

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 Agenda
Monday, March 15, 2010
9:00 a.m. – 2:30 p.m.
Freeman Building, Room B145
625 Robert Street North, St. Paul

- 9:00-9:15** **Convene Full Council**
- Comments/additions to the agenda
 - Approve 2-22-10 meeting minutes
 - Council introductions and updates
 - Steering Committee report
 - Follow-up from 2/22 meeting
 - Discussion of Council member representation
- 9:15-10:15** **Council reorganization** **Decision item**
- Tabled motion
 - Steering Committee organization proposal
- 10:15-10:30** **Results from first CWF implementation RFP /** **Information**
Listening session results – Steve Woods, BWSR **item**
- 10:30-10:45** **Break**
- 10:45-11:00** **Preparation for Council budget recommendations** **Decision item**
- Process proposal (see handout)
 - Formation of ad-hoc work groups: budget and legislative report work groups
- 11:00-2:15** **Agency reports on CWLA and CWF outcomes** **Information**
- MPCA 11:00 – 11:30 am
 - DNR 11:30 – 12:00 pm
- item**
- 12:00–12:30** **Lunch**
- MDA 12:30 – 1:00 pm
 - BWSR 1:00 – 1:30 pm
 - MDH 1:30 – 2:00 pm
- 2:15-2:30** **April agenda planning 2:15 – 2:30 pm** **Decision item**

Desired meeting outcomes:

1. All Council members have opportunity to provide input and feedback
2. Members resolve tabled motion
3. Members discuss upcoming budget recommendation process, form ad hoc budget and legislative report work groups, hear agency presentations and ask questions as needed
4. Members offer suggestions for April's meeting, volunteer to prepare agenda items

Next meeting: Monday, April 19, 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

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

Council members present: Earl Bukowski, Marilyn Bernhardson, Pam Blixt, Keith Buttleman, Del Haag, Keith Hanson, Scott Hoese, Joe Martin, Gene Merriam, Gary Pedersen, Steve Pedersen, Gaylen Reetz, Victoria Reinhardt, Paul Torkelson.

Absent: Dave Bennett, Larry Kramka, Todd Renville, Louis Smith, Deb Swackhamer, Steve Woods.

There was not a majority of Council members at 9:00 a.m. so Chair Marilyn Bernhardson began with Council member introductions.

2. Council Introductions and Updates

- Council members introduced themselves.
- Earl Bukowski – in regards to Lessard-Sams Council funding, the St. Louis County Commissioners are upset with the land purchase for the Lake Vermillion Park because of the loss of tax revenue for the county. 62% of the county is publicly owned.
- Del Haag said the Star Tribune has an article about Lake Independence.
- Gaylen Reetz - MPCA citizen's board meets tomorrow to consider the South Metro Total Suspended Sediment (TSS) Standard for final review. Once that is done, we can go back to finish the Lake Pepin TMDL.
- Marilyn attended a presentation round table with Lessard-Sams Council in SW MN. County commissioners are upset with what they are trying to do. They would like to see more funds going to conservation on private lands rather than toward large purchases.
- Steve Pedersen asked what is the measurement that is a failure on Lake Independence.
- Gaylen said it's a suburbanizing area with small horse farms, and not enough land to spread manure. There is not enough cooperation from land owners to voluntarily do the conservation measures.
- Are the TMDLs worth the money? Gaylen said it's a question about the amount of time before you begin measuring changes. It takes some time to do the education. We just have to work through it. Steve said the question in some people's minds is whether we should just get the money out on the land. Gaylen – this example shows that doesn't work.

3. Steering Committee Report

- Follow-up from 5/20 meeting: Council work plan
- Marilyn - we will take information from two ad hoc committees and revise the work plan.
- The governor's office selected three people to fill the Council's vacancies. Keith Buttleman from Met Council is one, we don't know others. We should know by the end of the week.

Another Council member arrives and now there is a majority of the voting members. The agenda and minutes are approved. Council Bylaws – Gary Pedersen moved, Del Haag seconded, and the Council's updated Bylaws are approved.

4. Update on U of MN Sustainability Framework project, Jean Coleman, Project Manager

- Technical work team is finishing their work; the synthesis team is taking up their work. We will deliver recommendations to the Legislature next January.
- Policy and Education Team completed their work. Team products are on the [Minnesota Water Sustainability Framework web site](#), including presentations and white papers. Also on the web site is a paper on the price of water for consumption; price consumption dynamic in metro area.

Questions:

- Steve P. said there is a National Geographic article on water pricing around the world.
- Jean said all teams were tasked to find out what we know about the issue, what we don't know, what we need to know.
- Del asked where does ethanol production fit in this. Energy and Manufacturing.
- Gary P. asked if this process will give recommendations, advice to individuals about how to use water. Jean said the primary audience is not individuals, but there will be layers and recommendations will be brought down to the public. Steve P. – behavioral changes are institutional and individual. Jean – Policy Team – institutional actions; education team – addresses individual actions.
- Jean goes over the schedule - draft done the end of September, the end of September to December to address comments. The framework is due to the Legislature in January 2011. Jen asked if the Council should get another update in October? Jean – October would be a good time.
- What will the final report look like? Jean – not 300 pages. We hope for a 15 page document that is very clear about actions. We have a technical writer supporting the synthesis team to write the document. Scott said the challenge of the work teams is everyone wants their voice heard, so it's a challenge to keep it to 10 pages. Jean said to identify core issues is also a challenge. All information will be on the web site including technical work team papers. Background documents on water use and water supply, quantity are on web. Everything is public. Monthly email goes out with updates.

5. Legislative session wrap-up, Craig Johnson, League of MN Cities

- This was the 2nd year of the biennium, but not a normal year. Hearings started in December and carried forward into session. Bonding bill was done early. Environment Committee meetings – biggest issues were groundwater and the definition of protect, restore, enhance.
- Groundwater protection, \$5 million was aside for that. Mt. Simon-Hinckley aquifer is the biggest aquifer, very clean water, cleanest drinking water source we have. There are areas in state where the shallowest aquifer is Mt. Simon-Hinckley. More monitoring is needed.
- Shade trees on public land. Emerald Ash Borer - replace diseased trees. It's a stormwater issue if communities lose ash trees. Some have up to 60% ash trees. Inflow and infiltration issues in metro area – Met. Council will deal with this. Work with communities, \$3 million for public infrastructure part. PFA funds for wastewater, drinking water infrastructure – some larger projects for stormwater. \$27 million for wastewater infrastructure fund. \$63.5 million for flood hazard mitigation.
- Clean Water Fund money – revenue collection slightly lower than expected. Most of discussion was on the Lessard-Sams Council recommendations because they are annual.

- \$145,000 to MPCA for evaluation of coal tar contaminants (PAHs) suspected sources are coal tar based asphalt sealants. If you hire someone to do your driveway, they may use coal tar based sealants, but you can't buy them in products. State agencies can't use coal tar sealants. Cities need to ban them to be eligible for clean up funds for stormwater ponds. PAHs come from other disperse sources too. We need to do the science before they are banned statewide.
 - Who opposes this? Craig – coal tar sealant association from North Carolina.
 - Victoria said there are companies in Minnesota that manufacture this. Owner of one of the companies felt blindsided by this. Craig said they have to replace equipment when switching to asphalt.
 - Craig - \$600,000 for work on the nitrate-nitrite standards. \$400,000 to Met. Council for metro groundwater mapping and monitoring. BWSR - \$300,000 to continue permanent easements for drinking water protection. DNR proposal for 11-county mapping and monitoring for groundwater.
 - Fees for permitted groundwater use discussion. \$4 million CWF this year; \$1 million next year for DNR to get system up and running. Hope to find private wells that can be used. How are we affecting other water supplies when a community wants to put in new wells. Everyone knows what the state of water is.
 - Changes made to how PFA does things – grant component, 20% of revolving loan funds for wastewater and drinking water was required as part of stimulus, now permanently included.
 - Disposal of pharmaceuticals - concern in effluent of treatment systems. Medical facilities are required to flush unused medications. Locals that want to collect medications have complicated requirements for disposal (i.e. police escort).
 - Is anyone looking at battery take back model? Victoria – the problem is the controlled substances, public safety issues. 10% of the pharmaceutical load is flushing unused medications. Craig – biggest issue for their area is what to do with Mayo's used medications.
 - What about pharmacies? What do they do with unused medications? Are they a generator? Gaylen said the 7-county metro area has its own program. MPCA does the rest of the state. Complicated issue because of various laws.
 - Other major issue – debate on how much land the state owns and how much land it can afford to own. Outdoor Heritage money primarily used for land acquisition. No decisions, but this will be a point of discussion in future.
 - Senate had a proposal on how to reorganize environmental programs in the state government. This will be an ongoing discussion. Contact Craig if you have any questions or comments. The more we have groups lobbying on these issues, the more support we have.
 - Rep. Torkelson asked how do you see the future of the Council and Legacy? Craig said the Council needs to be given authority of the Clean Water Legacy funds. Keep plugging away at this.
- 6. Report from Budget and Outcomes Committee (BOC) / Council approval of high level program funding recommendations**
- Marilyn - the BOC has met a couple of times.
 - Keith H. said on June 2nd, the BOC met with agencies to get a budget overview from each of them. Committee members discussed the budget in the afternoon. Two handouts: budget

spreadsheet / BWSR CWF request, Budget overview – need some clarification from agencies. 1st section – broad based components not updated at this time.

- MPCA came in with details on their budget components. \$178 million – total anticipated funds expected this biennium, MPCA recommendations – 2 committee members think TMDL Development shouldn't be funded to that level.
- St. Louis River Restoration is a long term effort. Funds are leveraged by funds from the federal level. The Legislature doesn't do long term funding. Gaylen said this has been a long range planning effort over the last 20 years. The federal government is now putting funding into restoration.
- Total for MPCA is less than last biennium (something went to DNR). MDA – Assessment and monitoring – equipment purchases not needed. Research tool development – those can go with Technical Assistance. Joe Martin – those go under Technical Assistance budget.
- Rep. Torkelson said the agricultural community supports research efforts. We need more information. It helps with credibility.
- Funding with PFA – more information from PFA end of July.
- DNR – TMDL Development continued finding question.
- BWSR – reduced the list of programs funded to 5 categories. Increased funding - requests far exceeds funds. Key recommendations (on handout) for BWSR – increased funding, and don't tie them to certain buckets.
- Steve P. – we need to have coordinated measurements among agencies. It's become too complicated, too hard to understand. Keith – we've made some level of progress on this.
- Randy Ellingboe – MDH – drinking water – source water protection – wellhead protection plans developed. Funding to increase development of plans and to fund implementation.
- Evaluate public supply and contaminants. Bring 2 pieces together. Provide information for public especially for those on private wells. Improve access to groundwater data. MDA – monitoring and assessment.
- Dave has a question about why we have all agencies doing analytical work. Gaylen said there is different expertise in the agencies. Joe Martin said MDA does cooperative analytical work with DNR. Gaylen – we use various labs for analytical work; MDH, MDA, Met. Council.
- Keith H. – question about TMDL Development funding. Gene has some concern about continued funding. Gaylen said in order to move forward in an effective and timely manner, the Council recommended the watershed approach including protection and restoration strategies. The process is; clearly identify problems, identify a plan of action (allocations), and identify high priority areas for funding.
- Members discussed concerns expressed by some BOC members about continued funding of TMDL Development. Concern that TMDLs are being done already and we need to fund cleaning up impaired waters. Also concern that clean-up won't go as fast as TMDLs. It gets projected way out into the future. There is a presumption the system isn't working. We need to start talking about all of this as a system. Present this as a package. Think systematically.
- We're being judged on where we've been rather than where we are going. We need to have a balance, not abandoning one thing to do something else.
- Keith H. – when we get done with the process, when we see the numbers, we will see a shift to on the ground work. The challenge for us is to show improvements are being made; Lake Independence article.

