

Clean Water Council Meeting Agenda
Monday, January 25, 2010
9:00 a.m. – 3:00 p.m.
Freeman Building, Room B145
625 Robert Street North, St. Paul

- 9:00-9:30 Convene Full Council**
- Comments/additions to the agenda
 - Approve 11-16-09 Meeting Minutes
 - Council Introductions and Updates
 - Steering Committee Report
 - Final 2009 Legislative Update
 - Follow-up from 11/16 Meeting:
 - Role in review of Groundwater Protection Spending Proposal
 - Role in providing input to University of Minnesota's 25-Year Water Sustainability Framework
 - Reminder to Work Groups: Begin planning for 2012-13 agency budget process (agency recommendations due in May)
- 9:30-10:30 Lake Pepin TMDL Update**
Norm Senjem, MPCA
- 10:30-10:50 Groundwater Protection Spending Proposal**
Shannon Lotthammer, MPCA
- 10:50-11:00 Break**
- 11:00-11:15 Wastewater Treatment: Legislative Bonding Request**
Terry Kuhlman, Public Facilities Authority
- 11:15-11:30 Clean Water Fund Interagency Organization Update**
Rebecca Flood, MPCA
- 11:30-12:00 Watershed Approach Update—As Presented at the DNR Roundtable**
(If time allows) Gaylen Reetz, MPCA
- 12:00-12:30 Adjourn for Lunch and Work Group Meetings**
- ~ 12:30-3:00 Work Group Meetings**
- Prevention and Monitoring Work Group - Room A461
 - Civic Engagement & Local Partnerships Work Group - Room B463
 - TMDL Development & Implementation Work Group - Room B144
 - Measurable Outcomes & Research Work Group - Room B144

Next Meeting: Monday, February 22, 2010 at the Freeman Building, Room B145

Clean Water Council Meeting Minutes
Monday, January 25, 2010
9:00 a.m. – 3:00 p.m.
Freeman Building, Room B145
625 Robert Street North, St. Paul

Council members present: Dave Bennett, Marilyn Bernhardson, Pam Blixt, Keith Buttleman (for Bill Moore), Del Haag, Keith Hanson, Scott Hoese, Dave Leuthe (for Larry Kramka), Joe Martin, Gene Merriam, Steve Pedersen, Gaylen Reetz, Victoria Reinhardt, Todd Renville, Sarah Strommen, Deb Swackhamer, Paul Torkelson, Steve Woods.

Absent: Earl Bukowski, John Howe, Larry Kramka, Bill Moore, Gary Pedersen, Louis Smith.

Convene Full Council

1. Review and Adopt Agenda, Meeting Minutes

- Clean Water Council Chair Marilyn Bernhardson convened the full council. Marilyn asked members if there were any changes to the agenda. None were requested. Members moved and seconded to adopt the agenda. The agenda was adopted. Members moved to approve the November 16, 2009 meeting minutes. The minutes were approved.

2. Council Introductions and Updates

- Sarah Strommen said this would be her last Council meeting. She has resigned the Council as of the end of January because of a change in her job duties with the Minnesota Land Trust.
- Marilyn thanked Sarah for her service on the Council and stated that the Council will miss her.
- Keith Buttleman said the Metropolitan Council is working on the budget for future years, trying to figure out how to make it work for the capitol projects that will be needed.
- Joe Martin said the Department of Agriculture is working on spending plans for Council activities, a Request for Proposals (RFP) for the livestock program. They are also involved in the U of MN's Water Sustainability Framework process.
- Steve Woods had two items to report;
 1. BWSR has been working with the U of MN's Water Resources Center on the Clean Water Listening Sessions currently being held around the state. They are modeled after the listening sessions BWSR held a year ago. The next sessions are; February 3rd in Crookston, February 4th in Brainerd, February 10th in Duluth, February 11th in Rochester, February 16th in Marshall, and February 18th in West St. Paul. There is a call for additional sessions in the core cities.
 2. The first wave of funds for the FY2010 Interagency Clean Water Fund Competitive Grant will go out in March-April. About 20% of the requests they received will be funded. Proposals were reviewed by an interagency team, and the list of proposals selected for funding goes to the BWSR Board on Thursday. They followed the advice the Council gave on what kinds of projects to fund. There was a strong bias towards projects that have some history; projects that were

called for in a TMDL or through a local watershed plan. Once the decisions are made, he can make a presentation to the Council about the projects funded.

- Marilyn asked what about Riparian Buffer and Wellhead Protection projects?
- Art Person from MDH said there is about \$1 million of Clean Water Funds for Wellhead Protection Projects and 4 projects were selected.
- Marilyn said there was/is 3.2 million for a Riparian Buffer sign-up.
- Dave Leuthe for Larry Kramka said DNR is involved with the interagency team on the Groundwater Protection Strategy. There is a plan for a developing a Groundwater Level Monitoring Network for the 11-County Metropolitan Area on their web site, and the Groundwater and Surface Water Strategy will also be posted on the DNR web site;
<http://www.dnr.state.mn.us/publications/waters/index.html#specialreports>
 - [Long-Term Protection of the State's Surface Water and Groundwater Resources - Report to the Legislature](#), January 2010
 - [Groundwater: Plan to Develop a Groundwater Level Monitoring Network for the 11-County Metropolitan Area](#), October 2009
- Dave Bennett said he attended the Lessard-Sams Outdoor Heritage Council stakeholder meeting on Thursday, and the DNR Roundtable. Gaylen Reetz's presentation at the Roundtable mentioned fishing, hunting and the tie-in to clean water. It was very helpful and needed. This was lacking in the Lessard meeting.
- Gaylen - two points; 1. Civic engagement report given to the Legislature in November. It takes the Council's ideas and incorporates them into civic engagement report. It identifies the plan for incorporating civic engagement in the watershed projects and into the watershed concept. 2. Continuing effort to integrate into the 81 major watersheds. We're looking at a redesign of the assessment process; to do the listing process on a watershed basis.
- Marilyn had a meeting with Representative Jean Wagenius for an hour. They covered many topics. Rep. Wagenius wants the Council to understand her priorities and the committee's priorities for the next round of funding. Stronger emphasis on groundwater; 5% is too low. More emphasis on protection than restoration. They intend to meet again.

Audience members introduced themselves

3. Steering Committee Report from Marilyn Bernhardson

1. *Final 2009 Legislative Update* – The 2009 Clean Water Council Legislative Update went to the Legislature in December.
2. *Follow-up from 11/16 Meeting:*
 - *Role in review of Groundwater Protection Spending Proposal*
The Council's role is advisory. If there is a groundwater protection document they want the Council to support, the Council can do that.
 - *Role in providing input to University of Minnesota's 25-Year Water Sustainability Framework*
The Council's involvement is adequate.

Comments:

- Steve Pedersen said he doesn't agree. We need representation on the Framework. Council members who are involved represent their own organizations. Was there a motion about this at the Steering Committee?
- Marilyn said there was no motion. The Steering Committee felt the Council was already well represented. Members can get involved.
- Steve Pedersen asked for a motion to seek formal representation to have someone from the Steering Committee on the Framework.
- Dave Bennett seconded the motion.
- Pam Blixt asked what are the goals of the group, what is the structure and the timeline?
- Steve Woods read the goals and went over the structure.
- Deb Swackhamer said all of that information about the Framework is on the U of MN's web site. There are 20 people on the Headwaters Council.
- Marilyn reiterated the motion.
- Deb said the Headwaters Council is not an advisory group; it's a thought group, an intellectual group. There is a Stakeholder Advisory Group that could have a Council representative. They will send out monthly emails about the progress of the Framework and she wants to ask Council members if they would like to be on that email list.
- Steve Pedersen said he would amend his motion to have someone from the Steering Committee on the Citizen's Stakeholder Advisory Group.
- Marilyn went over the motion and took the vote. There were 4-5 yes's; 2 no's and 3 abstained. The motion passed. On Thursday, the Steering Committee will select someone to be on the Citizen's Stakeholder Advisory Group.

3. *Reminder to Work Groups: Begin planning for 2012-13 agency budget process (agency recommendations due in May)*

4. Lake Pepin TMDL Update

Norm Senjem, MPCA

- Gaylen explained that they intended to give this presentation to the Council in November, but they were at the Legislature. Since then, they have received advice from the Science Advisory Committee.
- Norm's presentation; origins, update, and where we are going.
- Background, nutrient impairment and turbidity impairment. Half of the state of Minnesota is involved; includes a border with Wisconsin. Current turbidity standard is not protective of the beneficial use of aquatic life support, which includes submersed aquatic vegetation growth. There is none when the turbidity is greater than 25 NTUs. Photosynthesis is inhibited. Natural background is 10% of the current load. They used coring data to establish that; 1951 is a key year. The level of TSS needed is 32-34 mg/L total suspended solids (TSS) as a season average.
- Modeling – scenario 17 meets the proposed site-specific standards for TSS and TP.

- Field vs. non-field erosion as a sediment source – the numbers have flipped towards non-field over time due to reductions achieved by the Metropolitan Council to reduce phosphorus from the Metro Wastewater Treatment Plant.
- Low flow years – see how TSS is affected. The TSS is lower in low flow years and the TSS goes back up in high flow years. The vegetation responds in low flow years when the TSS goes down. The predictions are working for submersed aquatic vegetation in relation to the TSS levels.
- Dave Bennett asked have you studied the relationship between TSS and TP to see if one controls the other. How much of phosphorus is bound to the sediment?
- Norm said that is a matter for debate. 20 to 40 to 50% of runoff has soluble phosphorus. This could be a long discussion; there are many forms of phosphorus. Three fourths of phosphorus in the river could become available. Question #2 – yes, reducing sediment could also reduce phosphorus.
- Chlorophyll levels are high as you come into Lake Pepin – a lot is coming from the Mississippi River. Phosphorus and chlorophyll-a are not as linked in Lake Pepin as they are elsewhere. Upstream sources of phosphorus are the issue.
- Next steps - treat the river as a system. TSS is the main driver in this, so start on TSS. The Scientific Advisory Panel (SAP) had a discussion and agreed on the next steps.
- Gaylen said there will be two TMDLs for Lake Pepin, for TSS and phosphorus, instead of one.
- Norm said the TSS TMDL is for the Mississippi River, which is largely nonpoint problem. We will start there, and then do the more complex phosphorus TMDL for Lake Pepin.

Questions:

- Members asked about the two separate TMDLs and site specific vs. river standards. What are the reasons for site-specific standards?
- Norm replied that Lake Pepin deviates from the relationships seen in rivers with phosphorus and chlorophyll-a, etc.
- Gaylen said many of the water quality standards apply statewide and some of them are 40 years old based on the best data we had at the time. Over time, we get more information and data about what are the controlling issues, and look at what level will protect that specific waterbody. As we do more TMDLs, we may have more site-specific standards.
- There is an allegation by some that the site specific standards are lower standards.
- The North Central Hardwood Forest Ecoregion standard of 60 mg/L phosphorus would be applied here. This ecoregion mostly covers the Upper Mississippi Basin, which is not appropriate for the part of the state where Lake Pepin is located.
- Norm said the site-specific total suspended solids (TSS) standard is more stringent. The turbidity standard is not protective enough. For phosphorus, we always intended to find a site-specific standard, and not use the ecoregion standard.
- Gaylen said as we get more data, there will be more site-specific standards. Some of them will go up and some will go down from the current standards.
- Dave Bennett asked what percentage of flow is from wastewater discharge as go downstream. The response is 5% to 20% of the flow.

- The phosphorus limit for the Metro Plant is 1 mg/L. The phosphorus concentration in the discharge is 0.6 mg/L, which is below the standard.
- Gene Merriam asked about sedimentation allocations – relationships are interwoven. How to make determinations; how to get there?
- Norm said it's not easy to solve. It's hard to correct the erosion - eroding bluffs and ravines. There are various ways to repair or protect to get reductions; riparian protection.
- Gaylen said it's not possible to get specific solutions for all 41 watersheds in this TMDL. Use the watershed approach and try to get to enough specifics to affect change.
- Norm said one million metric tons per year is the average rate of sedimentation in Lake Pepin. This is as high as Medical Arts building (20 story building) in downtown Minneapolis.

Break

5. Groundwater Protection Spending Proposal Update

Shannon Lotthammer, MPCA

- Background – there are many efforts underway. They want to recognize and focus those efforts, build on existing efforts. This is a onetime appropriation focused on the 2nd year of the biennium. Comments from the Council meeting in November were taken into account in the overall proposal. The groundwater pending proposal pie chart reflects the comments.
- Use local efforts to inform through effectiveness evaluation to further refine BMPs and strengthen prevention.

Questions:

- Was this a literature search or research?
- Shannon - research. Use a Request for Proposal (RFP) to look at effectiveness, do some research on BMPs. Pilot some efforts at the local level; 3 to 5 new/enhanced groundwater protection projects.
- Will one of these be a gap assessment to see what's missing?
- Shannon replied yes, a needs or gap assessment will be one of the approaches. We will take a look at data sharing and access to see if one of the needs is about data. County well index enhancement – this may be one of the gaps. Considered but not included are monitoring and emerging contaminants. The groundwater proposal is not a good fit for these needs because of the onetime funding. Both of these require longer term funding.
- Can the Met. Council deal with emerging contaminants?
- Keith Buttleman said not without capitol.
- What is your definition of emerging contaminants?
- Deb Swackhamer said they are contaminants we are discovering or those we are not dealing with currently. Contaminants of emerging concern. There are many different lists of emerging contaminants.
- Steve Pedersen said the Department of Defense has a list. Maybe we need to define the term so labs know what we are looking at.

