Resources, which has numerous duties beyond protecting Iowa's waters and has competing priorities. By requiring the Governor of Iowa to name a trustee for the waters of the state, a person whose full duties are to ensure that the waters of the state are protected for today and for the future. Those duties include:

- The trustee has the legal duty to protect the waters of the state for present generations to enjoy and benefit from and must leave them to future generations unimpaired.
- The trustee will review regulations and the budget for their impact on the waters of the state.
- The trustee will devise plans to prevent pollution from entering the waters of the state.
- The trustee will review all proposed regulations and shall include an assessment of the effect of the proposed regulation on the waters of the state.
- The trustee shall devise a plan to return all waters in the state to fishable swimmable standard.
- The trustee shall review any project that threatens to cross the waters of the state or to pollute the waters of the state. The project shall include an alternative to avoiding crossing the water of the state or discharge of pollution into the water of the state. The highest standard is to avoid crossing a water of the state or polluting it.
- The trustee shall initiate any legal action necessary to represent the interests of protecting the waters of the state for future generations.
- The trustee shall appear on behalf of future generations in any action involving the validity or enforcement of a statute or regulation.
- The trustee shall advocate on behalf of protecting the waters of the state for future generations regarding legislation pending in the Iowa General Assembly.