- Rep. Torkelson said lake issues need more attention. The Legislature had some lake associations come in for funding. Lakes are important to the public. We need to show that we are paying attention to lake issues. The council should have more of a presence and more of a public face on lakes.
- Victoria said we don't need to refute the Lake Independence article, rather spend time showing what we're doing moving forward. Joe Martin – talk more about how research and development enhances our knowledge of what works on the ground. They are connected.
- Gaylen drew a pie chart that shows the majority of the Clean Water Fund money goes to implementation, 63%. The 14 % for TMDL development won't increase. (Pie chart: 9% groundwater; 14% assessment; 14% TMDL development; 63% implementation).
- Victoria – the agenda says approval of high level funding? Keith – at the August Council meeting, we'll come back to the Council with numbers for all agencies. Develop outline for topics that will be in the budget report for the August meeting.
- PFA funding – high level of funding, but some of it is revolving loan. Also true for AgBMPs.
- Pam said it's critically important to do research to figure out what the problem is to help know what implementation measures to fund.
- Gaylen – Civic engagement work group - funding for civic engagement for implementation is not listed in the budget yet. Local government capacity building – we need base level funds for local staff, so they are not just funded project by project. Solid waste does it through Score grants.
- Marilyn – cuts to local units of government are getting worse, so it's harder to do implementation. Victoria echoes that. Mandates to locals drives up property taxes.
- Keith H. – issue came up in discussion with agencies. The BOC used the existing framework from Legislature for the budget, so you don't see it here. We will meet with agencies (except MPCA) again in July to get more detailed recommendations.
- Pam – Civic engagement – did BWSR bring it up? Marilyn – not part of discussion.
- Pam said maintenance needs to be included. Consider the future costs of all of these projects for maintenance. We need to start building those costs in.
- Scott asked if this should be a discussion item at next meeting. Keith H said he won't be there, but if there's any update Steve P. can give it. Marilyn – July will be a short meeting at the Sheep Shedde. This will probably not be on the agenda until the August meeting.

Lunch Break

7. Field scale / BMP effectiveness research presentation / Council discussion, Adam Birr, MDA

- Bob Patton - handout on the [MN Conservation Funding Guide](#), which can be found on the MDA web site. Bob goes through the funding guide online where you can compare payments for various practices.
- Marilyn – shows that you can be far away from the river and still impact the river. This site shows some of the improvements that have been made too.
- How do people find out about this tool? Farmers in particular? Bob said the cards are widely distributed, and farm groups are aware of this.

Adam Birr, BMP Effectiveness presentation

- BMPs are not a static list or a universal list. Some work better in some places (areas/regions) and not others. Surrogate measures: USDA: NRRI / BWSR elink / etc. not a direct measure. Water monitoring.
- How big was the rain event? Adam – 1-2 inches in over 24 hours. Later in the season would you see a difference? Adam – yes, crop cover makes a difference. May not see any runoff later in summer with crop cover.
 - Small plot research
 - Field scale experiments
 - Economic cost involved in BMPs – lower yields
 - Watershed Scale
 - Conclusions – lag time is an issue
 - Future of BMP Effectiveness Evaluation
 - Small Watershed Studies – Root River
- How long is this project? Adam – 4 years of funding but the project was set up to continue beyond that.
- Snowmelt runoff is difficult to monitor. Sometimes the main source of pollutants is at the edge of the field.
- Precision Conservation – small areas generate large amounts of pollutants.
- CEAP – Conservation Effects Assessment Project

Questions:

- Gene said my take away is that we're spending tens of millions of dollars and we don't know what we're getting for it. Until we do the studies, we're wasting money. Adam said we're not wasting money, but we need more information to show how effective the BMPs are. Gaylen said we are refining studies. It is critical that we target and know what problems we're trying to solve.
- Gene said the most telling study is the 4-year study and you didn't see any discernable difference. Adam - there is a lag time. Improvements haven't shown up yet.
- Keith H. – value in replicating the 4 year study of the Root River in other watersheds. Is that included in any of agencies budget recommendations? Gaylen – the closest in our proposals is the sentinel watershed studies with higher level of monitoring. Joe Martin – not yet. We want to see if this study design works. The project is still in its infancy.
- Adam – Discovery Farms - discussion with MPCA about coordinating with sentinel watersheds.
- Victoria - it takes a long time for these things. It's not wasted money if you try to make sure it's working before you roll it out on a larger scale. It's the next step, too bad it takes so long to get there. Adam said he didn't mean to suggest that we're wasting our resources now. We're using our best available knowledge now. Set up a system that can be refined and makes us adaptive. Gaylen said we have to be careful looking at academic approaches vs. applied. You might not get the results you want. Marilyn - on the July Council tour we will see sites that have had an impact.
- Pam heard a story on MPR on Lake Winnipeg that conservation tillage is causing problems. Adam is not familiar with that story, but he does know that phosphorus can leave a lot of residue on the surface.
- Gary said agriculture people need this research. It helps them to see the data, research.

- Gene – justifying what we have been doing. We want to show improvement after 25 years. If the money is not doing what we intended, it's wasting the money. We need more time for discussion about this.

8. Ad-hoc work group reports and Council work plan discussion

- Marilyn – ad hoc work group reports.
- Keith Buttleman, TMDL Implementation ad hoc work group – targeting BMP measures, how it fits into the process, what CWC should recommend. They will meet after this meeting. Hope to have recommendation by August in time for budget recommendations.
- Pam Blixt, Civic Engagement ad hoc work group – handout – recommend that BWSR put new staff into their budget; look at if there is a need for education and awareness of the Council itself.
- Marilyn said MPCA has done a lot of work on civic engagement, but we need to move it out of St. Paul. BWSR is looking at funding 6-8 positions around the state for civic engagement in the technical service areas.
- Marilyn if you any thoughts on work plan give them to Marilyn or Jen. It will be discussed at Steering Committee on Thursday.

9. July field day itinerary review and adjournment

- Marilyn – Council tour itinerary.
- Jen verified the information on the back of the itinerary. Mary Reilly said park in the front MPCA parking lot, and sign in at front desk with security. She will make hotel reservations. Any changes to the list, let Mary know. Jen said several members of the Lessard Council will be there.
- Gaylen said the NRCS web site has a study, [Conservation Effects Assessment Project \(CEAP\)](#), which is summary of what's happened over the last 40 years. Good discussion of what needs to be done next. <http://www.nrcs.usda.gov/technical/NRI/ceap/>.
- Joe Martin said it is the result of questions from Congress about the effectiveness of all the funds spent on conservation practices.

Adjourn

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

**Clean Water Council Meeting Agenda
Tuesday, July 20, 2010
6:30-8:30 p.m.
Sheep Shedde Inn
2425 West Lincoln Avenue, Olivia, Minn.**

- 6:00-6:30** **Dinner**
- 6:30-6:45** **Convene Full Council**
- Welcome to new members
 - Comments/additions to agenda
 - Approve 6-21-10 meeting minutes
 - Council introductions and updates
- 6:45-7:00** **Steering Committee Report**
- 7:00-7:15** **Report from Budget and Outcomes Committee**
- 7:15-8:15** **Presentation on Minnesota River Basin Trends Report**
Scott Kudelka ~ *Communications Coordinator*, Mankato State
University, Water Resources Center
- 8:15-8:30** **Field day itinerary review and directions for tomorrow**

Next Meeting: August 16, 2010

Clean Water Council Meeting Minutes
Tuesday, July 20, 2010
6:30p.m. - 8:30 p.m.
Sheep Shedde Inn
2425 West Lincoln Avenue, Olivia, MN

Council members present: Dave Bennett, Earl Bukowski, Marilyn Bernhardson, Pam Blixt, Scott Hoese, Mark Knoff, Rob Sip (for Joe Martin), Mike McKay, Steve Pedersen, Gaylen Reetz, Victoria Reinhardt, Todd Renville, Paul Torkelson.

Absent: Keith Buttleman, Del Haag, Keith Hanson, Larry Kramka, Joe Martin, Gene Merriam, Gary Pedersen, Louis Smith, Deb Swackhamer, Steve Woods.

1. Convene Full Council

- Welcome to new members
 - Comments/additions to agenda
 - Approve 6-21-10 meeting minutes
 - Council introductions and updates
-
- Council Chair Marilyn Bernhardson called the meeting to order. She welcomed everyone to southwestern Minnesota and welcomed the new Council members; Keith Buttleman (not here), Mark Knoff, and Mike McKay. The July agenda and the June meeting minutes were approved by the members.
 - Council introductions and updates: Marilyn said there was a meeting in St. Cloud with the counties, SWCDs and WDs about how we can manage water at a local level in a meaningful way. 350 people attended the meeting. It was a well-attended, good meeting.
 - Victoria Reinhardt will attend the Association of Minnesota Counties (AMC) policy meeting on July 29th and will report on it at the next Council meeting.
 - Earl Bukowski went to a river museum and saw displays about how water is being used that get kids involved. Something like that would be a good project for the Council for to recommend.
 - Mike McKay is a new Council member representing environmental organizations. He works for the St. James Hotel and he is the executive director of the Lake Pepin Legacy Alliance.
 - Mark Knoff is a new Council member representing cities, who works for the City of Mankato. He described his background and his work on environmental issues.
 - Rep. Paul Torkelson said he and his wife became engaged at the Sheep Shedde 30 years ago.
 - Randy Kramer, chair of the BWSR Board, introduced himself.
 - Audience members introduced themselves

2. Steering Committee Report

- Marilyn – the Steering Committee discussed the work plan at the committee meeting. They will update it for 2011. We have three new members on the Council, so we can add three members to the Budget and Outcomes Committee (BOC). Contact Marilyn or Jen Maleitzke if you are interested in being a member of the BOC. The next BOC meeting is August 13th.

3. Report from Budget and Outcomes Committee

- The BOC met once with the state agencies and will meet with state agencies again prior to the next BOC meeting to develop a budget.
- Handout – draft Table of Contents. Marilyn went through the draft Table of Contents. On the back of the handout are Hot Topics. They are looking for input from Council members on the hot topics. Do we want these topics in the report? Include in the report and offer some recommendations. If members have questions on what the topics mean, ask now.
- Steve Pedersen - they intend to flesh out the hot topics before August 13th meeting.
- Pam – most of these are significant policy questions that the group needs time to consider.
- Marilyn – we hope to complete our report by October. We will spend a lot of time at the August meeting on hot topics so we want to be prepared. This will give you time to think about these.
- Steve – some of these issues will take time. Different members may have more interest in some of these things than others.
- Victoria said we need more background on some of these in order to include them. Maybe have a section of the report with some information on these topics. Separate section of report – may or may not include some recommendations.
- Rep. Torkelson said if this is in addition to the Council’s budget recommendations that is the meat of our report. It may not be appropriate for us to tell the Legislature how the Council should be structured since that is their job. Rep. Torkelson is considering introducing legislation tying the Council to the sales tax fund and adding the two agencies - have the Legislators on the Council as advisory members.
- Marilyn – if you have thoughts on the handout, give them to Keith Hanson.
- TMDL Implementation and Civic Engagement work groups – this is a heads up that we are looking for a report from these two work groups to include in the report.