- Deb said MPCA and MDH have to come up with a list by the Legislature. There is a nice document describing this; <http://www.pca.state.mn.us/water/edc.html>. The Department of Health is close to having a list.
- Steve Pedersen asked to send out that report before our next Council meeting.
- The question was asked whether we are behind other states on issue of emerging contaminants. Deb responded no, we are working on this and some other states are not doing that.
- Shannon said on the Summary/Next Steps slide, the emphasis is that the groundwater spending proposal will help fill immediate needs and inform long-term implementation of groundwater protection.
- Pam Blixt asked about the Stormwater Steering Committee, their 3 year effort and the need for them to coordinate with this.
- Shannon said yes make sure one of their members is part of the effort.
- What is your timeline?
- Shannon said 1 year approximately, 2011. Projects will have 3-5 years to spend funds. Staffing is an issue since there is no funding past fiscal year 2011.
- Gene Merriam asked about the \$5 million appropriation for groundwater protection activities. What is the right balance of funds for efforts to directly affect activities? Half going into direct activities? Is it the right balance?
- Shannon said yes, a large piece is going to activities. There is not a lot of groundwater protection included in local water plans. There are not a lot of resources in greater Minnesota for groundwater protection outside of wellhead protection areas. There are more resources in the metro area. We need to understand what the threats are and what kinds of protection efforts work.

6. Legislative Bonding Request

Jeff Freeman for Terry Kuhlman, Public Facilities Authority

- Capitol Budget Requests handout. State financing for principle point sources
- Handouts – Clean Water Revolving Fund – 19.2 million.
- Project Priority List – ranked by MPCA based on their rules. FY2010 list was approved by MPCA in July 2009. Funding cutoff was 45 points this year.
- Steve Woods – are the amounts part of the Governor’s bonding package? Jeff – yes.

7. Clean Water Fund Interagency Organization

Rebecca Flood, MPCA

- Background: Rebecca gave a presentation to the Council last August. The chart she showed then has changed to this one. Charter includes coordinating state agency clean water activities to achieve Clean Water Fund outcomes. How are state agencies working together is a charge from the Legislature and from citizens. Should we hire a coordinator? Jen Maleitzke’s work was re-prioritized to coordinate this group and the Clean Water Council.
- Reflects general categories from the Legislature/amendment money about what will be funded, i.e. 5% to groundwater.
- Staff already doing this work; coordination team helps support that work/issues raised to representative on the team. Show that we are using the money efficiently and effectively.

- Chart on 2nd page – includes Legislative Coordinating Committee (LCC).
- Individual charges to individual subteams – make sure reporting up/transparency.

Questions:

- Dave Bennett said a comment was made at the Lssard-Sams Council meeting on Thursday that there seems to be a lot of bureaucracy with the Clean Water money, more than with the Lessard Council funds.
- Rebecca said this is an effort at transparency rather than a new overlay of bureaucracy.
- Steve Pedersen asked what role the Clean Water Council plays in this process. Is there an advantage to have a Clean Water Council member who sits in on sessions rather than just receiving reports?
- Rebecca said this is an Executive Branch function set-up to be more efficient/effective.
- Joe Martin agreed with Rebecca's perspective. It's for us to formalize a coordination structure, and it will provide more of an opportunity to feed into the existing Clean Water structure.
- Steve Pedersen said there are the agencies and there's the rest. He's trying to see if there's a process. Does the Council want someone separate from the agencies to track this?
- Victoria Reinhardt said the Council is appointed by the Governor, so it's not a separate entity. Appointing a Council member is no different than having agency members report back. Meetings may be open to the public. Can Council members attend coordination team meetings, though not participate? When are the meetings?
- Rebecca said they spoke with the Attorney General's office about this and these are staff meetings. The Open Meeting Law rules don't apply. You can attend if you want to.
- Marilyn said Council members should go through their work groups; work with your key contacts to get your point across to the interagency team. Rebecca agrees.
- Keith Hanson said to insert the Council into this process – go back to bottom line and think about the purpose of the interagency group. It is to remove roadblocks, improve coordination and communication. How improvements are being made – that's what's important. Don't get ourselves stuck in the middle of agency stuff.
- Victoria said we all have the same goals, so the more communication the better, however that's done. She hopes the communication line stays open and would rather not have the friction she's felt over this past year since we're going for the same thing.
- Rebecca said we have a special communications group so we are on the same page.
- Victoria said part of the problem is that Council is seen by some as not being a player.
- Rebecca replied we value Council's input. The Council represents a variety of stakeholders and is key to our success.
- Dave Leuthe said he can't speak for Larry Kramka, but Shannon's presentation showed the importance of this. With the Clean Water Fund there is opportunity for agencies to work more effectively and shows the importance of coordinating and getting input from the Council and work groups. It's a valuable interchange. Agency staff are on the work groups, so we hear the Council's input two different ways.
- Marilyn had two housekeeping items to report;

1. The IRS mileage rate went down to 50 cents. You will see that reflected on your expense report.
 2. There will be no Civic Engagement work group meeting today.
- Marilyn said we want to thank Sarah Strommen for her services to the Council.
 - Next members will get lunch and come back for Gaylen's presentation. The next Council meeting will be on the 4th Monday in February due to the holiday. Have a safe drive home.

8. Watershed Approach Update—As Presented at the DNR Roundtable

Gaylen Reetz, MPCA

- This is the same presentation he gave to the DNR roundtable meeting. There is some misinformation in the fish and wildlife community about clean water efforts. Some Council members were at the Roundtable; Gene Merriam, Sarah Strommen, Todd Renville, and Louis Smith.
- Three points – slides
 1. Clean Water Act
 2. Water quality standards
 3. Fishable/swimmable uses
- The beneficial uses are the goals we want to achieve, not the numeric standards.
- Buffalo River the goal is walleye and steelhead habitat
- Knife River the goal is brook trout and steelhead habitat. Turbidity is the translator to get to the goal.
- Lake Pepin needs water clarity to support wild celery growth, which then supports wildlife habitat.
- Clean Water Legacy goals – 3 parts to the efforts under the TMDL process
 1. monitoring and assessment
 2. TMDL development or protection strategy
 3. implementation
- TMDL development – watershed approach. Funds from the Clean Water Fund allows us to increase monitoring and move through the watershed using the watershed approach.
- Restoration – engaging citizens of the watershed is important
- Priority management – a lot in upland which provides benefit for wildlife. Rotate through major watersheds on a 10 year cycle.
- Effectiveness monitoring – achieve clean water goals of fishable/swimmable uses.
- Pie chart – 63% of the funds are for implementation of BMPs - not all going for monitoring and TMDL development.
- Conclusion – the goal is to fish - catch and keep some fish – recreate and swim – enjoy a meal of fish or duck once in a while and not have it impact your health. Clean water is about fishable and swimmable goals, not parts per million.

Questions and comments:

- Gene Merriam said it's not just about misinformation, but heartfelt convictions of some. The perception is that the path we have chosen is not the most effective. The belief that if we spend the money studying the problem this will lead to improvement in clean water –

not all believe this. The frustration is, are we sure that spending 60-80% of the funds on projects not on the ground is the best way to achieve the results (comment to Shannon).

- Dave Bennett said shovel-ready is what they kept hearing, what sportsmen are saying we should spend the money on. How do we get from here to shovel-ready? Gaylen's presentation helped to turn the corner on this.
- Paul Torkelson said on the other hand, some believe that buying land is what we need to do more of, but that doesn't necessarily clean up the water.
- Sarah Strommen said the Lessard Council process involves a Request for Proposals for projects, etc., but there is no regulatory framework on the habitat side. Some question why the two processes are not the same.
- Steve Pedersen said the alternatives for funding are not given. Data missing/shovel ready is not always the way to go.
- Gaylen – some don't see where they can bring in alternates
- Dave Leuthe said first we need to understand where we are and what we need to do. For each shovel ready project, there are a couple of efforts going on that undo that shovel ready effort. We need to move forward in a systematic approach.
- Keith Hanson said maybe protection strategies are the way to go for shovel-ready.
- Steve Pedersen said the backlash may be when the Legislature steps in to have more shovel ready. We need to have answers for the concerns of those who think they have no place in this. One project in each major watershed is not enough for who those concerned about this.

Adjourn for Work Group Meetings

Next Meeting: Monday, February 22, 2010 at the Freeman Building, Room B145

Clean Water Council Meeting Agenda
Monday, February 22, 2010
9:00 a.m. – 3:00 p.m.
Freeman Building, Room B145
625 Robert Street North, St. Paul

There will be no work group meetings at this Council meeting

9:00-9:30 Convene Full Council

- Comments/additions to the agenda
- Approve 1-25-10 Meeting Minutes
- Council Introductions and Updates
- Steering Committee Report
 - Follow-up from 1/28 meeting:
 - Steering team member to serve on Minnesota Water Sustainability Framework: Stakeholder Advisory Team
 - Minnesota River Canoe Trip: CWC, Lessard-Sams Outdoor Heritage Council and LCCMR
 - Reminder: Begin planning for 2012-13 agency budget process (agency recommendations due in May)

9:30-12:00 Discussion of Council's Self-Assessment Survey (Jeff Risberg, facilitator)

- Roles and Responsibilities: Clean Water Legacy Act statutory requirements and Council's Mission and Organizing Principles (Louis Smith)
- Discussion of Survey results (all)

Council will break during this discussion when needed and appropriate

12:00-12:30 Lunch break

12:30-2:30 Improvement ideas for discussion: Council organization and topic areas (Jeff Risberg, facilitator)

- Proposals from Steering Committee
- Other ideas from Council members
- Next steps on organization
- Brainstorm list of topics for future Council consideration

Desired meeting outcomes:

1. All Council members have opportunity to provide input and feedback
2. Members understand and advise on Council's mission and organizing principles
3. Members engage in a thorough discussion about Council's role and responsibilities
4. Members advise on future Council organization
5. Members develop a list of topics for future Council consideration

Next Meeting: Monday, March 15, 2010 at the Freeman Building, Room B145

Clean Water Council Meeting Minutes
Monday, February 22, 2010
9:00 a.m. – 3:00 p.m.
Freeman Building, Room B145
625 Robert Street North, St. Paul

Council members present: Dave Bennett, Marilyn Bernhardson, Pam Blixt, Earl Bukowski, Keith Buttleman (for Bill Moore), Keith Hanson, Scott Hoese, John Howe, Larry Kramka, Joe Martin, Gene Merriam, Gary Pedersen, Gaylen Reetz, Victoria Reinhardt, Todd Renville, Louis Smith, Deb Swackhamer, Paul Torkelson, Steve Woods.

Absent: Del Haag, Steve Pedersen, Bill Moore.

Convene Full Council

1. Review and Adopt Agenda, Meeting Minutes

- Clean Water Council Chair Marilyn Bernhardson convened the full council. Marilyn asked members if there were any changes to the agenda. None were requested. Members moved and seconded to adopt the agenda. The agenda was adopted. Members moved to approve the January 25, 2010 meeting minutes. The minutes were approved.

2. Council Introductions and Updates

- Louis Smith and Earl Bukowski had an opportunity to speak to a group in St. Cloud, National Park Service. There is an interest in working with the Council, and an interest in Clean Water.
- Steve Woods had two things to report;
 1. BWSR's bonding item is for the Reinvest in Minnesota (RIM) program and the banking program for wetlands.
 2. U of MN's Water Resources Center and BWSR's Clean Water Listening Sessions have been held around the state. A session was added in St. Paul at the Capitol Region Watershed District on February 25th. There will be an afternoon session for regional water resource professionals and an evening session from 7-9 pm for citizens and local groups. The afternoon listening sessions with local governments have been well attended. The evening sessions with the general public have been less well-attended.
- Gaylen Reetz had two items to report;
 1. The Governor's budget reduction proposal affects all funds, not just general funds, which will have a broader impact on agencies. The Clean Water Fund is not impacted. The House and Senate will have their proposals too.
 2. John Jascke and Gaylen will give a presentation at a fisheries and wildlife group meeting about how Clean Water funds are being used to help fisheries.
- Dave Bennett said fishing groups remain very concerned over the proposed PolyMet mining project in northern Minnesota.
- John Howe said there is Red Wing proposal for buying acreage to use to spread biosolids. An incinerator will dry the biosolids, and then use them as fertilizer. Also, there are lots of eagles in Red Wing right now.

- Deb Swackhamer said they are completing the final listening session for the Minnesota Water Sustainability Framework, and they learned a lot. The work of three of the technical teams should be completed by March. All but one of the teams are up and running. Council members are on the email list for the Framework newsletter and should have gotten the February newsletter by now.

Audience members introduced themselves

3. Steering Committee Report from Marilyn Bernhardson

- *Follow-up from 1/28 meeting:*
 - *Steering team member to serve on Minnesota Water Sustainability Framework: Stakeholder Advisory Team*
 - There were no volunteers to serve on the Framework Stakeholder Advisory Team. There are a number of Council members on the teams already, including Scott Hoese who is on the Agriculture Team. Scott said his team is almost done with their work and will present a white paper.
 - *Minnesota River Canoe Trip: CWC, Lessard-Sams Outdoor Heritage Council and LCCMR*
 - There is frustration with those who say there has been no improvement on the Minnesota River. The Renville SWCD would like to show the CWC, Lessard-Sams Outdoor Heritage Council and LCCMR the improvements that have been made. The date for the outing is **Wednesday, July 21st**. A bus from Olivia will take people through Renville County, through intensive agricultural areas where there are protection measures. Then we visit two subwatersheds with progress in reducing pollutants. We will get in canoes and kayaks to see the subwatersheds and go to rock outcrop areas where there are protection measures. Then get back on the bus. Staff from BWSR, MPCA and DNR will be there to talk about the successes on the river.
 - This is good replacement for the annual Council field trip.
 - What are the plans for the shore lunch? Not sure, maybe a box lunch.
 - Can we combine our July Council meeting with this field trip? Maybe stay overnight at the casino in Morton.
 - Marilyn asked for a show of hands who wanted to go on this outing. Yes, we will go on this outing. The Steering Committee will plan the July Council meeting for the day after the outing, **Thursday, July 22nd**.
- *Reminder: Begin planning for 2012-13 agency budget process (agency recommendations due in May)*
There will be more information about the budget at next month's Council meeting.