4. Presentation on Minnesota River Basin Trends Report

Scott Kudelka ~ *Communications Coordinator*, Mankato State University, Water Resources Center

- Minnesota River Basin is about 20% of the state of Minnesota; 15,000 square miles. Mixed story – some indicators are improving, some are declining, and some are staying the same.
- Minnesota River Basin covers a large area, and it’s diverse. Most significant trend across the basin is the rural population decline. Farm size – fewer and larger farms. Increased concentration in animal production (hogs).
- Progress report was to be released in the spring of 2010, hope to have it done in August 2010.
- Video clip – documentary produced with Ron Schara; “Working Together for the Minnesota River”. Find the video clip on the website: mnriver.org, or go to YouTube and type in MN River Restoration.

Questions:

- Steve Pedersen – we had a report for the Mississippi River on the impacts of impervious surfaces; what the effects are and what the baseline is. Are you working on that for the Minnesota River?

5. Field day itinerary review and directions for tomorrow

- Mary Reilly gave an update on the Council's field trip for tomorrow.
- Breakfast is offered for all guests at the Sheep Shedde Inn. At 9:30 am tomorrow, we will get on buses at the Heartland – across from the Courthouse for the tour.

Adjourn

Next Meeting: Monday, August 16, 2010 at the Freeman Building, St. Paul

Clean Water Council Meeting Agenda
Monday, August 16, 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 7-20-10 meeting minutes• Council introductions and updates | |
| 9:15-10:15 | MN State Water Plan
Princesa VanBuren Hansen, EQB | Information item |
| 10:15-10:30 | Break and Council photo | |
| 10:30-11:00 | Ad hoc work group reports and budget recommendations <ul style="list-style-type: none">• TMDL work group• Civic Engagement work group (tentative) | Information / decision item |
| 11:00-11:30 | Draft legislation for Council changes
Rep. Paul Torkelson | Information item |
| 11:30 | Working lunch | |
| 11:30-2:00 | Budget and Outcomes Committee recommendations for the Council; Legislative report discussion | Decision Item |
| 2:00-2:15 | September meeting agenda ideas and Council adjournment | |

Next Meeting: September 20, 2010

Clean Water Council Meeting Minutes
Monday, August 16, 2010
9:00 a.m. – 2:00 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, Del Haag, Keith Hanson, Scott Hoese, Mark Knoff, Mike McKay, Gene Merriam, Gary Pedersen, Rob Sip (for Joe Martin), Louis Smith, Deb Swackhamer, Steve Pedersen, Gaylen Reetz, Victoria Reinhardt, Todd Renville, Paul Torkelson, Steve Woods, Terri Yearwood (for Larry Kramka).

Absent: Larry Kramka.

1. Convene Full Council

- Comments/additions to the agenda
 - Approve 7-20-10 meeting minutes
 - Council introductions and updates
-
- Council Chair Marilyn Bernhardson called the meeting to order and thanked Council members who came on the field trip to visit her part of the state. The agenda was changed from a working lunch to no working lunch from 11:30-12:00. The Civic Engagement group wants to meet over lunch. The revised agenda and the July meeting minutes were approved.
 - The Chair officially welcomed the new Council members; Keith Buttleman, Mark Knoff and Mike McKay.
 - Council introductions and updates: Del Haag said the city of Buffalo received the Governor's award for wastewater treatment for biosolids incineration.
 - Earl Bukowski – concern about shift in costs to counties.
 - Steve Woods – the RFP for the next round of Clean Water Funding has a closing date of September 15th, which is earlier than last year and the same date as the Lessard-Sams Outdoor Heritage funding due date.
 - Gary Pedersen - Adam Birr gave the presentation he gave to the Council at the District Meeting. Townships are struggling with additional lands going into state lands and off the tax rolls.
 - Keith Buttleman said the metro plant also incinerates biosolids, but it's easier to do on a large scale. He commends the city of Buffalo for doing it.
 - Scott Hoese said they have had a lot of rain lately. Recently up to 5 inches.
 - Gaylen Reetz said there are 20 draft TMDL reports on public notice or in progress. The list from MPCA's Impaired Waters web site was passed around to members.
 - Audience members introduced themselves

2. MN State Water Plan, Princesa VanBuren Hansen, EQB

Princesa gave an overview of the Environmental Quality Board (EQB) – members, mission, history, strategy. She described the report, the state water plan. It is the fourth state water plan. The first was in 1979, then 1991, and 2000. The draft report is done and undergoing

review. EQB welcomes everyone's comments on the report. The plan is for adoption of the report by the EQB in November.

Questions:

- Is lakeshore development and population growth considered in the plan?
- Is this report a staff recommendation to the EQB? Princessa said it was prepared over many years with input from staff, citizens, interagency groups, others; U of MN Framework. Bob Patton said the plan is going to the EQB for discussion and maybe modification. It will be adopted by the EQB in September.
- How do county water plans tie into the state water plan? Princessa – the state plan provides direction and support for county plans.
- Steve Pedersen – recognition of sustainable systems. Princessa – accepted the definition from DNR and U of MN.
- Maybe the Council should be part of EQB's mission? Princessa – that's something we will be looking at.
- Victoria asked about the relationship to county plans – direction and input; counties are concerned about mandates and no funding. Princessa - this plan is not about new mandates, rather about partnership to provide assistance and support as much as we can to counties. Victoria said a strategy for additional funding would be the best support. Princessa – good suggestion. Provide information and data ahead of time to support plans.
- Princessa – each previous state water plan is unique and reflects the time, though the general messages are the same. Similarities/overlap. Now we have more systems in place.
- What are groundwater management units? Princessa said it refers to DNR groundwater management units. The DNR is in the process of devising the units.
- Del Haag – population growth is 8%. Is that still on track with the economy? Princessa – the state demographer said there's no change in that now, so still on track to increase population.
- Gene Merriam – how comprehensive is the narrative about each of the draft strategies? Princessa – the plan doesn't call for new rules. Strategies are cross-agency strategies, then taking the model and adapting them to their agency.
- Draft report will be 60 pages without the appendices.
- Marilyn – we will get everyone a copy of the draft report. Do you want the Council to comment on it? Yes. Marilyn – we will have it on the September agenda for member discussion. Draft comments will be compiled and the Steering Committee will prepare final comments.

3. Ad hoc work group reports and budget recommendations

- TMDL work group
- Civic Engagement work group (tentative)

- Marilyn - the photographer will be here at 10:00 a.m. for the Council photo. Civic Engagement ad hoc work group – no report today. They will meet at lunch time.

- Keith Buttleman – the TMDL Implementation ad hoc work group has a recommendation to pass to the budget committee (BOC) for consideration and to the entire Council. Technical aspects – how to deliver technical assistance throughout the state.
- Barb Weisman, MDA – rough budget number to target agricultural practices to the right places on the landscapes. Emerging tools and techniques to make targeting more precise and efficient. Employ specialists around the state – possibly at some of the state universities that have the hardware and software to do this. Civic engagement group may have the same idea of using a group of specialists to go around the state.
- Question was asked about whether we already have technical experts at the SWCDs. Barb said this would be about how to use emerging tools such as LiDAR and to provide a transition to using new tools. There are different capacities and capabilities in different parts of the state.
- Terri Yearwood – refining of the list (handout). DNR may have things to add to the list.
- Steve Pedersen - if we have these specialists, do we really need to go full time with web based training? You could have 3-4 county half day or full day training sessions, and do it via the web. You would want to do it in bite-size chunks, so may want to look at 2 or 3 sessions. Barb replied how many people you need for how long needs to be discussed by the TMDL work group.
- Would this be more of a pilot project we would evaluate and then expand or 3 specialists that will serve the whole state? Barb – it’s hard to say now. Also not sure how this interacts with civic engagement specialists. So it’s more like a pilot. Two years as a pilot? Barb said the first year the costs are higher because of hardware and software costs.
- Keith B. said the TMDL work group still needs to discuss this. Steve suggested putting in local costs and needs, i.e. computer upgrades for locals. Keith B. said we need more refinement to this proposal from committee members. Keith Hansen said it would be helpful to have this within a month.
- Mike McKay – are there individuals that do this now? Barb – in some places.
- Barb – using digital terrain analysis and LiDAR to identify and prioritize targeted areas.
- Marilyn – DNR said they need 3 million not 5.6 million in order to complete LiDAR.
- Some work is going on at the local level already, so instead of creating something new, look at existing efforts at the local level and complement that. Provide incentive at the local level. Scott Hoese – agriculture is listed, but don’t focus only on agriculture. Also road building and others.
- Todd Renville asked if there could be an overview of this technology for Council members. Terri Yearwood said the DNR could provide a presentation on tools and models.
- Keith Hanson – how much further does this proposal need to be developed except to flesh out the budget? Marilyn – DNR needs an additional \$3 million to complete LiDAR. Keith – we may need to put in the cost to complete this.
- Victoria asked Council members, do you think this is good or bad idea to have regional conservation targeting specialists? Keith Buttleman – this is one idea; other ideas for refinements to this approach. Pam – make sure all their time isn’t spent driving, that areas are targeted specifically. More of a focus should be brought to this.
- Gaylen gave the bigger context. The MPCA plans to monitor all 81 major watersheds over 10 years, targeting about 6-8 major watersheds each year. That would be the main focus.

- Keith Hanson said the details can be worked out when it's determined who will be leading this effort. Marilyn asked if anyone has a major issue with this proposal. No one.
- Steve Pedersen – TMDL Implementation – there is a lack of implementation in some areas. What are the issues around TMDL areas not implementing? He would like to see something about that coming from work group.
- Steve Woods said the work group is finishing up business. Are you asking for an ad hoc group to deal with that? Steve P. said he would like to see this done, but maybe for a future ad hoc group.

Break and Council photo

- Marilyn – TMDL work group and civic engagement are both talking about capacity building outside the metro area.
- Pam Blixt – Civic engagement work group – budget for 8 civic engagement specialists. Pool of engagement specialists those without access to staff to do this work.
- Gaylen said this is civic engagement for implementation work. Marilyn said it builds on the work of Lynne Kolze and Cindy Hilmoe. Gaylen – it would follow that work. Engagement for development is broader, not as focused on individual landowners.

4. Draft legislation for Council changes, Rep. Paul Torkelson

- Rep. Torkelson described the draft legislation. This effort is to clarify the relationship between two pieces of legislation, the Clean Water Legacy Act (CWLA) and the Clean Water Land and Legacy amendment. Council members will continue to be appointed by the Governor, no Legislators on Council, but 2 or 4 Legislators as non-voting members. Add members from MDH and PFA (though, maybe not). Reflect the emphasis on groundwater that came out of the CWF amendment. He received input from Senator Dennis Fredrickson who was instrumental in development of the CWLA.
- Gene Merriam - strong general support. Some say there is no authority under the current law to make recommendations on Clean Water Fund (CWF), but he doesn't agree. The CWF is under [Chapter 114D](#). There is authority, but not a mandate.
- Mike McKay asked if there are any funds in the account. Gene said there are no funds in the Legacy account and never has been. But the CWF is in chap. 114D, the same as the Clean Water Council.
- Rep. Torkelson – we may not want to include PFA on the Council. Marilyn asked for some discussion on this. PFA received \$34 million in Clean Water Funds. Rep. Torkelson – the MPCA creates the priority list and PFA implements the list.
- Victoria – it's important to have MDH on the Council.
- This would expand the size of the Council, but not the voting size.
- Gaylen – PFA is a board with a number of agencies. Ranking of projects is done by points in rules at MPCA. PFA determines the funding.
- Rep. Torkelson said Met. Council has a dual role as voting member and as an agency on the Council.
- The Governor appoints Met. Council and so leans toward them on agency side only.
- Met. Council represents the metro area only. Met. Council is a quasi state agency.

- Keith Hanson – the CWLA legislation describes nonvoting members but doesn't identify voting members, only by process of elimination.
- Rep. Torkelson – it's important to keep the lines of communication open by having Legislators on the Council.
- Deb Swackhamer said she likes the idea. Scott – a balance is needed, we have to have one from each party. Best to be as nonpolitical as possible.
- Rep. Torkelson – if you any other comments, give me a call or send an email.
- Pam – let us know if you need our assistance to talk to our Legislators. Scott – what would be the resistance? Rep. Torkelson – some projects come to the Legislature to be funded directly. Prefer to have them come through the Council.
- Victoria – it helped that the Council got support from other entities like the association of counties. It helps with the Legislature.
- Gary Pedersen said changes are good. The Council should probably not be lobbying for this. If someone asked for the Council's view, our chair could provide that. Rep. Torkelson said he would look for support from the G16. They can appropriately lobby.
- Victoria – thinks the Council will have to say, this is a good idea.
- Keith H. – which Council position is still open? Tribal position.

5. September meeting agenda ideas and Council adjournment

- Marilyn – September meeting agenda:
- 1. BOC; 2. State Water Plan discussion; 3. DNR Shallow Lakes presentation; 4. Possibly basin modeling presentation. Gaylen at least 30-40 minutes. 5. Marilyn – draft Legislative report – we will discuss how long we need for that.
- Steve Pedersen – put TMDL implementation discussion on agenda. Keith Hanson – general discussion how to get people to implement and what happens if they don't.
- Deb – U of MN framework discussion at the October meeting.
- September or October for new tools. Marilyn – probably October for the new tools presentation.
- Pam – civic engagement task force will meet in the corner at lunch.
- Marilyn – lunch, back at 12 noon.

6. Budget and Outcomes Committee recommendations for the Council; Legislative report discussion

- Jen Maleitzke – table, handout has draft information from the agencies. This is the best information we have at the time.
- Keith Hanson said the budgets will be based on an activity basis, not by agency. We asked the agencies to provide the detail in the table.
- Total FY12-13 budget is \$187.875 million, BOC recommendation \$170 million, and \$176.485 million available in the fund. What should be the goal? Keith went through the list. Some budgets go up from FY10-11, some go down. What should we key in on at this time?
- Keith – the second handout has hot topics. Council changes is crossed out because of Rep. Torkelson's proposed legislation. Trend analysis – when will we see improvements in water; address questions on increased groundwater funding, etc. Targeting areas – new

tools; targeted implementation activities – where to get best bang for our buck; provides for showing a shorter timeline for improvement.

- Rep. Torkelson – people are interested in finding out what’s happening with water. Agencies have improved their websites and that should be a point in our report. Keith – good idea. Agencies provided some of that.
- Deb – consider being stronger on the coordination issue. Maybe require a joint meeting with Lessard-Sams. Keith said we didn’t go to that level of detail.
- Victoria said until the Legislative change is done, we’re not on same footing with the Lessard Council. Gaylen – staff are meeting with Lessard-Sams staff. The LSOHC is still new and they have been busy. We don’t want to overstate the issue whose time maybe hasn’t come. Steve P. – if there’s not any action, don’t even include it in the report.
- Marilyn said some funding in the BWSR budget also in Lessard-Sams. Coordination at the agency level. Steve Woods – table handout – the item Marilyn referred to is Permanent Land and Water Protection.
- Deb – the issue is about LSOHC not funding projects related to water (wetland related or shoreland related). Some projects may be falling through the cracks. Keith Hanson we could reference BWSR activity? Deb – coordination should occur so valid and worthy projects don’t fall through the cracks.
- Rob Sip said there’s good groundwater and framework going on in the Red River with LSHOC.
- Gaylen – there are questions about how a water project can be submitted for funding, which is the reason Clean Water Partnership (CWP) is in here. This is one place the Legislators can direct water projects for funding. Gene – tell me more about that. Gaylen – the CWP program is looking for a more flexible way to fund projects, not through statutes and rules. CWP projects do diagnostic work, then implementation. It’s fairly proscriptive. Some diagnostic work has already been done.
- Marilyn asked what 319 funding is used for. Gaylen – implementation activities, DER projects, about \$3 million per year. Also research activities funded.
- Pam – coordination between LSOHC; define types of projects each group should consider. Make sure we understand the type of projects we should consider. Marilyn – it’s hard to draw a line between habitat and clean water projects. Steve Woods agreed. Many projects have multiple benefits.
- Mike McKay – Gaylen, are there projects that are redundant?
- Gaylen – haven’t identified the primary purpose of a project, i.e. upland projects with some water quality benefits but not much. Shoreland projects with some habitat benefits but they wouldn’t want to fund.
- Deb – if you want to fund a project do you go to BWSR or CWP? Gaylen – CWP funds are available to local governments. Deb – are these overlapping? Steve Woods – some funds go to projects in a local government plan. Some funds to non-governmental groups for projects not in a plan.
- Gaylen – CWP started in 1987 as a way to fund projects. We will suggest some statutory and rule changes for more flexibility, but we will still use the watershed approach.
- Deb – it’s still not clear if there is overlap and how to deal with it. Steve Woods – we are starting to get RFP processes in sync to help local governments.

- Deb – the framework process showed that we need a cultural change on how we view water, use water, value water. Education is constant thread. PCA cut its environmental education. We need environmental education for citizens, kids, communities.
- We need to include education, also research. Having LiDAR done is a really big thing. What else in terms of research is needed? We need to compile recommendations from framework.
- Victoria – last time we had a list of activities. We did a pie chart of where the dollars need to go including education and research so we wouldn't lose those. There are education and research aspects of all the activities here.
- Pam suggested a statewide public education project specifically about water should be called out in recommendations and include a financial placeholder in budget.
- Keith Hansen – this is a starting point for us to generate these numbers. In the narrative of the report include the type of activities we need to fund.
- Gaylen said the Legislature doesn't look at agencies as educators. We took cuts in education a few years ago, so we don't have an education plan. If something is not in an agency budget, it's hard to have stand alone recommendations. Deb appreciates the difficulties.
- Louis Smith – distinguished between civic engagement and education, strategic discussion on imbedding education and civic engagement in projects. ?? organizations not supportive of funding for education and civic engagement. If the framework shows the need for education, maybe we need to highlight it.
- Rob Sip – MDA's RFP process – can get involved.
- Keith H. – balance between on the ground work vs. education and research. Council's recommendations are not going to be consistent with agencies. There may be some deviations.
- Pam – do some research about education. Gene – think about the headline – clean water money spent on education. Unless you can embed that – it's a bit of a stretch.
- Deb – cultural change needed is conservation. On the U of MN's Framework web site read the [white paper on education](#). Other [white papers on the web](#). Send link to members.
- Victoria said we need to be careful about how we spend the money. The public assumes we do the research to determine what needs to be done and the education on the activities. That it's more embedded. If we separate it too much, we are opening ourselves to criticism. How do we make sure it's there.
- Mike McKay – embed strategy didn't work it sounds like. Rob Sip - MDA hired an environmental outreach coordinator. Victoria – not hiding it, it's part of what we do. We were successful at it. Called it out and embedded it.
- Gaylen – education is about many things. Embedded will go on. There are groups that want funding for education. We're talking about the unfunded part.
- Keith Hanson – examples from ag and PCA (stormwater) of education and research. Need some direction. Gaylen – yes, but don't call it that way. In addition to activities as part of projects, we are calling out other needs.
- Rep. Torkelson – LCCMR funds have been used for research. Using legacy money to do something to get stuff done is a strong sentiment out there.
- Deb – another issue from framework, how is the agency going to be dealing with effectiveness of its implementation? Gaylen – effectiveness monitoring at 81 watershed

level. It's included in watershed monitoring. Deb – not at TMDL level? Gaylen – right. Not at the subwatershed level. We believe it's an effective, cost effective way to determine effectiveness. Gene Merriam – 100 lb. gorilla – hope it works.

- Gaylen – rural improvement is the segment not regulated. Other segments are regulated, so the response is fairly quick. One segment where the lack of confidence exists. Also, it takes a while for the whole watershed to respond. Pam – PCA has a number of successes in CWP projects.
- Keith Hanson – sections of report. The Lake Independence TMDL example where if only one of the landowners implements, we won't see change. Are we okay with using examples? Victoria – it takes time, we can't force people to adopt practices.
- Deb – not suggesting Keith's level of detail. Has the agency taken implementation plans and looked at whether activities were done and were they effective? Gaylen – we are putting together groups to do that. Deb – where is that in budget recommendations? Gaylen – it's whole water program. It's bigger than budget recommendations.
- Del Haag – training for point sources is effective.
- Keith Hanson – should we focus on point or nonpoint source? Gaylen said what is point and nonpoint changes. We should be talking about regulated and unregulated sources. PFA funds regulated sources.
- Dave Bennett – calculations – a significant amount of money is spent on pounds of phosphorus removed. Can we find a more effective way of removing phosphorus?
- Pam Blixt – what does good water quality mean? Different than what the public means when say good water quality.
- Del Haag – when there are more permits for nonpoint, we will see a cultural change in attitudes.
- Deb – what is the timeline for budget process so I can get you the information from the Framework you need? Marilyn said the report is due December 1st; draft in October. We would like to get things finalized in October. Deb said she could attend a future BOC meeting (September) to share information from the Framework.
- Gene – there are two facets: TMDL and non-TMDL, clean up of impaired waters vs. protect non-impaired waters. Are we better off spending money on one or the other. We need data on that.
- Gaylen replied that TMDL development strategies will include protection efforts in the watershed projects in 81 watersheds. Gene – so it's a bit of a labeling issue. Gaylen – yes.
- Pam – Civic engagement work group, the orange projects on the handout (NPS, restoration, preservation), encumber 10% go to civic engagement.
- Marilyn – are you saying 10% of \$76.3 million goes to Civic Engagement? Pam – it's hard to know for sure without going through each project individually. Steve Woods – project related ones, not all of orange (i.e. LiDAR not included).
- Pam – 8 technical specialists be hired and go to regional areas. Victoria include that in the narrative.
- Rob Sip handed out the Conservation Delivery fact sheet.
- Gary Pedersen has a question for Keith Hanson about the \$187 million vs. \$170 million. Do we have documentation to show we need \$187 million even if we only have \$170 million? Gene – 2 questions, how do we recommend spending money in Clean Water Fund and what are the clean water needs.

- Marilyn – biennial budget is what we're talking about.
- Keith Buttleman – our function is to recommend how to spend what money is out there, but recognize the need is greater. Focus on our task?
- Keith Hanson said to get to the need, we leave that to PCA and DNR. If it's greater than \$176.5 million, we can acknowledge that in the report.
- Marilyn – the Steering Committee will gather for a minute. Also the Budget and Outcomes Committee.