4. Discussion of Council's Self-Assessment Survey (Jeff Risberg, facilitator)

- Roles and Responsibilities: Clean Water Legacy Act statutory requirements and Council's Mission and Organizing Principles (Louis Smith)
- Discussion of Survey results (all)

- Jen Maleitzke gave an overview of the Council’s survey; 21 of 25 responded, including 2 past members.
- Jeff Risberg joined the meeting to facilitate a discussion about the Council structure for the future. The first step is to take a look at what got us here. Jeff went over the agenda for the day.
- Louis Smith provided an overview of the Council. Beginning in 2004, MPCA decided there needed to be a group looking at the impaired waters program. There was concern about possible lawsuits that would affect cities and others; future wastewater facilities, etc. Agriculture community was also concerned. Impaired waters may force some things to a halt. All of the groups represented at this table were represented in that early group. Louis had two concerns; that locals and citizens are involved, and also to include protection, not just restoration. Annandale/Maple Lake court case led to the 2006 legislation to establish the Clean Water Council.
- Handout: 1. Council is advisory, 2. Authority section on page 1 of the handout. The Council distilled all of that into 8 Organizing Principles. Four work groups were developed, each taking two of the organizing principles. We may not be able to change the Council’s authority, but we can alter the organizing principles.
- Members were asked to take 10 minutes to review the Council survey results and make a list of what jumps out at you for making recommendations for moving the Council forward, write down those ideas and we will have a focused discussion. The next step of the process will be to go around the room and get comments from all of the members on the survey results, record the comments on flip charts, post them on the wall, and then members each select their top three issues.
- Jeff Risberg noted some common themes from the member’s comments: unsatisfied with workgroups; gap between work groups and Council; Steering Committee transparency.
 - Mission: inconsistencies with expectations, frustration with various Councils, connection with funds.
 - Agencies: involvement and interaction with Council, uncertainty.
 - Outcomes: how money is being spent
 - Communication: information to the public (external), internal communication.
- These themes received the most votes; work groups, agency involvement, more communication with outcomes.
- Members discussed the survey results and what struck them in reading those results. 40% not satisfied with the work groups is a large number. Others were struck by the unusual distribution of the results, they’re all over the place and it’s hard to find patterns, especially on questions 12 and 15. There are inconsistencies in satisfaction with the Council; on the one hand satisfaction with the Council is extremely high – members are satisfied with information to get decisions, but there also is some dissatisfaction with information provided for decisions. There are lots of inconsistencies in the survey results. Some members say they don’t have enough information, some say there are too many presentations. If members are not getting enough information and presentations aren’t the right way to do it, what is a better way?
- Some are still having difficulty with how the Clean Water Legacy Act (CWLA) is connected to Clean Water Legacy funding, and the fact that the funding is a one-time appropriation. If the money has been spent, where are we as a Council? What is the purpose of the Council if we don’t have a direct connection to the funding? Where are we

going? Some believe that the line that connects funding needs to be drawn, that Council members should ask for a statement showing a line item as to where the money was spent. But there isn't anything that says we have that duty as Council members.

- That's one of the measurable outcomes. We need a general description of where that first chunk of money went, how it gets us to the next step, and what were the results. The Council's 2008 report showed where that money had been spent in broad generalizations.
- Rep. Torkelson said the Council's role always has been and will always be advisory. We spent a lot of money trying to create some authorization with statute, but it didn't happen. We decided it's not wise to pursue this because it could change the makeup of the Council. It would put legislators on this council and would have a negative impact. We are advisory. There is nothing wrong with playing that role and playing it aggressively.
- Gaylen Reetz quoted the first sentence of Chapter 114D, Clean Water Legacy Act. It's much broader than the money. There are a lot of issues, and the G16 and the Legislature were concerned that all the organizations have some input. It's really important to think about all those other issues, the science, how do we get people to take action, etc. We've gotten too focused on the money. We should provide information about how the first amount of money was spent.
- It seems that some on the Council don't think this appointment is a good fit. If they don't fit into the Mission, there should be an opportunity for that person to resign and move on. Some comments in the survey indicate this may not be a good fit for some members.
- Conversation about how our role is linked to the money; if you look at the section Gaylen referenced in 114D.50, it talks about the Clean Water Fund. He thinks the connection is stronger than just tangential.
- Earl Bukowski would like to say something about #8, civic engagement. Should go out to get outside groups to work with us to show them that we need to change the way we're using our waters. We need to convince people we need to change the way. He saw our group coming up with experiments that he felt were not what we should be doing to engage people in local partnerships.
- There were a lot of inconsistencies in the survey results. When the amendment was passed, it seems the discrepancy between the CWC and Lessard-Sams and the Arts is where the frustrations came in. People are happy with the Council itself but not with the work groups. What role do we have as far as how the amendment money is spent?
- Some are struck by inconsistencies, controversy about citizen members and agency members. People on the council seem committed, and that's an asset for the Council.
- There are different expectations among members if you look at the responses to questions 5, 6 and 7.
- There seems to be tension between the participation of agency and non-agency members. The Council might need more interchange with the agencies, not less. We need to have a better understanding of how the funds are being channeled through the agencies and agency structures to get results on the ground.
- Some members want more background, and the work groups need to work so they get some of the more important information.
- We have a broad mandate that covers a lot of complex technical issues, and it's been hard to get up to speed to get that information. At the same time we're asked to come up with plans and recommendations looking at broad, complex issues. Maybe it's better to come up with annual focus areas.

- It seems there's a lack of focus on mission and mandate, on question 14, about half the comments were on this.
- Our group focused on things. Is there a way for the work groups to continue and see it through to the ground?
- Focus issue – we talk about work groups, not the council as a whole – there's a gap in the role of the council as we go forward. The effectiveness of the dollars involved, there's a gap as to how we need to prepare our work products.
- Question 8 on the role of work groups, a significant number said a deeper dialogue is needed. If the work groups had those dialogues and then brought them to the Council, we would feel more at ease with them.
- So many diverse answers, are the work groups supposed to be the tail or the dog? Half think one way, half think the other. We're seeing events in the complexity of the issues. People say we know what the CWF was established for, to go through the TMDL process. Others wonder about all the bureaucracy. The diverse responses and odd curves reflect the complexity of the problems.
- There are some people who have hostility toward the MPCA. It shows that there is some uncertainty about the role they play.
- Gaylen Reetz: The PCA provides clerical support, a council member, and staff for the work groups. We can back out of our level of support and we need to discuss that. Assuming that the work group part that most needs clarification.
- Two of the organizing principles that achieve over 20% for most important are; priority recommendations and measureable outcomes. Both have ties back to the money – where is it being spent and how well is it being spent. The questions are - have we gotten all that information and can we get more.
- Question #15; Assigning some rank voting, or having the responses to this question interpreted would help us understand it better. We reached consensus that these were the most important organizing principles, but we didn't prioritize them. If you ask what the most valuable thing is about water, you get answers all over the map. The same is true for the Council. I don't think we need consensus or rank order.
- The focus is to do something about work groups. Because of civic engagement and monitoring, it would be helpful to know – how does it fit into the work group.
- Question #16, half of the responses thought we were very effective. That's a pretty good story for the Council.
- The information we've received is a lot of good information and we would like to be able to get that out to the public. We need time to do more dissemination to the public.
- We are in an advisory role but we can also be an advocate.
- We need to include the groundwater piece. It has a strong role in the constitutional amendment and has to be part of our discussion.
- We have 19 diverse groups represented in the Council plus state agencies trying to organize principles. We have different groups with diverse backgrounds. Trying to pigeonhole people and sometimes that doesn't work. John probably said it best, maybe this isn't where some people should be and they should move on.
- Some members expressed their appreciation of the agencies' involvement. When we are dealing with clean water issues, we're trusting that we're all going after the same goal and the input from the agencies is critical. Others spoke to the fact that the agencies are

- Diversity is part of what makes this group good.
- We have so many agriculture organizations and we distribute fact sheets. Could we get a fact sheet out once a year? Would that be possible to get that out to individual constituencies so they hear what we've been doing? Provide information once a month via e-mail and then people can go to the web site. We do have an interested parties list, and it provides information about meetings, etc.
- Comments about the Steering Committee suggest we may need a better idea of what that should be, what their function should be, and a long range work plan.
- The survey is helpful because it gives us more clarity, even though there is concern with some of the thoughts represented. Agencies have struggled with how much staff time to put into it. We need to figure out how to resolve some of the questions that have been raised.
- The legislative intent of the agencies involvement; last year when discussing funding, it made a difference when you knew people were with the Clean Water Council We need more connection with the Council and the Legislature. We need to walk the talk, to be there to support the agencies at the Legislature.
- Steering Committee – how does it function? Outcomes – how we spent funds is the output, clean water is outcome.
- Where the money went and where it will go are the important issues; priorities and outcomes. What are the results, beyond where the money went? Are the TMDLs effective? Look into the future.
- Does communication include how to communicate in the future, i.e., presentations vs. some other means? This process is about improving the Council. We want to hear from people what the best way to communicate is. Internal communication is the key.
- Any presentation should state if it's an informational or a decision item. Include it on the agenda, have an outcome for each item on the agenda. Allow time on the agenda.
- Where we are at in the impaired waters process is a fundamental question moving forward. What can we expect? We are moving to implementation phase. What are the outcomes of the impaired waters process?
- Relate presentations to organizing principles.
- Shift more from listening to talking and have options for members to discuss. At the Listening Sessions, we heard local governments suggest other ways agencies can do things.
- Balance between those who feel they don't have enough information versus those who want to have more involvement. Many times these are value judgments by Council members.
- Tell us what worked and what didn't. We need to know some specifics about what the legacy funds are used for.
- Work groups: communication or structure.
- Identify questions we need to answer in the future. What's next? Lots of value decisions, major discussion that needs to take place. Work groups have been the tail wagging the dog. Form follows function. We need function to determine form.

- The mission and authority of the Council is where we get our priorities. Agencies live in two worlds; CWC and Clean Water Fund. Agencies bring information to give the Council an idea of what we are doing. We may be taking you down a path more about the Clean Water Fund rather than the Council's charge.
- Agencies are charged with something you have to do. Even if the Council didn't exist, agencies would still be doing what you're doing. How do we make a bridge between that and Council?
- Shifting to implementation is important, but we still need to do communication with the public. The Council is not done with development of TMDLs yet. How do the Council's work groups fit with how agencies organize themselves? We need to take a look at that.
- Jen Maleitzke gave an overview of the Interagency Coordination Team.
- The Council's role is narrower than the agencies' role in the Clean Water Fund. Legislation created a new section in Chapter 114D that includes providing advice on the Clean Water Fund and all its aspects.
- Not sure all agree with that. There is the potential for a difference between agency and Council expectations for outcomes. Some members want to make a decision on items that are informational.
- The only method left to stakeholders is to go back to the Legislature if they are not satisfied with how money is being spent. We asked for 4 wheelbarrows of money and got 18 buckets instead. The funding is for many different programs.
- Why doesn't the Interagency Coordination Team include citizen or stakeholder involvement? It is included within the various work groups. We are defining that as part of the process, integrated into it, not separate from it.
- What is your intention for integration of civic engagement? We produced a Legislative Report on Civic Engagement and the guts of that report is from the work of the Civic Engagement work group. Some Council members don't know that. The full Council didn't hear that from the work group.
- Are you suggesting that work groups get the full endorsement of whole body or present several options to the full Council? Mostly yes.

Lunch Break

5. Improvement ideas for discussion: Council organization and topic areas (Jeff Risberg, facilitator)

- Proposals from Steering Committee
 - Other ideas from Council members
 - Next steps on organization
 - Brainstorm list of topics for future Council consideration
- The order of the agenda was changed. First, members will brainstorm topics areas they want to focus on, rather than talk about structure. Dialogue based brainstorm – bring up a topic, flesh it out a little and see how it goes. Take some time to think about topics or focus areas for Council discussion in the next 12 months. Then do some prioritization.
 - Members took some time to write down their priority areas of focus.

Themes from this morning's discussion:

1. Work groups
2. Council's mission
3. State agency involvement
4. Measureable results and priorities
5. Communication (internal and external)
6. How information is received

Break

- Jeff Risberg said we will organize what has been done here today into some themes.
- John Howe doesn't feel that he's here to represent city governments, rather, that as a member of that group he gets to participate on the Council.
- Deb Swackhamer – stakeholder oriented group – but not to represent own group but to bring their viewpoint forward – here to represent the state's waters of the state.
- Victoria Reinhardt views herself as here to bring the viewpoint of her group to the Council and report on the Council's activities to her group.
- John Howe doesn't view his role as an advocate for municipalities.

- What some heard today is that the current work groups are not working.
- Jeff/Marilyn – let's have a conversation on structure with the three recommendations from the subteam plus anymore offered. We may not come to a conclusion today. There was a consensus that the Council should look at a different structure. The current structure was developed using the Council's mission and organizing principles. Marilyn went over the three proposals that a subteam of the Steering Committee developed as options.
- Clarification – interagency teams means...Interagency Coordination handout: teams
- Clarification – limited agency staff means other organizations can bring participants to work groups. This has not been communicated well enough to the Council. If that were practiced more fully (bringing in staff from other organizations) would it make a difference?
- 17-18 members at a Council meeting can be two 9-member work groups, a good size, and maybe an ad hoc committee if needed.
- The Council will stay the same. The issue is with the work groups and Steering Committee. If members are bringing other staff from their organization, it would be better to have them involved if they know what they will be doing.
- Developing the budget in the Steering Committee or in the full Council is the difference between proposal 2 and 3.
- The Steering Committee has too much clout, too big a role. Reduce their role; have them not develop each agenda. Allow time at each Council meeting to provide advice on the next agenda. Go over agendas for a few meetings out. Full Council can take more ownership of some issues. It's not that the Steering Committee had so much power, but the Council abdicated it.
- Part of the problem is getting everyone to attend the Steering Committee meetings.
- Support for proposal #2, work groups with a charge. More accountable to the Council; reiterate that we are advisory. Product of work group is not a product of the work group;

it's a product of the agency. Proposal 2B should be one of the bullets of proposal 2. Other members also support proposal 2B.

- Budget proposals should come from the Steering Team (3 Council members; chair, vice-chair, past chair), but bring the conclusion of their discussion to the full Council.
- Combination of proposal 2B and 3.
- If option #2 is chosen, what would the Steering Committee be? We could have 3 floating, or at large positions for the Steering Committee.
- How do we get to robust full discussions? Also, there is the question of how the Council will interact with that Interagency Coordination group.
- It's not that there will be no work groups, but it gives us flexibility.
- What do you mean by proposal 2B? Does that include 2B and all that is above it?
- First we need to scope out what the Steering Committee and a hoc groups would be.
- Steering Committee make up to include 3 at large members. Steering Committee includes 4 agency staff; we don't need 3 at large members. Reduce their role – reserve 10 minutes to go over the agenda at the Council meeting. Keep the 4 agencies on the Steering Committee. Have the chairs of the ad hoc committees on the Steering Committee. Get rid of the Steering Committee, have the chair do it. Ad hoc committees need to be defined, task specific with an end date.
- The Council needs to develop work plan. Budget is a standing committee. Combination of proposal 2B and 3. Have a group work group develop a work plan for implementation.
- Deb Swackhamer moves that we adopt proposal 2B, ad hoc work groups, with clear charges from the Council. A combination of proposal 2 and 2B. The role of the Steering Committee is uncertain yet, so that bullet is not included in her motion.
- Joe Martin would like to speak in favor of this motion. Charge to identify the issues. It can work / better feedback mechanism.
- Keith Hanson offered a friendly amendment that we don't decide now, but flush this out.
- Deb said the motion is not about the Steering Committee. It's about the last 2 bullets of proposal 2 with timeframes, clear outcomes, and a clear charge.
- Victoria Reinhardt – is the first bullet included?
- The first bullet stays, but not the second one. Deb slightly revises the 3rd and 4th bullets in proposal #2. She is not commenting on Steering Committee right now.
- Gary Petersen said he seconded Deb's motion before she changed it, but a friendly amendment to second the changed motion.
- Earl Bukowski offered a motion to table Deb's motion. Voting in favor, 7 members; opposed, 5 members. Earl's motion passed.

Adjourn

Next Meeting: Monday, March 15, 2010 at the Freeman Building, Room B145

Clean Water Council Meeting Minutes
Monday, March 15, 2010
9:00 a.m. – 3:00 p.m.
Freeman Building, Room B145
625 Robert Street North, St. Paul

Council members present: Dave Bennett, Marilyn Bernhardson, Pam Blixt, Keith Buttleman (for Bill Moore), Keith Hanson, Scott Hoese, Dave Leuthe (for Larry Kramka), Rob Sip (for Joe Martin), Gene Merriam, Steve Pedersen, Gaylen Reetz, Victoria Reinhardt, Todd Renville, Paul Torkelson, Steve Woods.

Absent: Del Haag, Earl Bukowski, John Howe, Larry Kramka, Joe Martin, Bill Moore, Gary Pedersen, Louis Smith, Deb Swackhamer.

1. Convene Full Council

Clean Water Council Chair Marilyn Bernhardson convened the full council. There was not a quorum of Council members, so the agenda and meeting minutes could not be approved and members couldn't take a vote on the tabled motion from the February Council meeting, until later in the meeting. The agenda items were re-arranged.

2. Council Introductions and Updates

Council members introduced themselves.

Audience members introduced themselves.

3. Steering Committee Report from Marilyn Bernhardson

- Follow-up from 2/22 meeting
- Discussion of Council member representation
 - Based on the discussion at the last Council meeting and from the Council survey, there are differences of opinion as to who members represent on the Council. It's important to report back to those you represent on a regular basis and to bring their concerns forward to the Council.
 - Steve Pedersen said we also need to be a cohesive Council. Members are sometimes too focused on our organizations.
 - Dave Bennett asked do we need talking points in our role representing the Council to take back to our group.
 - Victoria said she gives a report at each of her committee meetings (AMC). In her communication with lobbyists and the Legislature she can carry the message from the Council, especially recommendations on the budget, etc. It goes both ways – bring forward needs and desires of members you represent and bring Council's message to them.
 - Marilyn said there's still no quorum, so we can't do the tabled motion. Let's move to Steve Woods's presentation.

4. Results from first CWF implementation RFP /Listening session results, Steve Woods, BWSR

- Listening sessions – 9 locations around the state with U of MN and BWSR staff. Afternoon session with professional staff and evening session with citizens and stakeholders. There was better attendance in the afternoons. Opinions varied in different parts of the state. Citizen interest in lake issues in Brainerd area was high for example. U of MN Framework is required by the Legislature. The survey they did was a good discussion starter, though there were some problems with the survey, questions about the survey questions. They used the survey as a conversation starter. Which is more important for funding, healthy waters or impaired waters?

healthy waters-----x-----impaired waters

Those attending the listening sessions in the northern part of the state tended towards healthy waters, towards impaired waters in the southwest part of the state. Overall it came out in the middle, with good arguments at either end of the spectrum.

Groundwater-----x-----surface water

Overall it was skewed more towards surface water, but not 100%; in the southwest... People recognize if you have clean surface water, more likely to have clean groundwater. Drinking water concerns were raised too.

- Headwaters Council will try to explain where the intersection points are. Reports from teams coming in April/May. October is a major intersection point. See how the legislative branches were doing in regards to local government. Concerns of local governments are; uncertainty about how to get money, past cuts to local government funds, the amount of time spent trying to get grants, maybe further cuts to grants to counties and SWCDs in this Legislative session. Why does such a large percentage of funds have to be competitive? Can part be competitive, part for base capacity, part for regional reserve if they have something good going in an area and be able to maintain funding and staff for a few years?
- Provided them with a report card. Citizen engagement, accountability and transparency. Community priorities for what has been done. Why can't projects come through from nonprofit groups? Transparency at the beginning, not just at the end. Encourage nonprofits to work through local government for funding. U of MN will have a summary of the sessions by the end of the week.

Questions:

- Marilyn – there is concern at the local level about all the various plans, which plan should be referenced when putting together a grant application. It's very confusing for locals.
- There is still not a quorum of members. What do we do now? Pages 4-5 of the Council by-laws, the sentences seem to be saying two different things; Council Decisions, a majority vote. Victoria suggested a change to page 4 of the bylaws to deal with the quorum issue. Does quorum mean voting members? Marilyn answered, yes it does. Marilyn said let's have the agency presentations now.

5. Agency reports on CWLA and CWF outcomes; DNR, Dave Leuthe

- DNR's role in water quality work. Ecological Resources Dave went through the handout.
- Clean Water Legacy – work with MPCA on the Index of Biotic Integrity (IBI) for lakes, also helping MPCA with the IBI for streams.

Questions:

- Question on installing 15 new stream gages on page 2 of the handout. What percentage of that is done? Dave Leuthe said as work is done in the watershed, we can determine where on the land the load is coming from and then figure out where to monitor on the landscape. Gaylen Reetz said this year in 2010, there will be stream gages in all of the 81 watersheds for 100% coverage. Who has the lead on this, MPCA? MPCA partners with DNR, USGS. We don't put new gages at places where DNR or USGS has one already. We work together with other agencies.
- Does the funding Shannon showed include DNR funding? Gaylen – the pie chart showed funding for all agencies.
- Are some of the gages in each of the 81 watersheds upstream gages? Dave said there are those who want gages in many places to know what's coming off their landscape. Gaylen said some gaging is more elaborate than others, includes stream monitoring, etc. Decisions have to be made to determine how many gages to install, where they should be, how elaborate at each site, how much of the time and funds are used for gaging and monitoring vs. other efforts. Federal funds for this work are being cut back and some funds provided by DNR to USGS are being cut back too.
- Dave L. – TMDL implementation is funded, nonpoint source funded. Drinking water – manage water on the land better. Money for Mississippi River Critical Areas, geologic atlas, etc. Table in handout. The agency is looking long-term on implementation of surface water and groundwater protection strategies.
- Question on the surface water/groundwater guide – will it come to the full Council for approval? Dave said the guide received comments and is being revised. It will be coming back to the Council. As a draft? It's always a draft until you approve it. Holding water on the land as long as possible is the best way to protect surface water.
- Keith Hanson asked about the IBI assessment of 160 lakes (page 2 of the handout). We need a measure to know what percentage of the long term goal this is. Dave L. said we need to understand what improvements we see. Gaylen – we are still developing the tools so we know what the measures are. MPCA has been developing IBIs for streams and rivers for years. We are just beginning to develop lake IBIs. These are the tools of measurements rather than the measurements. Physical, chemical, biological integrity of the waters of the state. MPCA does a lot of the chemical.
- Keith asked where is the peak? We will hit a peak for funding. The Council needs to know where we are in order to make decisions. Gaylen responded that Glenn's presentation will help show where we are in the watershed cycle. There might not be a peak or it might be hard to know. Dave said we may not have to do as much monitoring if changes take place in the landscape. What do you mean by controls? Practices on the land.

- Marilyn – we only have 17 members because of two Council vacancies, so we only need nine to have a quorum, and we now have a quorum. We will go back to the first part of our agenda.

1. Review and Adopt Agenda, Meeting Minutes

- Members moved and seconded to adopt the agenda. The agenda was adopted. Members moved to approve the February 22, 2010 meeting minutes. The minutes were approved.

Break until 10:30 a.m.

6. Council reorganization

- Tabled motion
- Steering Committee organization proposal
- Marilyn said there is a tabled motion on the floor. We need to take the motion off the floor and re-visit the motion. Scott Hoese motioned to remove the tabled motion and bring it back to the floor. Steve Pedersen seconded the motion. Marilyn said see the handout with the motion in red. Any further discussion?
- Does Steve and Keith's handout impact the motion? Yes it seems to. Can we amend the motion? Scott said no.
- Victoria moved an amendment to include the Steering Committee recommendation on the Steering Committee. Pam Blixt seconded the motion. This is consistent with what Deb Swackhamer wanted at the last meeting, but we ran out of time. It's better to have a new all-encompassing motion.
- Victoria said the difference is the budget committee is ad hoc on the tabled motion; on the flow chart it's a standing committee. Keith said he is not as concerned about that as he is about the structure. It's part of the discussion.
- Marilyn asked if there was any more discussion on the amendment. If the amendment passes we will discuss the full motion. Scott asked if agency representatives were part of the amendment discussion. Marilyn said no. Dave B. said if the amendment passes then the steering committee set up passes.
- Pam - vote down tabled motion – open up for discussion.
- Marilyn said right now we are discussing the amendment. Do you want to fully discuss the Steering Committee now?
- Scott said he's not fully in favor of the budget committee as a standing committee.
- Keith said the point of the flow chart is to show the structure, not if the budget committee is ad hoc or not. So we all understand what we are talking about.
- Marilyn called for the vote on the amendment. There were two no votes. Motion carried.
- Discussion of the full motion – scratch out #2 on the top of the Council Organization Proposals handout, this is the full motion.
- Keith explained the flow chart. We have to have a way to explain measureable outcomes, more depth and detail. Three types of buckets. Steering Committee has an administration role. Coordination with the Heritage Council, what the Council needs from agencies (focus on mission). Legislature and Governor's office are our clients, agencies are not our clients. Council budget recommendations may not always line up with agencies budget recommendations. Agency representatives – not sure what number is appropriate. Maybe

- Steve Pedersen said measureable outcomes will be a product of the standing budget committee, not an off-year focus.
- Keith – tour – site-specific focus; what have we done with the \$18 million already spent? Budget committee needs to be standing. An annual report is not one of our charges. One decision point will be to decide if we need to do an annual report. Marilyn said it was a decision by the Council to do annual reports.
- Steve P. said the Council becomes more a committee of the whole. Ad hoc work groups gather information needed to make decisions and get information from agencies.
- Keith asked who is responsible for the budget, entire CWC or part of the Council? Victoria said it shouldn't be a subset if whole Council is responsible for the budget. It's just part of what the Council does. She recommended changes to the proposal handout to accommodate the flowchart.
- Pam has lots of questions. It took a long time for the work groups to get up to speed on the issues. It would take a long time for budget committee to understand all the issues.
- Keith said there will be broader discussion, more back and forth with agencies, more transparency. Steve P. said we won't have 4 standing groups anymore.
- Pam - we developed work plans, our work group was interrupted in the middle of important work. She wants to establish her work group again so they can finish their work. Marilyn asked how many work groups had unfinished work? I don't want to have civic engagement work dropped, not finished. Keith said his understanding is the civic engagement work product was given to the agencies. The Council needs a work plan but it's different than just 4 work group plans put together. Do we need those things to continue is the question.
- What about the standing budget committee that is responsible for intense work that occurs every other year? Not sure it needs to be carried out continuously every month. A standing committee doesn't have to meet monthly. It can decide its own schedule as needed. They may need to meet intensely during budget time.
- Steve P. said the second part of the budget committee is measurable outcomes. We need to ask how money is being spent on the ground. How do we fit the 4 points on the top of flowchart in the budget?
- Victoria said it's not that the four work groups have finished their work, but this is a different way of doing their work.
- Dave B. said as a former member of DNR budget committee, we spent a considerable amount of time looking at how the money is spent in detail. He has felt this has been lacking on the Council. Budget committee will have plenty to do.
- Keith said a lot of coordination will go on.
- Dave B. said the budget committee work is intense this time of year. Legislature will do something that needs attention from the Council. We will need people from the Council going over to the Legislature to respond to something the Legislature does.
- Gaylen said don't go too far down the path of oversight. Agencies report to the Legislature. The Council plays an important role of advising and reacting to the agencies.
- Marilyn asked what if the Council's budget is too far away from the agencies' budgets. We need to make sure that we as a Council send budget recommendations to the agencies.

- Scott said we are getting off the track from the motion. #2 says the Steering Committee is the only standing committee. Victoria said we could amend the current motion to add budget to #2 as another standing committee. Motion to amend the current motion to include budget and strike the word only. To #2 on bottom of the page.
- Pam said to say the budget committee is too narrow, call it the oversight committee. It's not an oversight committee, could add outcomes. Read motion: "Steering Committee and budget and outcomes committee are standing committees." Strike the number 4 before state agency. Vote on the amendment. The amendment carried. Vote on the amended motion. The amendment motion carried.
- How do you form ad hoc groups? What is the process? Keith said each of the existing work groups identify what they have remaining to be done. The Council then decides what needs to be done. The suggestion was made that work groups meet before the next meeting and present to the Council what work remains to be done. Some work groups may not need an ad hoc group at this time, but still have work to be done. Suggestion that work groups meet before the next meeting time. Some work groups may not need time at the April Council meeting.