Adjourn

Next Meeting: Monday, September 20, 2010 at the Freeman Building, St. Paul

Clean Water Council Meeting Agenda
Monday, September 20, 2010
9:00 a.m. – 3:00 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 8-16-10 meeting minutes• Council introductions and updates | |
| 9:15-9:30 | Steering Committee Report | Information item |
| 9:30-10:15 | DNR Shallow Lakes Evaluation and Monitoring Program
<i>Nicole Hansel-Welch, DNR Shallow Lakes Program</i> | Information item |
| 10:15-10:30 | Break | |
| 10:30-12:00 | Council priority scoping discussion
<i>Facilitated by Jeff Risberg, MPCA</i> | Information / decision item |
| 12:00-12:30 | Lunch | |
| 12:30-1:30 | State Water Plan review/discussion | Decision item |
| 1:30-3:00 | Budget and Outcomes Committee recommendations for the Council; DRAFT legislative report discussion | Decision Item |
| 3:00 | Council adjournment | |

Next Meeting: October 18, 2010

Clean Water Council Meeting Minutes
Monday, September 20, 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, Del Haag, Keith Hanson, Mark Knoff, Mike McKay, Gene Merriam, Rob Sip, Louis Smith, Deb Swackhamer, Steve Pedersen, Gaylen Reetz, Victoria Reinhardt, Todd Renville, Paul Torkelson, Steve Woods.

Absent: Scott Hoese, Larry Kramka, Gary Pedersen.

1. Convene Full Council

- Comments/additions to the agenda
 - Approve 8-16-10 meeting minutes
 - Council introductions and updates
-
- Council Chair Marilyn Bernhardson called the meeting to order once a quorum of 10 was reached. The September agenda and the August meeting minutes were approved.
 - Council introductions and updates: Marilyn Bernhardson said the SWCDs held a candidate forum on September 1st, and 13 of the 17 legislative candidates were present. There was a lot of discussion on the Clean Water Land and Legacy Amendment.
 - Gaylen Reetz asked members if they were receiving the MPCA's Waterfront Bulletin. Some of the members said they were not getting it. We will make sure all the Council members are on the mailing list, including the new members. The Waterfront Bulletin has information about TMDLs that have been approved, etc.
 - Mark Knoff talked about industrial stormwater permit – requirements in SWIPPs – issues about how to get the work done without funding (maps, etc.).
 - Rep. Torkelson will continue to work on legislation relating to the Clean Water Council. Lake Pepin; downstream folks will visit the upstream folks.
 - Dave Bennett said there has been some concern about the warm water in Lake Superior this summer, but he was fishing there recently and he can report that the water is cold now, 45 degrees.
 - Keith Hanson received a request from SWCDs (?) to meet with the BOC.
 - Steering Committee report – new work plan, facilitated discussion on priorities to develop the new work plan.
 - Members worked on the CWC Potential Priorities Discussion topics.

2. DNR Shallow Lakes Evaluation and Monitoring Program, Nicole Hansel-Welch, DNR Shallow Lakes Program

Assessing and Managing Shallow Lakes for Wildlife Habitat and Water Quality

Nicole gave an overview of the presentation;

- Shallow Lakes Program
- Shallow Lake Ecology

- Minnesota's Shallow Lakes
- Management Example
- Management Results
- Ecology of Shallow Lakes, by Martin Scheffer, 1998; also Brain Moss – both are experts on shallow lake ecology. This is a relatively new area of ecology.
- Shallow Lakes don't thermally stratify, they have more nutrients, sunlight reaches the bottom so aquatic plants can grow throughout the lake. Important part of the ecosystem. Rainfall has increased in the last 20 years; some shallow lakes have become deeper.
- Minnesota has lost 1500 shallow lakes to drainage in the past 15 (?) years. 150 of the lakes on the impaired waters list meet the criteria for shallow lakes. Minnesota's Designated Wildlife Lakes; 45 are designated.
- Drawdown of the lake consolidates the sediments; helps bind the phosphorus in the sediments. Anaerobic conditions of the sediments in shallow lakes release phosphorus.
- After management of a shallow lake there is a large increase in the vegetation and in the Secchi depth, and a dramatic decrease in phosphorus. Phosphorus has stayed low so far.
- Strategies to get best management results – this is lake management, not lake restoration.

Questions:

- Explain further the binding of phosphorus in sediments, anaerobic conditions, etc.
- Nicole - at the sediment/water interface oxygen is low (anaerobic conditions) and phosphorus is released; at higher oxygen phosphorus bound in the sediments.
- What about carp which can be the problem in the lake? Nicole - that's why we target management of fish. Research is finding the internal nutrient load is contributing more than external nutrient load in shallow lakes.
- Lake management not restoration. Lake Christina was first managed in 1965, but 10 years later it was back to high nutrient levels. Can you predict how long restoration will be effective? Nicole – it's hard to say, very dependent on the weather. We need to continue to manage important waterfowl lakes, etc. Make the choice to invest in priority lakes.
- Inputs to lakes – air deposition, is that about mercury? Nicole – that is a reference to nutrient inputs from air deposition, which are very small.
- What percent of all shallow lakes are you managing? Nicole – maybe 100 lakes per year of the shallow lakes in the prairie area. It's expensive and there are legal issues with draw downs.
- Todd Renville had an observation on one lake that he visits, Buffalo Lake. The change is dramatic; low turbidities, more vegetation. Does it become easier and less expensive? Nicole – we use triggers in management plans so we don't wait until it gets too bad again.
- Are geese an issue? Nicole – I haven't seen it. In terms of biomass, carp are a bigger problem. Research in Europe shows in lakes that are open all year, waterfowl eat the tubers and suppress the vegetation. Lakes in Minnesota freeze in the winter and so are not open all year.
- Is there a priority list of lakes they want to manage? Nicole – we want to change to targeted approach rather than opportunistic. Prioritize those with Wildlife Management Areas (WMAs) and other public land around them.

- Marilyn – is there more information on the website? Nicole – yes, the [Shallow Lakes Program has a web page](#). Marilyn – Jen will forward your presentation and web link to Council members.

Break

3. Council priority scoping discussion, facilitated by Jeff Risberg, MPCA

- Jeff Risberg reviews what we are doing – generating topics for next year. The Steering Committee will use that to develop the Council’s 2011 work plan. We will start with the 5 topics that came from meeting discussions, and the budget and draft Legislative report. Flesh out these topics and any additional topics. First a round robin exercise to get the other priorities out.

Other Topics:

- Steve Pedersen - funding priorities; what % we want for now and what % in the future for funding on the ground.
- Marilyn Bernhardson – isn’t that topic #3 on the list? Steve – looking at what is on the ground, what we want. Dave Bennett – maybe funding priorities should be nonpoint/point. Expand #3 to include point sources. Rep. Torkelson – evaluate and oversee agency coordination for water management and whether or not Council can make recommendations.
- Louis Smith – outcomes, what have we achieved after x number of years spending money.
- Mike McKay – we want the confidence that we pick what’s important, realistic, targeted implementation; that at the end of the day we can point to something that got done. What exactly is the targeted implementation the Council wants accomplish?
- Mark Knoff – potential for synergy with others groups; funding and/or projects.
- Victoria Reinhardt – evaluation, measureable outcomes, accountability.
- Del Haag – partnering with Lessard-Sams group.
- Keith Buttleman – importance of targeting efforts, priorities.
- Earl Bukowski – partner with Lessard-Sams Council.
- Gene Merriam – is there a need for and how do we begin to effectively regulate nonpoint sources? What are we trying to achieve?
- Gaylen Reetz – spend some time on the management system; how all the parts fit together. How do these parts create the whole; i.e., DNR’s presentation – how does that fit with TMDLs?
- Jeff Risberg – list of priorities; specific things for Council to address in the year ahead.

Groundwater/drinking water:

- Gene – important to understand; 1. What we collectively know on our groundwater quality, 2. Find out what we need to know, and 3. Strategy to get from 1 to 2.
- Deb – what role can the Council play in addressing that? The U of MN Framework and the Freshwater Society have made strides, the framework addresses that. What role will the Council play? Gene – the Council’s responsibility is to advise where to put resources and establish priorities. We ought to spend some time thinking about it.

- Earl – over period of time we need to know about groundwater quantity.
- Keith B. – what the Council should do vs. what needs to be done. In the metro area, there's an issue of contamination plumes; groundwater quality issues.
- Steve – Council has a role to play in translating data from the U and others and how to get work on the ground.
- Rob Sip – back to nonpoint regulation, we need to look at the effects of regulation.
- Del – drinking water; MDH will play a role when they are on the Council. Marilyn – surface/groundwater connection is important. Help people to understand that. Deb – drinking water; MDH is working on unregulated drinking water contaminants/emerging contaminants.
- Deb – we should also understand issues of emerging contaminants.
- Victoria – we need to get past the turf issues to get something done when it comes to funding, data, education.
- Mark – help support programs that support water re-use at the commercial, industrial, municipal levels. Programs that look at grey water use. Protect what we have in the ground. Let's look outside the box.
- Pam – surface/groundwater interface; how implementation methods may be impacted, i.e. infiltration.
- Todd – groundwater authority; are we mining all the data from various agencies to get at all the issues.
- Rep. Torkelson – also, regulation; which agencies regulate groundwater. Groundwater boundaries are not related to watersheds. Recognize groundwater piece of that more important.
- Gaylen – recognize programmatic aspects of groundwater/surface water – management.

Applied research and tool development:

- Rep. Torkelson – would move that we strike "...applied to the land"
- Keith H. – long term bigger picture of tools and prioritize them. Broader based approach.
- Steve – pull number 2 and 5 together. Tools to pinpoint areas of highest need. Tools to develop cost effective reductions; reductions that are most effective.
- Mike - # 2 is a subset of other priorities.
- Mark – Council should provide financial support and stand up a group of experts like the MNDOT group (LLRB?) that determines research needs. Council sets priorities for research needs. Funds small projects for research, i.e. book of BMPs for stormwater management – average community doesn't know which ones work best.
- Gaylen – 3 years ago we sponsored a symposium on research needs and there is a report. One work plan activity could be that the Council focuses on getting research topics – facilitate finding out what topics people need.
- Victoria – we need to figure out what works best; how to apply research connection between tools and research with on the ground practices.
- Pam – accountability; look at tools for measurement for evaluation of success and failure.

Targeted implementation:

- Gaylen – how do we engage the unregulated parties and establish (define) accountability for their contribution?

- Steve – study alternatives for voluntary implementation.
- Rep. Torkelson – what points on the landscapes can we have an effect on and what can we do about it – not to focus on nonpoint pollution – target pollution.
- Pam - interested in hearing success and failure stories.
- Marilyn – echo Paul’s comments. What tools do we need to target those sources causing pollution?
- Gene – take issue with the idea that because it’s nonpoint, we can’t target it. There is a recent Pioneer Press article on targeting. Also biggest bang for buck – financial targeting, target resources and efforts.
- Rob Sip – understand what kind of rules and regulations cover nonpoint already.
- Gaylen – define nonpoint as unregulated. Once it’s defined as a source, it becomes a point source. Use regulated and unregulated.
- Louis – maybe it’s time for another Lake Pepin TMDL presentation. The Lake Pepin TMDL is a surrogate for a state TMDL. What are the causes, what are the solutions? Revisit Lake Pepin TMDL for a strategic load allocation and...
- Mike – the Lake Pepin TMDL is the second only to Chesapeake Bay as the largest TMDL in the nation. The Lake Pepin TMDL is targeting sediment. If you target sediment, you take care of phosphorus. MPCA report on sediment sources – can be targeted, which ones can we do something about. Council shouldn’t do the front end on what research to pick. Look at the tools that work.
- Mark – pollution prevention is important. Point of entry protection, i.e., county ditches, creeks may be the point of entry for some pollution. What areas need the buffer to protect the point of entry?
- Steve – determining the system without targeting the topic. Talking about the system as a whole.
- Gaylen – there are expectations of what will be paid for publically vs. privately, i.e., ravines on private land. Creates some fear for landowners about being responsible for the costs of fixing something that’s been there forever.
- Gaylen – there is a [new State Conservationist for NRCS for Minnesota](#), who will establish priorities for the state. Maybe the Council can make a connection for where we are going and what can we do. Rob Sip – Don Baloun is the name of the new State Conservationist. The Council could have him come in and talk about the Conservation Delivery System.