7. Preparation for Council budget recommendations, Jen Maleitzke

- Process proposal (see handout)
- Formation of ad-hoc work groups: budget and legislative report work groups
- Jen Maleitzke went over the budget recommendation process handout. There's a lot of work between now and July to get the budget and annual report ready. Members agreed to include the report in the budget and outcomes committee. What's the deadline for the report? Jen said they could prepare the budget first and then do the report.
- Members agreed to put together budget and outcomes committee. We are missing members. Send an email to entire Council explaining this and the timeline. Minimum on committee, but not a maximum. Respond within the next 2 weeks. Budget chair on the Steering Committee – elect a chair right away.
- Marilyn asked for volunteers for the Budget and Outcomes Committee (BOC) Gene Merriam, Keith Hanson, Steve Pedersen, Dave Bennett and Marilyn Bernhardson volunteered. Other members can let Marilyn or Jen know if they want to be on the Budget and Outcomes Committee.
- Scott H. noted that if we have a majority of members on the committee, it will be a Council meeting. The maximum is 9 (?) or 8 (?). Motion from Keith H. that the maximum on the Budget Committee be 8. Question – if other ad hoc committees are formed, will there be enough members to be on the ad hoc committee? Steve P. said ad hoc is not a committee, more work group and could use members, agency staff, or others to include staff from member organizations.
- Victoria offered a friendly amendment; minimum of 4, maximum of a non-majority of the sitting members on the Budget and Outcomes Committee.
- Agency representatives are not part of the majority.
- Re-read motion; Budget and Outcomes Committee shall consist of a minimum of 4 members and a maximum of a non-majority of the sitting members. Motion passed.

Lunch Break

- Marilyn said this is the official notification that we will update the Council By-Laws based on our discussion today. We need to give 30 days notice.
- Victoria – p. 4 move that we add quorum definition, etc. Jen recorded the changes Victoria describes. Steve P. seconded the motion. Clarifying question about quorum, could 5 members pass a motion, less than 1/3 of the sitting members? Yes, it depends on who shows up. Motion carried. Include the revised version of the Council By-Laws in the April meeting packet. They will vote on it at the April 19th Council meeting.

8. Agency reports on CWLA and CWF outcomes; MPCA Update, Glenn Skuta

- MPCA's role in Clean Water Activities and Outcomes
- CWLA progress: Streams – projections out to 2011; chemistry and biological monitoring
- Lakes – citizen monitoring has greatly increased; grants go out to citizen/stakeholder groups.
- TMDL Project Start Ramp-up – we need a graph showing the # of waterbodies increasing. More many waterbody projects.
- Implementation for MPCA – wastewater, stormwater, feedlots. Phosphorus loading was headed upward – turned the trend line down with phosphorus strategy, MN River Basin permit, Met. Council WWTP, phosphorus rule.
- Phosphorus discharge rates – gone past 2010 goal – on the way to meeting 2015 goal. TMDL helps us know where we should put the money, the time, the effort.
- MPCA CWF Allocation pie chart/expenditures
- FY10-11 CWF Activity highlights:
- 70% of conventional pollutants of all 2008 impairments will have TMDL projects underway.

Questions:

- Pam asked about the groundwater map, are there targeted areas? What is the focus?
- Gaylen said it's split up by agencies, Dept. of Agriculture works on agricultural lands, MDH has a drinking water focus. We need to focus more on impaired waters in the future with groundwater studies and look at different types of groundwater hydrogeology. Get better understanding of groundwater/surface water interactions.
- Keith asked about the phosphorus reduction slide, are these actual reductions or modeled reductions? Glenn said the wastewater staff can answer that question.
- Dave B. asked why not revise the 2010 goal downward? Glenn said we could, is it achievable. Gaylen said we're still trying to understand the impact on Lake Pepin.
- Why not label the map with each of the agencies sites, all on one map?
- Gene would like a copy of the slide presentation. He would like more time to ask questions, to go over the presentation.

9. Agency reports on CWLA and CWF outcomes; MDA Update, Rob Sip

Questions:

- Steve P. asked do you go back and look at the efficacy of AgBMP loans? Rob said that's the next step. It will be part of project's work in the future to take a look at that.
- Question about manure slurry storage systems, does it say in the contract with the farmer that he can't have more cattle than the manure system can support? They have a manure

management plan. Scott added you also can contract with a neighbor if you have too much manure.

- Who handles the loan program? Banks. LGU approves proactive, banks provide loan, and the rate may be reduced by 2-3%. Does that capitalize the program? Dwight Wilcox can answer that.

10. Agency reports on CWLA and CWF outcomes; BWSR Update, Steve Woods

- Wetland mitigation. Legislative appropriation to projects prioritized in TMDLs and local water plans. RFP in November, end of January BWSR Board approved projects. Hope to reduce that by one month next time. BWSR didn't get as much funding to run the process. Hope to reduce BWSR staff time to run the process in the future.
- Used some of CWC's recommendations in the Competitive Grant Criteria – i.e. grant minimums. Legislative priorities----water quality outcomes/
- LGU – if they don't have the 25% match, they can't get any of the funds. BWSR encourages them to partner with someone.

Questions:

- Keith asked if there is follow-up or a monitoring provision to show the effectiveness? With metrics you show, you must have some way to show what you predict? Steve W. said yes. We go out and inspect to see if the measure is still there. There is a law that allows them to collect 150% of the cost of the practice if it's not there anymore. Elink database has estimates of pollutant reductions from each project completed.
- Steve P. asked how do you get real time data not just estimates? Response that BMPs have good research behind them. With watershed monitoring, we will be able to see pollutant reductions in the watershed. Keith said it's unrealistic to wait 10 years to show improvements. Gaylen said there's a cost question. It's a huge cost to monitor more frequently. Gene said we can't wait a decade for the assessment. Spend millions of dollars, but not see improvements, the public won't stand for that.
- Gene asked about the scoring system and the 25 points for water quality. That's not very high if only 25% of the score is about how the project affects water quality. Steve Woods said we need criteria for readiness of project, etc. All of these are water quality projects.
- Marilyn said before and after estimates of pollutant reductions for each project goes into eLink. We may need to wait 10 years (or less) for monitoring to show that.
- Keith said narrow down to BMPs to show results. Gaylen said the trade-off is spending funds on monitoring or establishing BMPs.
- Glenn said the project has to be in a plan, a TMDL or water plan. There also is a water quality criteria, so more than half the points are weighted to water quality.
- Steve Woods said one question is what density, what level of sub-watershed to do monitoring to show results? Costs are higher in the metro than outstate for projects. These are policy consideration that the Council could weigh in on.

11. Agency reports on CWLA and CWF outcomes; MDH, John Linc Stine, Assistant Commissioner

- Mission/Environmental Health
- Most of MDH's priorities and budgets are with Health and Human Services, sometimes with Environmental Health.

- Drinking water in Minnesota; 25 % from surface water sources, 75% from groundwater sources.
- Multiagency slide – their goal is to protect people and water supply from contaminants.

Questions:

- Why lump together Pharm. & PCP? John said the source is from human activities in home from drains, toilets, etc.
- Where do the PFCs come from? From past practices of dumping, from manufacturing, and illegal dumping. PFCs are found everywhere in nature, in our blood. EPA is reviewing the numbers on atrazine. Public interest in EDC; has effects on male fetuses.
- Steve P. asked about emerging contaminants, is the interagency team working on this? John said yes, we are working with Outcomes staff at MPCA. MDH is looking at it from the human health perspective and MPCA from the environmental perspective.
- Dave L. said transport of contaminants is also important, especially in groundwater.

12. April agenda planning:

- Marilyn – April agenda planning. Dr. Schoenfoss presentation
- Gaylen said we contracted with him to look at levels of PFCs in water. Marilyn said Representative Wagenius recommended him.
- Gaylen listed some issues members raised at today’s meeting for future agenda items; effectiveness of BMPs, monitoring vs. modeling, assessment timeframe of 10 years – too long for public, but reasonable for water quality.
- Todd Renville said Larry Kramka and he talked about the Shallow Lakes presentation, not on the agenda for April, but keep it on the agenda for the future.
- Steve P. said make sure someone talks to the presenter and asks them to be sure the presentation is applicable to Council, has context for Council, is targeted.
- Marilyn said the agenda will include a presentation from the interagency team on groundwater to provide context. Also, it will be helpful for funding recommendations.
- Pam suggested we plan for discussion for some of issues we need for consideration and discussion as close to time when we have to make budget decisions.
- Keith asked to get presentations with the minutes. Also, BMPs effectiveness for agenda.
- Dave L. said he is on the Interagency Groundwater Team, which includes members of the Council’s Groundwater Work Group. It would be helpful to know what interests you. Steve P. said a targeted presentation is helpful.
- Include on agenda for April the work group report back to Council.
- Gaylen - full Council overview discussion on budget to give direction to sub-group.
- Steve W. - menu of spending options as part of groundwater presentation gives context. Dave L. - range of funding options, challenging topic. Steve W. – MPCA said, here’s where Clean Water Fund will take it, here’s what it takes to ramp it up. Gaylen – Council discuss what its role is on groundwater to narrow it down. Dave L. – relate to TMDL for surface water.

Adjourn

Next Meeting: Monday, April 19, 2010 at the Freeman Building, Room B145

Clean Water Council Meeting Minutes
Monday, April 19, 2010
9:00 a.m. – 3:00 p.m.
Freeman Building, Room B145
625 Robert Street North, St. Paul

Council members present: Marilyn Bernhardson, Pam Blixt, Keith Buttleman (for Bill Moore), Earl Bukowski, Del Haag, Keith Hanson, Scott Hoese, John Howe, Larry Kramka, Joe Martin, Gene Merriam, Gary Pedersen, Steve Pedersen, Gaylen Reetz, Louis Smith, Deb Swackhamer, Paul Torkelson, Steve Woods.

Absent: Dave Bennett, Bill Moore, Victoria Reinhardt, Todd Renville.

1. Convene Full Council

Clean Water Council Chair Marilyn Bernhardson convened the full council. Members moved and seconded to adopt the agenda. The agenda was adopted. Members moved to approve the March 15, 2010 meeting minutes. The minutes were approved.

2. Council Introductions and Updates

Council members introduced themselves.

- Louis Smith attended a Headwaters Council meeting with Gene Merriam three weeks ago. He sees the importance of civic engagement work fitting in with CWC work. Landscape practices – voluntary fit into this? Gene Merriam noted that the synthesis group pulls together all of the pieces and brings it back to the Headwaters Council. Their charge is to identify gaps, and the next step is to make recommendations for solutions.
- Del Haag said he found out that Hawaii shuts down their lift stations during the tsunami.
- Paul Torkelson re-iterated the importance of stakeholders and local involvement in TMDL development.
- Gaylen Reetz said there will be two, maybe three contested case hearings related to various aspects of TMDLs.
- Steve Woods said there are cuts to counties and local governments.
- Joe Martin – Clean Water Fund activities of MDA; Root River project collected snowmelt runoff samples at the edge of field. Interagency research group had their first meeting.
- Gary Pedersen attended the Fillmore County township officers meeting. They talked about testing done on Root River and the need to have local people step up in preventing runoff to the Root River, identify areas that need help. There was a presentation by Shaina Keseley, MPCA. The presentation was very well done – in framework of what can be done, and we need your help. We need more presentations like that.
- Keith Buttleman said Met Council is dealing with some serious budget issues, so there is a lack of construction; may have to raise rates.
- Gene Merriam said the Freshwater Society is a co-sponsor with the College of Biological Sciences (CBS) at U of M, St. Paul campus of an upcoming lecture. Hedrick Smith will be the speaker (producer of Poisoned Waters). The public is invited.
- Marilyn Bernhardson said the SWCD did a pilot subwatershed in the county; 23 of 31 landowners met to help identify solutions. Very successful process. Important to engage citizens in the process. SWCD doesn't have the time or money to have all of these meetings.

- Marilyn said Deb Swackhamer was awarded the 2009 Founders Award by the Society of Environmental Toxicology and Chemistry. Marilyn would like to recognize the accomplishment and honor.
- Larry Kramka said the field season has begun. The state needs rain and there is concern about fire danger in some parts of the state.

Audience members introduced themselves.

- Marilyn – let's hear about the Senate confirmation hearings.
- Jen Maleitzke/Scott Hoese - the hearing went well. A vote was taken and all members up for re-appointment were re-appointed, except for Dave Bennett because he wasn't there. Things that came up were; ideas about CWF, changes to CWLA such as adding groundwater and MDH. There was confusion between Clean Water Fund and the Clean Water Legacy Act. Other things that came up; role of CWC should be similar to that of Lessard Council.
- John Howe said he is planning to run for the Senate. Gene, Keith, Victoria and Todd were confirmed by the Senate, John was not confirmed.
- **Update from 5-17-10 CWC meeting:** The following members have been confirmed by the Senate; Dave Bennett, Pam Blixt, Scott Hoese, Gene Merriam, Steve Pedersen, Todd Renville, Victoria Reinhardt, Deb Swackhamer.
- John said he has some issues with the use of water from the Mississippi River by Xcel Energy for the nuclear power plant near Red Wing, and with the temperature of the water going back into the river. The volume of water in the Mississippi River allows Xcel to dump tritium into the Mississippi River. Some was discharged in the ground, so there is concern with potential groundwater contamination. Xcel wants to dredge during fish spawning time period. John has support from many of his constituents to be appointed to the Council. He applied for the Council last May and was appointed by the Governor in August, well before setting up a committee to explore running for Senate in December.
- Steve Pedersen proposed a motion that the Council submit a letter supporting John's appointment to the Council. The motion was seconded. Other members expressed concern that passing a motion like that by the Council may backfire. John said he appreciates the offer, but clean water is bigger issue than one appointment. Serving on a board should not limit your options to run for office. He gave his word he would resign the Council if he was elected. Paul Torkelson's name came up in the context that maybe elected officials could not be appointed (change the law). Scott suggests withdrawing the motion. Steve P. withdraws the motion. Del Haag said as the other representative of cities, he thinks John should have been appointed.
- Marilyn again mentioned the honor Deb received from the Society of Environmental Toxicology.

3. Steering Committee Report

Follow-up from 3/18 meeting

- July meeting: 7/20—Evening meeting; 7/21—Minn. River canoe trip
 - CWC report submitted to U of M Sustainability Framework project
- Marilyn said the Steering Committee recommended we submit the Council's Biennial Report to the U of MN's Framework, which we did.