Education and public engagement:

- Pam – discussion about managing expectations; educate the public about what is realistic.
- Rep. Torkelson has an issue with the word landowners. It’s more than landowners. Lake Maria wasn’t about landowners.
- Mike – we want to call out landowners to recognize their position.
- Steve – discussion on what does on the ground mean? Who are these people we’re looking at?
- Keith H. – decision point on education – big picture view or focused. Budget committee focus is education for those on the ground.
- Louis – subtopic for this area is citizen monitoring.

- Mark – education vs. cultural issue. Can the Council look at a survey or query of folks as to whether its culture vs. education?
- Gene – Mark makes a good point. Probably dichotomous – it’s both. Public discontent about where the water is going as it runs off. There is a need for changing behavior.
- Mark – a lot of people don’t understand why you need to do the BMPs. It’s because it ends up in the river.
- Mike – keep it as local as you can. The best practices in Red Wing are not the best practices in Redwood Falls.
- Break for lunch – members decide to have a working lunch and start again in 10 minutes.

Lunch

- Marilyn – add on to what Gene said, 80% of people in her project had no idea where their tile drains to. One size doesn’t fit all in terms of a statewide education; how to target it.
- Keith B. – education/public engagement and local capacity; targeting individual points on the land and then who can make a difference. Balance more towards local one to one education, less towards general public.
- Keith H. – also a tie to tool development.
- Del – education watershed by watershed or the whole state?
- Pam would like some clarification about who are the landowners. Family vs. corporate farms; demographics.

Local capacity building:

- Steve – what are the needs of the state? What will the needs be in 10 years?
- Rep. Torkelson – why are we focusing on rural areas when it all needs to be addressed. Change it to include the whole state. Gaylen – the metro area has more local capacity.
- Steve – do an assessment of what the needs are. Rob – ask BWSR what they are seeing in terms of need. Victoria – separating them out does a disservice to both.
- Other Topics: Keith H. – what is the level of funding to do “on the ground” activities and what are the public expectations? Steve – what’s the definition of “on the ground”?
- Keith H. – the total budget request is \$187 million; the available funding is \$175 million.
- Victoria – the public expectation is that the amendment tax dollars will fix everything. Appropriate level of funding for implementation – implementing based on research, using local capacity, etc. All the priorities are linked together.
- Keith H. – we need direction and guidelines on what we need the total package to be.
- Marilyn – the Steering Committee will discuss how to move forward.

4. State Water Plan review/discussion

- Marilyn – Bob Patton has some hard copies of the plan for those that want one.
- Council discussion on comments.
- Gaylen – each organization represented on Council can also make comments separately.
- Victoria – how does this fit with the U of MN’s Framework?
- Bob Patton gave some background on the State Water Plan. EQB discussed whether they should even do a water plan in light of the Framework. There is a lot going on in the state

with water, groundwater. Important to pull it together – complement the Framework. Work plan is what state agencies are doing and where they are going in the future.

- Victoria – will they be conflicting? Bob – could be. Victoria – counties don't feel like they are always being heard through the Framework process.
- Mark – Framework relied more on the technical experts.
- Marilyn – public comments are due October 1st. You can type in comments directly on the web site; advise everyone to review the document and input your comments.
- Bob – next steps after comment period ends is the agency group will look at comments and determine if changes are needed. They will let the Council know when the final version is ready. EQB had a presentation on the plan; agencies had a review before it was public.
- Because of the short timeframe for sending in comments, the members discussed whether to submit a comment letter from the Council as a whole, or just leave it to individual members to submit their comments online to EQB.
- Does the Council have to fit into public comment period? Bob – there are practical issues with finalizing the draft plan; waiting until the next Council meeting to finalize a comment letter. But it makes sense for Council to dwell on this and come back with comments.
- Gaylen – Council's comments may be the Council's support of the plan in light of things Council will be working on.
- Victoria suggested a small group draft comments and get some consensus. Get comments out maybe by October 1st or bring back to October Council meeting.
- Pam made a motion to nominate Paul, Gene, and Victoria to draft a comment letter.
- Rep. Torkelson – found the plan to be in line with the Council's priorities. The history of water issues in plan is very informative.
- Victoria – have Paul draft a comment letter and send to Victoria and Gene.
- Marilyn – motion from Pam. Second from Paul. Motion passed. Get a draft letter by Thursday for the Steering Committee to review. Rep. Torkelson said he will do that.
- Marilyn – let Mary Reilly know if you need a copy of the State Water Plan.

5. Budget and Outcomes Committee recommendations for the Council; DRAFT legislative report discussion

- Keith Hanson went over the report. The last page describes the changes from FY10-11 to FY12-13. They will be able to detail changes from agency recommendations at the next meeting. On the ground – somewhere between 45-50%. Education/public – focuses on educating land owners to get something done on the ground. Not a broad based education strategy. Let them know if that is a concern. Deb asked them to look at increased groundwater monitoring – some of that is in here. Keith explained some of the things not included in budget vs. agency requests. Chart on page 5 – take it out – not a good way of showing what's happening – rather show what's happening on the ground. Next time they will outline: Changes in characterization, changes from agency budgets.
- Marilyn – the BOC met with state agencies twice to get their input.
- Del – cutting the PFA budget is a mistake; get results quickly. Dave – the BOC thought the costs were too high; costs per lbs of phosphorus. Keith - hold PFA to what they

requested in last biennium. We don't want to cut assessment and monitoring or TMDL Development because we wouldn't meet the 10 year timeframe. Needed to cut elsewhere.

- Mike – trend report is important this year's pie chart vs. projected pie chart. Start using regulated/nonregulated rather than point/nonpoint.
- Louis – 1. the education/public engagement amount recommended is woefully inadequate. TMDL process – how to engage more effectively. 2. BWSR Budget item – we envision projects that will do a lot of civic engagement. Include language in the report so we know that is our intention. It would be good to have Mr. Woods help us with that.
- Keith H. – 900K is in addition to what is embedded in TMDL Development.
- Victoria – put explanation Keith H. gave into the report. Add on page 5 before recommendations.
- Mike – clarification; education is also included in the projects.
- Rep. Torkelson – useful for Council to see agency recommendations PFA – some funds are leveraged/show supplementing, not supplanting. Gaylen – TMDL Implementation funds are leveraged.
- Keith H. – focus on education of those that can't impact changes in the field.
- Pam – in the future we may need to look at a broader education.
- Louis – this is a good start. Two years ago the Council provided for public input. Make time on agenda to receive comments and also to provide time for written comments.
- Keith H. – we may need to do that at the October meeting. We need to get draft report to the Council in November.
- Keith B. – reminder about changes in bylaws – require 30 days notice? Marilyn – we need to approve report at November meeting. 30 day notice is about the Bylaw changes.
- Pam – process for getting public comments. Louis – put out notice about budget proposals to interested parties list and also about opportunities for written comments. Also put it on the Council's website.
- Gaylen – be clear it's not an RFP. Council also needs to be willing to make changes. Louis – include language that says we're not looking for projects, they are programmatic changes. Keith H. – the narrative talks about the types of programs we recommend for funding.
- Marilyn asked Steve Woods to clarify Small Communities Access Program funding.
- Steve W. – recommend \$3 million for local government for the benefit of NGOs. Benefits some of small grants that are not part of a TMDL. Marilyn – is this separate from 600K the Civic Engagement group recommended? Steve – yes. Jen – is the Civic Engagement recommendation embedded in one of the categories? Steve Woods – maybe
- Keith H. – cost per pound of phosphorus removal; Bill Dunn
- Bill Dunn – MPCA 2010 Capitol investment \$12.8 million resulted in 95,000 pounds of phosphorus removed. 2 million pounds of phosphorus removed in 20 year investment timeframe. There are significant gains we can continue to get from point source phosphorus removal vs. stormwater nonpoint phosphorus removal.
- Gaylen – this is for the smaller communities where the cost per individual is high. We think this is a good investment.
- Keith H. – PFA is the program that is hardest hit. If we kept PFA's recommendation, where would you cut the \$4 million? Pam – hard to say without agencies' budget numbers.

- Dave would like to know cost per pound of phosphorus for all practices. Steve W. – total project vs. state funded. Del – it’s comparing apples to oranges. We have actual numbers for a wastewater treatment plant. Dave – can we quantify nonpoint so you can compare? Gaylen – there are some apples to oranges tables to compare. We are not going to one or the other. We will do both. We need to determine the balance.
- Mark – it depends which is better to do from project to project, area to area.
- Dave – ongoing O & M costs, long term impact of the side stream effects.
- Victoria – thank you to the BOC for going through all the information to get this report. It’s a lot of work.
- Keith H. – biggest impact is on PFA and MDH. We’re not recommending a couple of their recommended programs.
- Louis – point source small communities more deserving vs. nonpoint source. Policy rich discussion about not planning sufficiently for treating sewage in small communities, not taking into account nonpoint impacts.
- Keith H. – Deb anticipates a significant need for research funding.
- If you have additional ideas send them to Keith or Marilyn. The BOC will meet on Thursday.
- Mike – have a list of which dollars are leveraged for us next time.
- Victoria – send notice of next BOC meeting for Council members.
- Meeting adjourned at 2:05 pm.

Council adjournment

Next Meeting: Monday, October 18, 2010 at the Freeman Building, St. Paul

Clean Water Council Meeting Minutes
Monday, October 18, 2010
9:00 a.m. – 2:00 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, Del Haag, Keith Hanson, Mark Knoff, Larry Kramka, Mike McKay, Gene Merriam, Rob Sip, Deb Swackhamer, Steve Pedersen, Gaylen Reetz, Victoria Reinhardt, Todd Renville, Paul Torkelson, Steve Woods.

Absent: Scott Hoese, Gary Pedersen, Louis Smith.

1. Convene Full Council

- Comments/additions to the agenda
 - Approve 8-16-10 meeting minutes
 - Council introductions and updates
- Council Chair Marilyn Bernhardson called the meeting to order. The October agenda and the September meeting minutes were approved.
 - Council introductions and updates: Mike McKay said the Lake Pepin Legacy Alliance will be featuring the film “Troubled Waters” at the Sheldon Theater in Red Wing.
 - Gaylen Reetz said MPCA has an engineer working on a comparison of BMP costs to treatment plant costs and wants BWSR to see it as they are also working on something.
 - Marilyn met with Rep. Wagenius and she is concerned about groundwater and gave Marilyn a copy of the documentary film “Troubled Waters”. She wants every citizen to see it.
 - Steve Woods update – grant applications came in.

2. Steering Committee Report

- Steering Committee report – letter from CWC to EQB on the State Water Plan. The priority scoping discussion continued at the Steering meeting and we will discuss it more today if time allows. The Steering Committee also discussed the public comment process. The Budget and Outcomes Committee (BOC) will look at the public process and develop something for the future. Members whose terms expire must apply by November 1st. The facilitated discussion on priorities is to help develop the Council’s new work plan. The last 2010 Council meeting will be in November, there will be no meeting in December.