- Marilyn and Mary Reilly went over the July meeting arrangements. The Renville SWCD check off list was passed around for meeting arrangements. July CWC meeting will take place the evening before (Tuesday, July 20th) at the Sheep Shedde Inn in Olivia. Not sure yet what time will the meeting start on Tuesday. Olivia is about 100 miles from the cities. More information will be available at the May CWC meeting.

4. Council reorganization issues

- Vote to change Council By-Laws
- Marilyn – vote to change the bylaws. We haven't expanded on the BOC. Do you want more than is here now?
- Scott suggested on page 3, #2, crossing out the “past chair 2 years”. Discussion - what if the past chair can't serve? Offer another option. There's nothing that precludes anyone from resigning their appointments. Do we allow the chair to make a new appointment? We can deal with that when we get there. Marilyn took a vote to remove the 2 years on page 3. The vote passed.
- Does the Council want more detail in the bylaws about the BOC? Steve P. said the BOC needs to have responsibility to prepare initial input on budget to the Council. Marilyn – if we make changes to the bylaws, we will have to re-submit them to the Council and give 30 days notice.
- Deb suggested that majority be defined in the bylaws. Simple majority?
- Motion was made to add a line under Council purpose that said running for any political office will not preclude anyone from serving on the Council. Earl added a friendly amendment to add “holding”.
- Deb said it was a conflict of interest to have sitting legislators on the Council. She doesn't support the friendly amendment. It doesn't make sense to add this line.
- Governor and Senators are not bounded by the bylaws. Scott agrees we should leave it alone. The motion, friendly amendment, and second were withdrawn.
- Steve Woods – it says; majority of voting members. Add simple majority of voting members. Does quorum apply to committees? Response was no.
- Scott made a motion on page 4, Council Decisions, to add the word “simple” and “voting” to; “A majority vote of the Council members...” Louis added a friendly amendment to make the same change to, Quorum on page 4 and add, “seated” before “voting members”. Marilyn took a vote on the motion and amendment. Motion carried.
- Should we change the 30 day rule for giving notice for changes to the by-laws? It allows people not here to review the changes. It prevents hasty mistakes.
- Joe Martin said the Council should consider appointing a parliamentarian to deal with procedures. Marilyn will pick someone and let the Council know next month. Pam asked if that needs to be in the bylaws.
- Members discussed changes to the bylaws to include some language about the BOC. What about the addition to the BOC? Jen read the changes to the bylaws.
- What is the intent of the outcome piece of the BOC? Steve P. said to assure measureable outcomes continues. We need a paragraph to explain that. Why not have a separate committee? Keith H. said it's easier than merging two separate groups to present to Council.

- Deb asked how will this work with efforts of the agency teams and other efforts; LCCMR. Concern about having another effort. Keith H. and Steve P. said the BOC committee will look at what is being done and provide focus to those efforts.
- We need to create this committee's charge. Members will develop the charge over lunch and bring it back to the group.
- Marilyn asked if there were any comments from others, otherwise we will table the discussion on bylaws until after lunch.
- Louis - Council organization; its okay to add other committees but BOC is only one in the bylaws. Earl asked about committee members.

5. Recommendations from work group chairs on work plan tasks

- Marilyn asked for reports from work groups.
- Larry Kramka said the Prevention and Monitoring work group has no remaining issues.
- Louis Smith said the recommendation for the Civic Engagement work group is to continue to meet to develop their work plan and seek outside feedback. Work group would like to finish the items in the work plan and are seeking outside groups to be involved in it. Louis made a motion for the Civic Engagement work group to continue. How long? Until December 2011. The motion carried. Marilyn said the Civic Engagement group will continue their work through December 2011.
- Keith Buttleman said the TMDL Development work group wants to continue work on the technology aspect. They will continue through the end of 2010. Keith H. made a motion to allow the TMDL development work group to continue work with the technology aspect through the end of this year with a report back to the Council.
- If they have a recommendation on the budget, we need to do this soon. There is a budget angle to it. Will parts that are budget related be going to BOC first? Maybe incorporate into language developed over lunch. The budget committee needs to be in action soon. Will something from TMDL Development ad hoc committee be available soon for budget committee?
- Motion passed.
- Marilyn asked about the measureable outcomes work group; Dave Bennett is the chair.
- Deb Swackhamer said the interagency teams are working on outcomes and research, so we don't need to continue. Steve P. agrees.
- Pam asked if members sign up for these groups. Marilyn said next on the agenda is a call for volunteers. Do existing members want to stay on ad hoc committees?
- Civic Engagement
- TMDL Development – 2 Keith's, Gene, Paul.
- Interested in staying on your committee
- Keith B. said that Bill Moore has resigned. Jen said the Governor's office appointment staff person said they hope to fill Sarah's position and the Met. Council position by May. We need to do more outreach to fill tribal position.

6. Budget and Outcomes Committee (BOC): Call for volunteers

- i. Reminder to BOC – Elect Chair, begin planning for 2012-13 agency budget process (due July 1)
- ii. House Legislative Guide for the use of constitutionally dedicated funds

iii. Full Council discussion about the budget recommendation process: Priorities, areas of concern

- Marilyn – BOC committee – there could be 7 members, and currently there are 5 members. Let Marilyn or Jen know if you are interested in being on this committee. Will the chair call the first meeting? After the Council meeting today we will try to find a date.
- House Legislative Guide – the Clean Water Fund (CWF) section is important for the BOC.
- Rep. Torkelson said this was passed by committee. There have been many revisions to this. On the first page, the statute says we have to develop a guide, but this doesn't fulfill all requirements. CWF – the 10-year framework and the groundwater piece the Council recommended is emphasized in this guide.
- Gaylen said as we move into budget discussions; look at the House's intent for where the money is spent.
- Is the intent to combine guides into one? Rep. Torkelson said he doesn't know. May eliminate the section of law. There has been much discussion of the language; protect, enhance, restore in the Legislature. Some supporters of Lessard-Sams thinks it was improperly defined.
- Question about the 4th bullet under CWF, surface water standards. This is looking at TMDL standards.
- The word infrastructure is not in here anywhere. Don't know why, though ongoing funding for infrastructure will be a part of this. This is a Legislative Guide, but it's not meant to be overly restrictive, it's not binding. Enforcement shows up in here, which is surprising. Amendment to take it out failed.
- Some legislation has come to committees focused on using clean water money to fund certain projects. The Council needs to be sure that the avenues to clean water funding are apparent to locals, and are clearly defined. Council needs to be sure public knows where to go, how to get in line. What is the result? Could become part of the process, included in an omnibus bill. We could see this continue, efforts to get money to various parts of the state. The Council needs to make the process for funding very obvious to the public.
- Pam asked if we should educate the Legislature or the public on the issue of funding projects. Rep. Torkelson said go to the interagency group to address this. Go back to Legislature and say this is how we will address this. Deb made a note that the Framework will address this issue; it's very important.
- Marilyn said the BOC will be meeting to discuss budget recommendations. We don't have time today for a full Council discussion about budget recommendations.

7. Endocrine disruptor; endocrine active compounds presentation

Mark Ferrey, MPCA; Dr. Heiko Schoenfuss, St. Cloud State University

Mark Ferrey – EDCs – where MPCA has been in looking at this over past years. Focusing on surface water first. EDCs are chemicals that have an adverse effect on reproduction or development, mediated through the endocrine system. 2007 Tributary study showed these compounds show up above WWTPs, so the compounds are coming from sources other than WWTPs. Statewide study – sources other than WWTPs. Northern Light Lake is located in a remote area and we still find these compounds. Compounds are ubiquitous in Minnesota Lakes. Groundwater has not been studied much. There will be a future study.

Questions:

- Did the study look at fish tissue? Mark said we don't know what the effect is on humans.
- Gene asked about the graphic for 5 parts per trillion. Mark said this is one drop of water in 20 Olympic sized pools.
- What about the effects of septic systems? How well understood is the water movement? Mark said whatever goes into the septic system goes into the groundwater. Often it moves right to the lake.

Heiko's presentation:

2006 Mississippi River Study/Implications for fish

VTG - egg yolk produced in liver of fish in response to estrogen compounds. Males also have the gene for this. Fish can't discriminate between estrogen that is coming from the water or from within the fish. WWTPs contributes to endocrine disruptors (ED), but they are not the sole source. There are multiple sources of ED. Grindstone River has more hits for VTG upstream of the WWTP than downstream. The opposite is true in the Redwood River.

Questions:

- Is there a concern about finding endocrine disruptors in cage minnows so soon (3 weeks)? Heiko said yes that is of concern; very quick response.
- Any relationship based on the clarity or turbidity of the water? Heiko said they found no correlation with water quality factors. Correlation with temperature? The sampling was organized so we started in the southern part of the state and moved north. Keep temperature at 18-20 (25?) degrees C.
- What about the impacts of plants? Heiko – phytoestrogens, we need to know more about that.
- Deb asked if they were doing any air sampling. Heiko said no, that's outside the scope of the study. Deb - one study on airborne dust from feedlots; one from..?
- Deb – VTG. Heiko said there is a weak correlation between histology and VTG.
- What about chemicals that are present? Any correlation between the kinds of chemicals present? Heiko said very weak correlations, but we need to go back and tease that out.
- Synergistic responses or additive? Heiko – additive yes, not sure about synergistic.
- How far are we from having action levels? Heiko – not too far; alkyl phenols very close. EPA is relatively close to having action levels for some compounds.
- Your chart of agriculture and non-agriculture areas; how do you account for sources non-agriculture? Heiko – phytoestrogens perhaps, leaf litter. Also septic systems.
- You mentioned agriculture, but don't see it in your data. Heiko – with agriculture seasonality is a big factor; when you sample. It may be that agriculture is not a (big?) source.
- Marilyn – BOC committee will meet in one corner to discuss meeting time. Back at 12:15.

Lunch Break

- Statement to add to #3, page 3 of the bylaws; Steve P. suggested the second bullet: "Reviewing existing measurable outcomes information to show accomplishments against goals." Keith H. said add - interagency team dialogue between budget team and interagency.
- John suggested adding something about showing setbacks and achievements.

- Deb said the Council's role is advisory. Our role is to review reports from interagency teams and see if we can improve them. Council is purely advisory and reactive to things. Steve P. said not all agree. Keith H. said the role of the Council is to offer suggestions to agencies. We need to be more pointed in how we're going to show success. Del agrees with Deb's comments. This adds extra work.
- Marilyn asked what are the wishes of the group. Add something about the role of outcomes or take outcomes out?
- Is there a process by which outcomes information would come to the Council if we don't put it in there?
- Deb – the interagency team is developing measures for interagency, not for individual agencies. If this group hasn't been briefed, we should add that to the agenda. We may be underestimating the work that has been done by this team.
- Jen said for every dollar legislated we need to report to the LCCMR website.
- Gaylen said when the Clean Water Legacy Act passed; we started a team to collect data now so we would be ready to report when needed. Outcomes are in the eye of the beholder. Everyone wants their own outcomes. It's complicated; we are putting a lot of effort into it. It ranges from very specific to story oriented. We're trying to cover all bases.
- Steve P. said this group needs to pick what we want to report as outcomes. Development of that is important to the budget process. Review information and use it for our budget.
- Steve P. moves that the language "review existing measureable...." (Mary has it) be put into the bylaws as the 2nd bullet. Seconded. Louis said include it for now and come back next month and discuss.
- Deb – evaluate whether demonstrated accomplishments against goals. John has an issue with goals. Just use accomplishments. Keith H. said use the word effectiveness instead.
- Marilyn – motion to add all 5 bullets to #3 on page 3 of the bylaws. Jen will wordsmith. Moved and seconded. One opposed. Motion carried.

8. Interagency groundwater team presentation and Council discussion

Dave Leuthe, DNR; Chris Elvrum, Met Council

- Presentation: Current activities; groundwater funding needs
- Council discussion on its role in groundwater

Interagency Groundwater Team members were introduced. Understand how much we have to work (mapping) with; MGS base geology/develop groundwater monitoring network/share, coordinate information on wells. GW model – management decisions in response to pumping, contaminants/spills. Quantity and quality.

Questions:

- Gene asked about interconnection surface water and groundwater.
- Mpls. and St. Paul were going to connect systems - Homeland Security issues.
- Chris Elvrum – bonding request, hearing to connect systems, but no progress. Cities are willing to do this but not without help.
- Gene asked about the predictions from Met Council that by 2030, a number of growing cities will have inadequate water supply, especially regarding groundwater. Chris said the regional model led to this report. Report highlights issues communities have to face. They have some options. Number of communities with problems is not the issue. Keith B. said the predictions

are based on a number of assumptions that if its business as usual into the future, they could encounter the difficulties shown by the model. The purpose of the project is to highlight those other options that if communities take them, the predictions won't happen.

- Louis asked about the civic engagement, governance framework for groundwater. What scale or governance structure do we want to protect groundwater?
- Dave said surface water systems don't match up with groundwater. Aquifer management area concept. How do we manage and protect for short and long term use. Work with local governments to help them understand limits of the system and protect it; include water quality and water supply issues.
- Pam asked what an appropriation request would entail. Dave said to see an appropriation request for a ground water initiative, look at the MPCA January 15th report.
- John said the nuclear power plant near Red Wing, there is concern with Mississippi River water use. City's negotiations with the power plant; give them use of a well to reduce use of river water. What's the trade off to switch to a groundwater source? Dave said make sure that is the appropriate choice; that there's no unintended consequences. Supply for the right place. If the water can be easily treated and used for drinking water, that may not be the right choice.
- Slide #6 – where is the current funding going for groundwater? Why the focus on yellow areas – metro and southeast?
- Deb said the importance of groundwater and connectedness to surface water – new concept to general public and Legislature. Are current statutes and rules protective of ecosystems services? Dave said the language in statute and rule are capable of being protective, but we may need to change or modify rules. We need to understand the system, know how to apply to system.
- Marilyn asked if there is a correlation between agricultural drainage and groundwater supply? Dave said agricultural drain tile is in the top 3-4 feet of the soil profile. Not currently used, but on the way to groundwater. Moves too quickly through the system. But if the water is contaminated, we don't want it in groundwater system.
- Gene asked if the groundwater is plentiful in Anoka County. No problem pumping? Dave said pumping does impact surface water systems, may start a depletion problem. Shannon said groundwater is plentiful in surficial sand aquifers, but it's also vulnerable to contamination. Gene said it may mean groundwater is more plentiful than elsewhere in state, but it doesn't mean you can pump away. You need to connect with the public on why conservation is important. Keith H. said that was his concern. The map doesn't show the vulnerability of the system.
- Gaylen – roles of various agencies; the Legislature and the public gets frustrated with the various roles. It is well understood and coordinated among the agencies, but it's hard to convey that to the public. Dave - the gray areas are where the agencies need to work together.
- Marilyn said as we prepare for budget recommendations for the next funding cycle, does the group have ideas in terms of dollar amounts? Dave said we need more time. Refer to the January 15th MPCA report. Data sharing and connection pieces; improving accessibility - have discussions.
- John asked what do you think our role should be? Shannon said advice and input on our information; how it's perceived, feedback on our recommendations. Steve W. – tactics.
- Dan Stoddard said there is a great deal of agreement on the team on priorities. Top priority is to continue funding for agencies. Groundwater programs have been cut in the past.