3. Budget Recommendations and Legislative Report

- Marilyn received a comment letter from the Minnesota Association of Soil and Water Conservation Districts (MASWCD) on the draft recommendations. These comments were not included in the summary of public comments in your handouts.
- Keith Hanson – the public comment period was modified to meet the report deadlines. Council’s recommendations reflect \$173 million in funding, \$176 million is the available budget; the Council can go up to \$175M. MASWCD would like to see \$1.5 million provided to the SWCD’s eight Technical Service Areas (TSAs). Any feedback from Council members on comments from your organizations?

- Del Haag expressed concern about the reductions in point source funds. They need to reduce phosphorus.
- Keith H. went over the FY12-13 proposed Clean Water Fund (CWF) activities spreadsheet outlining the changes. He went through each category to discuss where changes were made. DNR has sufficient funding for the time being for the Geologic Atlas. The U of MN identified this as something that needs to be funded so it can be done more quickly.
- Marilyn – Rep. Wagenius is interested in fast tracking this activity. Larry Kramka said this is not linear work. If you double the funding you don't necessarily double the work done. It's good to know this is of concern. We can put something together. This is a partnership with the U of MN, so we need to work with them on developing a plan for the future.
- Keith H. said the BOC recommended that the Public Facilities Authority (PFA) funding stay at existing funding levels.
- The BOC recommended continued funding for the Legislative Coordinating Commission (LCC) website and fund auditing. On page 9 of the budget spreadsheet, the BOC is not recommending funding for some new MDH proposals; additional funding is going to BWSR for nonpoint source funding. Any questions/comments on spreadsheet? There were none.
- Mike McKay - can you tell us which ones are leveraged with other funds? Keith – yes, #4 and 5 are the two primary recommendations that are leveraged. It's difficult to come up with numbers for leveraged. Jen – there is a narrative about leverage.
- Victoria discussed the process - members take a vote on budget recommendations, and then make amendments. Keith – we were going to go through the recommendations one by one. Keith went through the process/timeline for discussion.

1. Assessment and monitoring – BOC recommendation is to maintain funding to keep us on point for assessment and monitoring. Motion to approve. Recommendation #1 approved.

2. Watershed restoration and protection strategies – recommendation is to maintain funding at \$22.71M which is a decrease from agency proposals as a result of recategorizing. MASWCD comment is to increase this funding by \$1.2-\$1.6M for local water planning.

- Steve Woods – county water staff working on TMDL projects – there is a need to keep them engaged and incorporate TMDLs into water plans. How do we keep them at the table to incorporate TMDLs into the water plans? Gaylen Reetz – we've talked about local capacity but we don't want CWF funds to make up for lost funding; don't want to supplant. Mike – don't grants include funding for staff? Gaylen – yes, but there may be other local governments not funded that need to incorporate TMDLs into plans. There is a need for expanding local capacity. Marilyn – there isn't a lot of funding for the local staff to do implementation.
- Steve Pedersen asked where this money came from that was cut. Steve W. – these were general funds dollars that were cut. If you want to accelerate the process of getting TMDLs into water plans sooner, then these funds would help. Larry Kramka – how much is needed to do this? This is about adoption of TMDL language into water plans, not about new technical work. Victoria – the reality is that local governments have had funds cut everywhere. It's not about restoring funds; it's about doing the implementation. Concern is about how to get these things done. Not sure what is the right amount, but recognition that we want this implemented. Where does this end? Communities need to update their SWPPs every 5 years.

- Pam – question for Steve Woods and Gaylen – where would we put these funds? Gaylen – assume through a BWSR grant.
- Rep. Torkelson – the 10 year watershed approach does not have the same boundaries as the water plans. How do we match these up? Gaylen – there is a white paper circulating about how they match up, how to coordinate the two. Plans will be virtual plans that will be updated often. The idea is to update water plans as soon as we can. Once the TMDL is done, we will update permits, update SWPPs, and water plans. The TMDL is planning process that then feeds into these processes.
- Dave Bennett commented on the pie chart in the report. The groups he represents are interested in money that reaches the ground. Looking to boost the 59% of funding for on the ground work (nonpoint and point source activities). Concerned about Marilyn’s comments about implementation. Marilyn – take information from TMDLs into the plan; need to do the implementation from the TMDL – the conservation on the ground.
- Keith H. discussed the process. We can have a discussion on the recommendations, then come back to the additional funding which will come up again for the other recommendations.
- Steve W. – to help answer the question, where does this stop? SWPPs are required so cities have to update them. Plans are voluntary and funding helps them to do that.
- Earl Bukowski said we need grants to do this work so we can change the way we use water. Larry – agencies did put together recommendations about how we think funding should be for implementation. That is included in these recommendations. Victoria – this is not just at the agency level, but about local capacity. Include that and put a placeholder in at say half a million. Larry – TMDL implementation requires all of us. We do weigh all of those things and discuss their additional funding. Victoria – don’t want to forget this part of the discussion – put in a placeholder vote on it or not. Steve P. – motion not to put more funds into planning. Keith H. – Council make a decision on recommendations then decide about additional funds. Victoria – move that we adopt recommendations as a whole and then go back and make amendments. Seconded.
- Mike – what is the advantage of your approach? Wanted to set aside recommendations with comments (#4 and #7), but with additional comments there are more recommendations with comments. Steve P. – tabled his motion.
- Marilyn – adopt BOC recommendations as written. What happens if someone wants to change one of the recommendations? Victoria – this is just to...
- Dave B. – would this be easier if we set aside comment letters and go through each category?
- Keith H. – reiterates Victoria’s motion, vote on recommendations then go through each one. Members discussed process for discussing and adopting the BOC recommendations and making changes.

3. Drinking water recommendations – funding for 4 items for MDH that the Council is not recommending.

- Is there a likelihood that they would get funding from the Legislature for the 4 items?
- Keith H. – drinking water tried to get funding from LCCMR – part of a nationwide effort (?) Public/private – BOC felt this was not an appropriate use of state funds, that they can do it themselves. Not sure about the groundwater data one.
- Well-sealing – not the responsibility of CWF to fund this work. Responsible parties need to do the work.

4. Nonpoint source recommendations – comments from CRWP, MCSC and MASWCD.

- Steve W. – civic engagement – get experts who are available.
- Gaylen – instead of funding individual groups for parts of projects, we fund local sponsors who develop a work plan for the project and decide which entities will do the parts of the project. They could be nonprofit organizations, contractors, other local groups, etc.

5. Increase funding for education/civic engagement. Focused on education that goes on the ground. Not general public education.

- Gaylen – TMDL projects include civic engagement efforts on the ground so funding for civic engagement is greater than this.
- Pam – question about where the \$600K is going? It's going to BWSR. Jen – meant to change that question mark to BWSR.
- Gene – reiterate what Gaylen said that civic engagement funding is broader than just this.

6. Applied research and tool development recommendations – no comments.

7. Point source recommendations – BOC decided better off funding increased nonpoint rather than increased funds for PFA.

- Dave – don't know where the dollars are best spent to reduce phosphorus. Keith H. – we're waiting to get more information from the agencies on this.
- Mike – regulated/nonregulated vs. nonpoint/point needs more attention.
- Gene – concern about effectiveness. We want to use funds where they are most effective, where they make the biggest difference. But we're not sure where that is; no one is determining where that is. We have some leverage with regulated facilities, nonpoint we need to use grants to get the work done. We're flying blind.
- Keith Buttleman – it varies all over the place where the marginal rate of return for removing phosphorus – it becomes more and more costly to remove phosphorus from point sources, in part because we've already done the easy stuff. Dave – are we creating a secondary problem with all the sludge? Del – permitted facilities would prefer to see the focus on nonpoint rather than spend a lot of money to take out small amounts of phosphorus. If it's so much better to take out phosphorus in nonpoint, put the focus there.
- Pam – urban area vs. rural area; removing phosphorus; there are many variables in reducing phosphorus. Dave – ban on phosphorus in fertilizer statewide but you can still buy starter fertilizer with 10% phosphorus. Why can we still buy this if it's banned? Lots of fertilizer used in the state. Mark – 1 ppm phosphorus law passed. That will impact a number of cities. It's difficult for small communities to afford this. Energy put into system is substantial. How do you get buy-in from the unregulated community? Agree that if additional funds are spent, they should be for work on the ground – something you can see fixed.

8. LCC recommendations – no comments.

Break

- Members went through the recommendations from public comment letters from MASWCD, MCSC, Cannon River Watershed Partnership (CRWP) and Watershed Partners.

- Keith H. - under tool development, the Minnesota Cities Stormwater Coalition (MCSC) would like to see a statewide research council and database.
- Potential additional funding recommendations we could put in the report to fund the Clean Water Council (CWC). Gene – that seems to be supplanting since the CWC was established before the CWF.
- Pam would like to include the letter from Watershed Partners as part of the public comments.
- MASWCD’s comment on recommendation #2 is to add \$1.2-\$1.6 million for local water planning.
- Comment on adding funds for well-sealing, but there’s no dollar amount.
- Recommendation #4 to add \$1.5M for Technical Service Areas (TSAs). The rest were policy issues.
- \$2.2 million for additional recommendations increase the overall budget recommendations to \$175 million. Keith H. – we could go to \$176 million if Council decides to do that.
- Victoria – these are recommendations, not necessarily what the Legislature will accept.
- Larry – Council would like to see your recommendations adopted, so you want to make sure your recommendations are what you want your priorities to be.
- Keith H. – funding recommendations up to \$176.5M or \$175M? Gene – they will get new forecast before we make the final decision. If there is less money, our decision may have less impact. Steve P. – if it goes up we can amend this. We spent a lot of time on the dollar amount. Victoria – go with the BOC recommendations of \$175M which means we have \$2.2M available.
- Keith H. – not sure about MCSC recommendation for tool development. We could also restore the PFA funding that was cut.
- Keith H. – what recommendation do you have to increase funding?
- Victoria - #4 – MASWCD recommendation for \$1.5M in additional funding for nonpoint source activities. Is that the right amount?
- Steve W. – TSAs are joint powers that share engineering staff. This would be for additional engineering staff. Don’t know if there’s a need for additional \$1.5M. Technical assistance is included in the BWSR funding for nonpoint source activities.
- Del – additional funds would be better spent providing funds to PFA to reduce phosphorus. Still concerned about MASWCD comment on restoring funding.
- Mike – like funding nonpoint activities, it’s closer to the ground.
- Steve W. – in order not to supplant, additional funds should go to hiring new staff.
- Mike would prefer to see extra funds for on the ground, nonpoint source activities.
- Larry – have the TSAs asked for this? Steve W. – they notified the MASWCD of their needs, so yes. Ask agencies to go back in specific years how to better leverage TSAs. It may not be just added on, may become a baseline.
- Victoria - there’s project money through BWSR; an additional \$1.5 million increases BWSR Protection and Restoration Project funds from \$26 million to \$27.5 million. It’s not a line item for TSAs; add it to the orange section of pie chart (nonpoint).
- Steve P. – what about a placeholder for the county geologic atlas? What happens to that? DNR said it’s a coordinated effort with U of MN, doesn’t need more funding now. Larry - we need to build capacity and expertise first.