- Keith H. asked on the future needs slides, there's lots of administration going on, not a lot of on the ground work. What's the split? Dan said that came up a lot. Resources are needed to make good groundwater decisions. At this point, we need more resources to get good baseline information than for implementation. Keith H. understands that, but we need to look at 25 years of funding. How long do we do that? Scott said we need a plan.
- What are the obstacles to data access now? Dave said in order to make changes on the land; we need to have data so people trust us. We need enough data to convince people to make changes. Keith H. said we need a time frame for that data process; 2-3 years or 5 years?
- Marilyn suggested we move the groundwater discussion to next month's agenda. One or two members of the interagency groundwater team can come to the May meeting to help answer questions. The team can also return in the future with updates.

9. May meeting planning & adjournment

Marilyn – May meeting

1. Council discussion on role in groundwater
 2. BOC committee
 3. Bylaws
 4. Effectiveness of BMPs
 5. Monitoring vs. modeling
 6. 10 year timeframe
- Gaylen asked about the last 3 items, do you need a discussion first or a presentation first? What does the Council want? Keith H. said a discussion here first with the appropriate MPCA staff. Deb is not sure what the first concept is behind each of these. Gaylen - effectiveness of BMPs, should we be doing effectiveness monitoring. How much do you rely on modeling and the balance bet the two.
 - Gaylen said the Council needs to commit some time to the budget discussion. Marilyn said the budget committee will start the process. Does the full Council need to begin the discussion? Keith H. - the budget committee will meet Friday to begin this discussion.
 - Gaylen suggested a presentation of the outcomes work that has been done by the interagency team. Check in on where we're at in the process. Deb said the next interagency team meeting is May 22nd; let's wait until after that for the outcomes update.

Adjourn

Next Meeting: Monday, May 17, 2010 at the Freeman Building, Room B145

Clean Water Council Meeting Minutes
Monday, May 17, 2010
9:00 a.m. – 3:00 p.m.
Freeman Building, Room B145
625 Robert Street North, St. Paul

Council members present: Dave Bennett, Marilyn Bernhardson, Pam Blixt, Keith Buttleman (for Bill Moore), Keith Hanson, Larry Kramka, Joe Martin, Gene Merriam, Gary Pedersen, Gaylen Reetz, Victoria Reinhardt, Todd Renville, Louis Smith, Deb Swackhamer, Steve Woods.

Absent: Earl Bukowski, Del Haag, Scott Hoese, Steve Pedersen, Paul Torkelson.

There was not a quorum of Council members at 9:00 a.m. so the Chair began by reviewing the draft itinerary for the July CWC meeting and tour and asking members for comments or questions. Chair Bernhardson began the Steering Committee report. As the Council approves the changes in the By-Laws, the membership in the Steering Committee changes. Keith Hanson, chair of the Budget and Outcomes Committee (BOC) will now be a member of the Steering Committee.

1. Convene Full Council

Clean Water Council Chair Marilyn Bernhardson convened the full council. Members moved and seconded to adopt the agenda. The agenda was adopted. Members moved to approve the April 19, 2010 meeting minutes. The minutes were approved. Dave Bennett clarified the minutes from last month to indicate that he was also confirmed by the Senate. Deb Swackhamer said she was confirmed by the Senate.

2. Council Introductions and Updates

Council members introduced themselves.

- Gaylen Reetz said that spring monitoring is in full motion. Seven of the 10 watersheds will be monitored. The Section 319 grant Request for Proposals (RFP) closes on May 21st. During 2010, Section 319 funds are being used for Developmental, Education and Research (DER) projects and total maximum daily load (TMDL) implementation projects. The Clean Water Partnership (CWP) RFP has been on hold and may go on notice in the next few weeks if the budget is not cut. The CWP funds will be used for proposals from local governmental units interested in leading a nonpoint source pollution control project for protection or restoration of Minnesota's water bodies.
- Larry Kramka said it was a great fishing opener. The field season has begun.
- Deb Swackhamer said the U of MN Framework Headwaters Council heard from four of the six technical work teams. The Synthesis Team members have been named. They will meet this summer to go over the recommendations.
- Dave Bennett said the April CWC meeting minutes says that he wasn't at the Senate Confirmation Hearing. He was confirmed by the Senate the following week.
- Pam Blixt said Nine Mile Creek Watershed District is having a tour this summer.
- Todd Renville thanked Larry Kramka for meeting with stakeholder groups, a consortium of outdoor organizations.
- Victoria Reinhardt said she was also re-confirmed by the Senate.

Audience members introduced themselves.

3. Steering Committee Report

Follow-up from 4/22 meeting

- July meeting: 7/20—Evening meeting; 7/21—Minn. River canoe trip
- Steering Committee structure

- Steering Committee report – change in members as we approve changes in our by-laws today. John Howe has resigned. The Governor’s office wants to fill all the vacancies at the same time.
- Scott Hoese has agreed to be the Council’s Parliamentarian.
- Groundwater discussion – take 5 minutes to look at the documents and write down any questions.
- 9:15 a.m. quorum – convene the meeting. Comments on the agenda.
- Gene – the bylaw vote is in conflict with our bylaws. It hasn’t been 30 days since our last Council meeting. Moved and approved that the bylaw vote be moved to the June Council meeting.
- Agenda revised, moved and approved. Minutes moved, seconded and approved. Member updates.

4. By-law vote

5. Groundwater discussion

- Council discussion: *Interagency team presentation at April meeting*
- 5-minute reflection time on:
 - Current groundwater Clean Water funding (FY10-11)
 - Groundwater Protection Strategy document and future groundwater needs identified by interagency team
- Council discussion:
 - *What are the major concerns for groundwater quality in Minnesota?*
 - *How adequate are the current groundwater activities and are they addressing the major concerns?*
- Marilyn thanked the Groundwater Interagency Team for putting together the groundwater documents.
- Chris Elvrum, Met. Council - what are the goals that we all agree need to be worked on? Chris goes over the eight goals on the Minnesota Groundwater Protection Strategy Recommendations and Clean Water Funding handout. There are some slight changes to the funding handout as a result of recent Legislative funding.
- Marilyn – Council discussion on groundwater; where does the Council need to go in regards to groundwater? Are agencies doing enough, not doing enough?
- Gene – there is some uncertainty and confusion about groundwater quantity as well as quality. 30 years of government documents on groundwater run the spectrum on quantity, how little we know. Optimization of groundwater vs. surface water; surprised we haven’t done more with that.

- Haphazard, municipal water system; every city is on their own.
- We need to put the emphasis on quantity as well as quality. How many wells do you monitor? How many wells does the DNR monitor?
- Chris Elvrum – 700 wells. CWLA funding for more monitoring. Larry Kramka said DNR is re-prioritizing the monitoring network of observation wells. Minnesota has a system of various groundwater systems. It is a complex system, takes a lot of time and effort to understand the system.
- Louis said the Headwaters Team meeting had a presentation on consumption (groundwater and surface water). He was surprised how little of consumption is residential. Most is industrial, 78%. Do we need to develop some management strategies for that?
- Chris said power generation uses water, but it goes back into surface water. In the metro, residential is the biggest use. Dan Stoddard said we need a better planning effort
- Deb said there is consumption use and non-consumptive use. The vast majority is one time non-consumptive use; use it and put it back into the source (for electric generation); mostly surface water.
- Have we looked at non-consumptive use, cooling water use? You need a permit for use above a certain level.
- Another issue is contamination from abandoned wells. Ramsey County has over 30 thousand abandoned wells. Quality is an issue, and funding is an issue to deal with abandoned wells.
- Todd said the MPCA has a great body of groundwater data through a lot of contamination investigations. How is it being used? Gaylen – MPCA has a variety of data from remediation sites, but it's not in a database system. We plan to look at how to pull it all together. Data is not always comparable because it collected done on a case by case basis. Also, we need to think about sites that have not been addressed, i.e. closed landfill sites. There is another level of sites that haven't been addressed yet.
- Pam – looking at updating the Hennepin County Groundwater Plan and we need good data. It's helpful to prioritize recommendations. Not sure if we have great data, especially on groundwater/surface water interaction, on which to base our recommendations.
- Larry – permits, planning, data doesn't always lead you to understanding. What does the Council want to accomplish? That will help you make recommendations. What is a final goal?
- What does the budget committee think? Keith Hanson agrees with Larry's comments to first decide what the Council's goal is in order to determine recommendations.
- Steve Woods – CWLA – protect, enhance, restore/quality vs. quantity. Quantity – what are the trends over time; 2. per capita use – put data out there so cities can see what their use is over time.
- Keith Buttleman said that sounds like the charge given to the Metropolitan Council by the Legislature to develop a Metropolitan Groundwater Plan, which we have done. We have a series of “if then” scenarios which we can show to our communities. If the population continues to grow and add wells, what are the conditions likely to be in 2010, 2050, etc. We know what areas will experience groundwater shortages. It's not a perfect system and can be improved. We are planning to do a composite of contaminant plumes in the metro. The Legislature expanded the area to 11 counties, though planning only extends to 7 counties. In order to establish priorities, we need to get a clear sense of what is in the works, what is needed, funded.

- The Groundwater Team handout has some future needs. The Council can take a look at what's going on with groundwater and decide what meets the Council's priorities.
- Marilyn understands the importance of quantity. Two businesses couldn't move into her county there because there wasn't enough groundwater.
- Gary said the strategies will be different in the counties other than the 7 metro counties.
- Deb said the priorities of the interagency team are all excellent. What is the evaluation of BMP effectiveness? What categories? Dan Stoddard said these are all high level recommendations; could be AgBMPs, other BMPs.
- Deb said our consumption is increasing in Minnesota mostly due to industrial use. Domestic use is 35% of the total.
- Groundwater surface water interaction – more awareness of issue. We need to develop more specificity on that.
- Quality or quantity, it's not either or, it's both. Tools need to be developed to understand groundwater/surface water interactions; GIS mapping, decision making tools. Do we have a good understanding of recharge rates? Keith B. said it has improved (Metro only).
- Deb said a good understanding of water balance for the state is needed. Is that a high priority? Chris Elvrum said it's really hard to measure. Deb – recharge or ET (evapotranspiration)? We know how much is going out; it's hard to know what's going in. Also what's happening to what is going in is hard to know. The 11 county monitoring network will tell us some things about the system.
- Marilyn asked if the eight recommendations are in priority order. Dan said no. These are high level of recommendations. We would like to maintain initiatives. We need more time to firm up funding recommendations.
- What is your schedule? Dan - maybe mid-summer? Keith said the BOC could push decisions on some things out to August. Dan said August is fine.
- Deb moves that we endorse the future needs list as developed by the interagency team with one caveat to include the word conservation in the list.

Interagency GW/DW team presentation to Clean Water Council, future needs April 19, 2010

- Continue FY10-11 initiatives
 - Enhanced protection of vulnerable aquifers
 - Enhanced citizen and local engagement in groundwater protection
 - Increased evaluation of BMP effectiveness
 - Increased understanding of GW-SW interactions
 - Enhanced Data Access
- Gene asked what is the end game here?
 - Deb said the future needs list adequately addresses the strategy above. Louis – amend motion to include strategy recommendations above. Deb – motion amended. Victoria seconded.
 - Are any statutory or rule issues? Dave Leuthe said there is not a statute or rule problem.
 - What is this intended to accomplish? Statement of beliefs? Going to the Legislature? What is this for? Marilyn said the Council needs something for our budget recommendations. Helping us to understand what is involved in groundwater.

- Louis suggested adding “and conservation” to the third bullet of future needs, Also add the word industry. Deb do you accept Louis’ suggestion? Deb – yes.
- This document was put together from other documents the Council received earlier.
- How are county’s water plans structured? Steve W. said most of the counties are on the 3rd or 4th version. In southwestern Minnesota, groundwater shows up a lot in county plans because of the scarcity of groundwater in that area. BWSR staff time to assist with water plans has diminished because of fewer staff.
- Are counties doing a good job? Steve said its variable. Most watershed district plans are much more detailed. Some county plans are very good. County plans are voluntary, but because competitive funds are available if you have a plan, counties do them. Some county plans are getting better so they will have more access to funds. Cuts to local aid make it harder for them to do the planning work.
- Marilyn – motion and second.
- Dave Bennett – what about agriculture? How much groundwater is agriculture using? Deb said agriculture is about 15% of consumptive use. Type of use is imbedded in all of the future needs. This [report on water consumption](#) can be provided on the U of MN’s Framework website.
- Question on the FY10-11 initiatives, we don’t want to say that if we’re doing it now, we need to continue. Marilyn – when the interagency team refines this, we’ll get more detail.
- How much of the 15% agriculture use goes back? That’s irrigation. Does industry include agriculture? This is about consumptive use.
- We can slice and dice data in many ways, so let us know. Agencies use the Groundwater Protection Strategy for all of our funds and will use it for other things the agencies do already. When the interagency teams put together their budgets, their priorities will come out.
- Keith H. said we need to project out when some of these things will come to an end. You will see that in his presentation.
- Victoria – if citizen is residential, insert all users of water to cover agriculture, industry, etc. The first bullet (* Continue FY10-11) is not really a bullet of its own; it’s a preface of other bullets. Suggestion “Build upon FY 10-11 initiatives to:”, take the ds off the bullets and add “all users of water” and the word “conservation”.
- Deb said continue initiatives refers to the yellow areas on the Clean Water Funding handout. “All water users” changes the intent of the interagency team which is about local engagement. Enhanced public engagement at local level in groundwater protection and conservation.
- Marilyn – the BOC will be meeting with agency key people. We’re getting hung up on the semantics of what the interagency team is looking at for future needs. As we meet with them, we will base our budget recommendations. Maybe we adopt the top strategies and let the BOC deal with the budgeting process in meeting with the interagency team.
- Deb said her motion was to endorse the team’s recommendations.
- Victoria said the Council needs to discuss tools and semantics are important. Chose “build upon” because it’s different than “continue.” You can eliminate the first bullet; it’s not a future need, it’s what you’re doing right now. Others are a future need.
- Deb said the intent is to not cut off funding of these initiatives. The idea is to have some continuity.

- Does an endorsement mean that all FY10-11 projects need to continue? It takes away your flexibility. Dan S. said the work we are doing is expanded and continued bullets below are the same strategic direction. We recognize that everything is on the table. Dave Leuthe said it's an interactive process. We can make changes in future. Larry said the motion on the table does not restrict the Council. You can change in future. Some of this is for agencies.
- Deb said my intention is just that the Council will endorse the work. Motion changed to; Continue and build on FY10-11 priority investments and strategies.
- Marilyn called for the vote. There was one opposition. The motion passed.
- Dave B. doesn't understand the need to do this and the timelines.

6. Report from Budget and Outcomes Committee / Council discussion on budget recommendation process

- Keith Hanson's slideshow; BOC meet last Thursday to lay out the schedule, some things.
- Members of the BOC are; Keith Hanson, Chair, Gene Merriam, Dave Bennett, Marilyn Bernhardson, and Steve Pedersen. The BOC can have up to 8 members. The next meeting is June 2nd and Jen is setting it up.
- Deb – agency reps? Keith – or a representative for them (team members). John Linc Stine is invited to the meeting. At the June Council meeting we will seek high level approval. Earmark programs we feel need additional funding. July or August – sit down with agency folks again and see where their funding recommendations will be.
- Slides of agency program funding – list of programs funded. End game for August meeting, identify programs that need funding.
- Maybe BWSR has too many buckets of funding. How much on restoration vs. protection? Long-term funding. Open for discussion. Does the process and schedule seem to make sense?
- Agencies may be challenged in terms of their timelines, but some decisions may be made by then. We should be able to walk through it.
- Who is invited to the June 2nd BOC meeting? Agency reps on this Council, John Linc Stine, Rebecca Flood, Julie Blackburn. Discuss at the next BOC meeting.
- Keith H. asked if we need to consolidate some programs from a recommendation standpoint. Program Funding Discussion Points slide.
- Gaylen – do we have the right program list? We need to talk about the local government capacity to do clean water work. We need local capacity to do the work we depend on.
- Louis – the last biennium budget, the Council had a lot of debate on Civic Engagement, Gaylen's point fits with the Civic Engagement priority. Add that to the list.
- Keith H. – Civic Engagement and TMDL Implementation work groups are still going. It shouldn't be hard to get that into the deliverables.
- Does this work for agencies? Gaylen said it worked very well. Now it's up to 7 categories. It was easier when it was 4 categories. Keep it at a limited number. Larry – these are the ones funded, also look at what was recommended. You may want to take some off.
- Louis – what direction is wastewater treatment funding headed? It's a big ticket item. Todd Renville asked what other Councils are funding.
- Pam asked what the status of funding is, will it all be spent? Gaylen said we have a list of what was funded. We're only 6 months into the process since we got the okay to spend money. It will be spent. Gene asked for clarification of Gaylen's point. Gaylen – we got

- Consolidation of programs: BWSR received more small pots of money than expected. Tried to stay with few lines of budget recommendations. Makes it more difficult, higher transaction cost to get the money out with more categories. Ongoing natural tension; agencies looking for flexibility, Legislature has some details.
- The interagency team is also looking at how the different pieces fit together and trying to go to the Legislature as a package. If we change the details, it's not a package.
- What do agencies see as the need that is out there in regards to protection vs. restoration? Gaylen – try to de-emphasize whether it's protection vs. restoration. We are integrating both efforts through watershed approach. Important to report on results and how money is spent.
- Do we have a projection on how much will be needed for restoration, implementation funding? Gaylen – funds for assessment and TMDL development remain stable and funds for restoration will increase. Keep an implementation pot that can go to restoration and protection. Gene – begs the question; more resources toward protecting resources vs. restoration. Gaylen – the processes used whether there are impairments or not are the same. Only distinction is the degree to which you bring regulatory activities to bear.
- Separating out the use of grants for protection vs. restoration is not a good use of time. We can talk about it in terms of percentages. It may be a false dichotomy. How much more money are we putting into TMDLs vs. actually doing something. Abandon protection vs. restoration. Protection is important to lake communities, as well as working on dirty lakes.
- Gaylen said we are using the watershed approach. We will be able to report back the split in how the funds are spent. But if we have separate pots of money, it's too restrictive to those applying for the grants. The concept is still important, as Louis said, to citizens. Keith H. said until we get the history, it's hard to call it out. Marilyn said some people also want more funds spent on protection because we are tired of paying the bad actors.

Lunch Break

Groundwater Discussion

- Keith H. – discuss things other than what was discussed this morning. It would help to have someone from the Groundwater Team at the June 2nd BOC meeting. John Linc Stine – yes.
- Joe Martin – Research; big area hard to know what needs to be done on the landscape. Load allocations that identify agriculture as a source, what do you mean by agriculture? Also what needs to be done?
- Steve W. – what do you mean by more? Include column with a time frame for funding.
- Keith H. – funding for TMDL Development and Research. Is there a lot going on in research? Gaylen – not a lot now. FY07-08 funding was used for some research. FY10-11 funding is for projects, not research. Joe Martin – most of our work is academic. Gaylen – helpful to have the flexibility to fund research when it's needed. Victoria – education and

research is hopefully incorporated in all the funding – pie chart we used in the past. Not a separate program for research. It is how it's framed. Legislature expects to see it both ways.

- Deb asked what the purpose of this discussion is. Marilyn said when we had our first meeting, the committee wrestled over some of these items, so it's important to bring to the full council.
- Keith: Asked people to brainstorm – this one came up in a couple different areas – look at what we recommended vs. what was funded. What track do we want to take as a council. Lightning rod aspect makes sense. Deb: Want to make sure it's research done in support of the Clean Water Fund activities. Victoria – that is critical. Legislators take Council's recommendations very seriously, used that as their basis. How specific we are to the Clean Water Fund will make a difference to the legislators.
- Marilyn – any other items to bring to the BOC?
- Would like to see a side by side comparison of what was funded and what wasn't for the next meeting. Also need it for the June 2nd BOC meeting.
- Victoria - one other issue on what's happening at the federal level. Clean Water Act changes that Rep. Oberstar is working on; controversial issues. Could have an impact on Minnesota. Deb – another federal bill to follow is for superfund, would create another revenue stream.
- Steve W. – supplement vs. supplant, i.e. local work force is diminishing due to cuts, but some may bring up this issue. Gaylen – Council is not limited to Clean Water Fund, we can identify the need even if not the funding source. Gene – on the other side than Steve, who better to point out supplement vs. supplant than the Council.
- Marilyn – any more comments send to Keith before the June 2nd BOC meeting. Keith – send them to me before Memorial Day.

7. Prioritization of future discussion topics

- Performance monitoring for watershed management projects
- Timeframe of 10 years for watershed monitoring
- Monitoring vs. modeling
- Gaylen goes over the handout on performance monitoring, a whitepaper Gaylen wrote and Shannon added to it. It's intended as a discussion starter. Performance monitoring has two aspects, implementation and actually measuring the resulting changes in the water body. The \$9 million per year for 81 watersheds is built in already. If we want to do more than that, we need to increase the funding.
- Who is responsible for measuring maintenance of BMPs? Gaylen said as the implementation plan is developed, it needs to include the maintenance schedule. This is done at the local implementation level. It's not something MPCA would be doing. Is that being incorporated into BWSR projects? Steve W. said yes and some follow-up is done.
- Are the 8-digit major watersheds built in? The 8-digit major watersheds are built into the system. Sentinel sites would be the 12 digit minor watersheds. Are 6-8 sentinel sites included in the 9 million? Gaylen – no, it would cost \$100,000-\$200,000 to include them.
- Why is biological monitoring left off? This is meant to be minimal.
- Major vs. minor, 81 vs. 1200. Scale questions – are they all the same question? One leads to another.

- What is the lag time? Gaylen – biological response, it takes some time for the system to respond, may take 4 years. 10 year cycle is reasonable time frame, but not satisfying to many.
- What about field scale/BMP scale? Is the lag time response shorter than 10 years? Gaylen – not necessarily shorter, all very site-specific. Cost – per site it’s relatively the same, but there are many more sites. Keith H. - it seems like the lag time should be shorter. Gaylen - it’s possible it could be shorter. It depends on the pollutant. Activities may be working, but the water body is not yet meeting standards. Because of timing, it’s not immediate.
- Is 10 years enough? Is that the time it takes to see improvements? Gaylen – if we double the amount for assessment would we see improvements in a shorter time? Maybe not. It may create frustration. Problems happened over decades, solutions may take some time.
- Joe Martin – it’s important for the Council to manage expectations. We need to identify what we don’t know.
- Marilyn asked if members are interested in more presentations on this. What do you want to hear? Jen said that Adam Birr volunteered to present on MDA’s BMPs.
- Unless you have data, don’t know what else we need.
- Jen said Adam talked about BMP’s at the field scale, a presentation to prep for the July tour.
- Keith H. said this issue took a lot of time at BOC. Potentially could be a recommendation at field or BMP scale. When you get to these lower scales the lag time should be shorter. Gaylen said it may be, it will be site specific. But you can’t assume that.
- Victoria – if it’s helpful for our tour, it’s a good idea
- The matrix Faye Sleeper developed is a lot like this
- Joe Martin – issues to be resolved, cost for equipment, staff, lab costs. Dave Bennett asked if expenditures could be added to this; coding it so the public can figure it out. Gaylen said we are working on that with funding from Legislature, the Watershed Data Integration Project.
- Marilyn – do you want a presentation? Dave would be interested in knowing more. Joe M. – there’s a write-up on it. You may not need a presentation. Marilyn – do you want more?
- Monitoring vs. modeling. Gaylen – some want lots of monitoring, some can rely on modeling. We will be using Basins for modeling. We could give an informational presentation on it; an overview presentation. It’s easy to say do more monitoring for almost any project.
- Keith – modeling done on TMDL development piece, monitoring is done for compliance. What level of monitoring do you need to do that with reasonable assurance? Key components – what assumptions go into modeling.
- Do you want a presentation on monitoring vs. modeling? Yes, it’s helpful to see what MPCA is doing.
- How transparent are the models for the civic engagement process? Another piece is participation – model requires change in behavior on the land. We need to look at what behavior change is occurring. Gaylen – model is a tool for developing allocations. It’s up to the stakeholders to decide which way to go.
- What does the Council want to gain from the discussion? What does the Council need to make decisions in the future? Council often sinks down into the weeds. We need to stay at a higher level. What do we need to know to do our job in the future?
- Is the CWC incorporating climate change into our actions was asked at the confirmation hearings. Land uses in the futures. These are things the Council should be working on.
- Presentations help us to find out what don’t know. So many things interconnect.

- How has the civic engagement component dealt with the modeling aspect of TMDLs?
- There are lots of different reasons agencies do things, i.e. BMPs may not be for a TMDL. Very nuanced discussion. Systems – how does the system work together. Most of the money we spend doesn't give instant gratification.
- Keith H. said we need to frame the issue of effectiveness. The larger the scale the longer it will take. We need to frame that in the Legislative Report. Funnel down to a smaller scale and we may see change sooner. Joe – talk less about impaired waters and TMDLs and get to outcomes. Now into groundwater, climate change. Larry – make sure to get the assumptions out on the table so everyone can see it.
- Legislators are looking for outcomes. Tell a story – here's a small project and here's what you get and here's what you get in 10 years. Tell small successes and why it takes 10 years to get there.
- Marilyn asked do we need presentations. Gene – only if agencies will be asking for Clean Water funds. Gaylen – it's built into how we are approaching TMDLs now.

8. June meeting planning & adjournment

- Marilyn – June planning; anyone object to having a presentation?
 - Framework update
 - BOC report
 - Modeling presentation (?)
 - Adam Birr report
- Gary – Legislative update
- Marilyn – meeting adjourned

Adjourn

Civic Engagement ad hoc work group meeting

Next Meeting: Monday, June 21, 2010 at the Freeman Building, Room B145

Clean Water Council Meeting Agenda
Monday, June 21, 2010
9:00 a.m. – 2:15 p.m.
Freeman Building, Room B145
625 Robert Street North, St. Paul

- | | | |
|--------------------|--|--|
| 9:00-9:15 | Convene Full Council <ul style="list-style-type: none">• Comments/additions to the agenda• Approve 5-17-10 meeting minutes• Council introductions and updates | |
| 9:15-9:20 | Steering Committee Report
Follow-up from 5/20 meeting: <ul style="list-style-type: none">• Council work plan | Information item |
| 9:20-9:30 | By-law vote | Decision item |
| 9:30-10:00 | Update on Sustainability Framework project
Jean Coleman, Project Manager | Information Item |
| 10:00-10:30 | Legislative session wrap-up
Craig Johnson, League of MN Cities | Information Item |
| 10:30-10:45 | Break | |
| 10:45-11:45 | Report from Budget and Outcomes Committee / Council approval of high level program funding recommendations | Information & Decision item |
| 11:45-12:15 | Lunch | |
| 12:15-1:15 | Field scale / BMP effectiveness research presentation / Council discussion
Adam Birr, MDA | Information item |
| 1:15-2:00 | Ad-hoc work group reports and Council work plan discussion | |
| 2:00-2:15 | July field day itinerary review and adjournment | |

Next Meeting: July 20, 2010 at the Sheep Shedde, Olivia, MN