- Steve P. – funding for research council and research database – comment from MCSC. We’ve had lots of discussion on this in past. We could recommend additional funds go to funding this.
- Dave – if we want to increase the 59% of the funds for on the ground (nonpoint and point source activities); we need to make other areas smaller. To make this more efficient, we need to fund areas with less administration costs. Need to get more into nitty-gritty more interaction with agencies to determine what gets leveraged, what has less administration costs, what is more effective.
- Keith H. – summarize;
 - increase overall funding level to \$175M (\$176.325M?)
 - more funds to BWSR for nonpoint activities
 - increase funds for research and tool development by about \$1 million
 - more funds to PFA \$70,000
- Gaylen – did the BOC committee discuss \$1 million for research? Steve P. – discussed a few years ago by the research committee. Jen M. - there is an interagency team on research. Steve – research /database would be based at PCA, but it could be anywhere.
- Dave would like to hear where the additional funds should be spent. Gaylen – we don’t have enough implementation funds. The recommendations from BOC as they are now are good.
- Steve W. – the proposals BWSR received, the demand exceeds requests by 2 to 1. Feedlot money - \$90,000 went unused less than last year. Where to put additional funds? BWSR proposal for \$26 million to go for projects on the ground.
- Jeff Freeman (PFA) – programs established by the Legislature for cities required to do something over and above what would be required now. TMDL Grant Program structured for one year. \$26M in grant applications; \$15M in funds available (handout).
- Linda Bruemmer (MDH) – well sealing – any amount you put in is good; we can tell you what is done.
- Victoria - \$1 million for research - reduce to \$0.8M and \$0.2M for well sealing; \$0.72M for PFA; \$1.5 million for nonpoint (BWSR).
- Mike – direct more funds to well sealing, less to research. Steve P. asked Deb if she remembered what was recommended as seed money for the research database. Deb – MDA has some funding for research start-up. Steve P. – \$500K to research. Mike – he recommends balance goes to on the ground activities, not well sealing. Mark – well sealing is 50% cost share.
- Summary of budget changes: vote on motion to approve these budget changes. Motion approved. This is an amendment to the BOC recommendations.
 - \$1.5 million in additional funds to nonpoint source protection, restoration and preservation activities goes to BWSR.
 - \$720,000 in additional funds to PFA for small community WWT grants and loans
 - \$500,000 in additional funds to tool development and applied research
 - \$500,00 in additional funds to drinking water protection
- Pam – Watershed Partners letter – acknowledge that they are asking for a committed funding source for public education.
- Mark – who is determining what works on the ground? How does this \$0.5M work – create a core group that sees that work gets done, not just a database. Need to determine what needs to be done, how to get the most bang for buck. What can go out there to get the best results?

- Keith H. – where are all these tools/research we need out there? Rob Sip – interagency team is working on this, includes a database.
- Marilyn – all in favor of amended motion. Motion passed.

Lunch

- Keith H. – Jeff Freeman said PFA needs the additional funding put into the TMDL Grant Program rather than Small Community grants. Motion and second to move \$720,000 from Small Community grants to TMDL Grant Program.
- Keith H. led the members through the Legislative report.

Executive summary – any comments?

- Drinking water funding increased to 8 percent of the budget.
- Steve P. - should we add that funding for education and civic engagement is focused on the landowners? It's not for general education for the state of Minnesota. Keith H. - Good point.
- Pam – we need a stronger justification for the nonpoint funding since it's the biggest number.
- Steve P. likes what Dave says; that we need to support funding on the ground.
- Marilyn - use something about outcomes in this section; sustainable outcomes. Add to the 3rd paragraph.

Looking forward to future – from the priority planning discussion:

- Pam – we need to look at how we are going to maintain the infrastructure we put in place. Mike – that may not be a goal in and of itself.
- Deb – page 2; replace the photo of the hearing. Steve W. – text under bullets needs more specificity. Steve P. – add something about leveraging funds. Mike – add this knowledge helps us prioritize. Steve W. – the fact that we meet with LSOHC is noteworthy. The photo is good. Pam – there should be another bullet. Jeff – bullet later about LSOHC. Steve W. – various groups give perspective to the Council. Have we established what TMDL is, the acronym? Spell it out. Steve W. – make the legend on the map bigger so you can read it.
- Gene – what does 19 TMDLs nearing completion mean? It means the plan will be done.
- Jeff – active TMDLs, waters restored, what we put on our website. Identify waters that have been restored. Keith B. – remove the “(TMDLs)” from “...full restoration (TMDLs)”
- Deb – use regulated/nonregulated instead of point/nonpoint? Nonpoint source protection, restoration, preservation – what does that mean? Are we protecting sources? Keith H. – it's confusing to change the lingo. Deb – we need to be precise using regulated/nonregulated; point/nonpoint. Gaylen – point sources are wastewater; nonpoint sources are broad. Deb – need clarity. Victoria – leave at point/nonpoint, but make it clear as possible. Define for now point and nonpoint at the beginning. Put in parentheses or as a footnote what point and nonpoint mean.
- Make the map a full size map; make sure there's some reference to monitoring and assessment.

Council activities – selection of activities from all agencies:

- The Water Sustainability Framework is not in here. Add a bullet on the Framework.

- Steve W. – add something on the first round of grants; projected outcomes. Grants not yet completed. Mark – link to website for agencies.
- Mike – everything is monitoring and assessed. Can we add some more meat; this is where we are, outcomes expected. Keith H. – p. 3, add something on implementation. Add that theme in a couple of areas – outcomes expected. Deb supports those comments. The Legislature is focused on outcomes. Page 5, first bullet under education – move elsewhere. Change from “was created”. This came from the appropriation 2 years ago. Give more context as to whether the activities are within the language of the appropriation. Add projects were conducted.
- Gene – point about outcomes, the Legislature talks about outcomes, proposed outcomes. Shouldn’t fund a project unless there are outcomes. State the outcomes, then list the activities that lead to those outcomes – these projects lead to outcomes.
- Change the word maintain to preserve. Change to just “Fund....at...” Some recommendations have bullets and some don’t. Make it consistent.
- Recommendation #5 is a small recommendation with a long explanation. Jen/Marilyn said the BOC decided to include a longer explanation because it wasn’t funded last time.

Pie chart:

- The research piece of the pie was included in the “on the ground” in FY10-11. It was recategorized and we need to acknowledge that. “On the ground” is in many parts of the pie, i.e., well sealing added to drinking water is “on the ground”. Agree that “on the ground” is misleading, but it’s useful to have a quick way to see that. Identify where there is “on the ground”; identify where there are “leveraged dollars”. It’s confusing because the pie is bigger in FY12-13. We need to define on the ground.
 - Steve W. – add a table with net \$ change and net % change of total instead of a pie chart for FY10-11. Mike – show that this is how we’re shifting dollars to where our priorities are; we made decisions on priorities and our funding is following that. Steve W. – say “62% of....is on the ground”.
 - It’s hard to define what is on the ground. It’s hard to define outcomes too. All are important. Keith H said the BOC had lengthy discussion on this – includes the system to have your on the ground. Mike – does on the ground mean implementation? Yes.
 - The perception is that a lot of funds are spent on assessment, etc., not on implementation. We need to address that. Keith H. – assessment/strategies; 3 categories are not implementation. Mark – is there a goal for what we want for the categories? Gaylen – it’s what we have here; 12-13% for assessment, 12-13% for strategies, the rest for implementation. Remember there are other funding sources for implementation.
 - Deb – only one pie chart. Keith H. – one pie chart/table that includes the leveraging. Revise report, then the Steering Committee and BOC get back together and approve report.
 - Marilyn – we want to put the update on the U of MN Framework on the November meeting agenda, but the written document may not be ready by November 15th. Should we change the Council meeting to early December? Deb – it probably won’t be available in December. Deb can present the Framework in November, but the Framework document may not be done by then. She needs one hour for the Framework presentation at the November meeting.
- 4. Continuation: Council priority scoping discussion, facilitated by Jeff Risberg, MPCA**
- Marilyn – priority scoping, pick your top 3 for discussion at the next Council meeting.

- Motion to adopt Legislative report as changed. Steering committee and BOC will finalize the report. Send out the final version of the report to members.
- Gaylen – what is the timing for the Framework? Deb –the Framework is due to the Legislature in January 2011, but it has been slowed down by additional requests from the Legislature. We will have some public engagement process. But it's kept under wraps because some of the recommendations are controversial.

5. November meeting agenda review

- Marilyn went over the November agenda; Framework one hour; priority discussion; Legislature report. Any other agenda items?
- Gaylen – discussion on Troubled Waters film. Members decided to watch it over lunch at the November 15th meeting. Mike McKay has the DVD.
- Marilyn read the note she received from Princesa VanBuren thanking the Council for their comments on the 2010 Minnesota Water Plan. She will bring copies of the plan to the November meeting.
- Marilyn – make sure understand not all leveraged costs dollars include administration costs/staffing costs.

Council adjournment

Next Meeting: Monday, November 15, 2010 at the Freeman Building, St. Paul

Clean Water Council Meeting Agenda
Monday, November 15, 2010
9:00 a.m. – 2:30 p.m.
Freeman Building, Room B145
625 Robert Street North, St. Paul

- 9:00-9:15** **Convene Full Council**
- Comments/additions to the agenda
 - Approve 10-18-10 meeting minutes
 - Council introductions and updates
- 9:15-10:00** **Steering Committee and BOC Report** **Information item**
- Council Election Process
 - Final Legislative Report
- 10:00-10:15** **Break**
- 10:15-11:45** **3rd Update on 25-year Water Sustainability Framework** **Information item**
Deb Swackhamer, Jean Coleman, U of MN
- 11:45-12:45** **Lunch and watch documentary film “Troubled Waters”** **Information item**
- 12:45-1:15** **Discussion on the film “Troubled Waters”** **Information item**
- 1:15-2:15** **Continuation: Council priority scoping discussion** **Information / decision item**
Facilitated by Jeff Risberg, MPCA
- 2:15-2:30** **January meeting agenda review and Council adjournment**
Tentative items:
- **Council election**
 - **Preview of 2011 Legislative Session**
 - **Draft 2011-12 Work Plan review / approval**
 - **New tools for precision conservation targeting presentation; LiDAR, BASINs model, terrain analysis modeling** (*how these tools can be used for implementation targeting*) – Tim Larson / Terri Yearwood / Adam Birr?

Next Meeting: January 24, 2011

Clean Water Council Meeting Minutes
Monday, November 15, 2010
9:00 a.m. – 2:00 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, Del Haag, Keith Hanson, Scott Hoese, Mark Knoff, Larry Kramka, Gene Merriam, Rob Sip, Deb Swackhamer, Gary Pedersen, Steve Pedersen, Gaylen Reetz, Victoria Reinhardt, Todd Renville, Louis Smith, Paul Torkelson, Steve Woods.

Absent: Mike McKay.

1. Convene Full Council

- Comments/additions to the agenda
- Approve 10-18-10 meeting minutes
- Council introductions and updates
- Council Chair Marilyn Bernhardson called the meeting to order. The November agenda and the October meeting minutes were approved.
- Council introductions and updates:
- Gaylen Reetz said the October meeting minutes noted that he would provide the Council with a comparison of BMP costs and treatment plant costs. He will bring that to the next meeting.
- Earl Bukowski said this will be his last meeting as a Council member. He is a Benton County Commissioner who is on the Council representing outstate interests. Earl thanked the Council for the four years he has served as a member. He has learned a lot about water in those four years. Council Chair Bernhardson thanked him for his service.
- Marilyn said Deb Swackhamer will present the Framework at the Minnesota Association of SWCDs meeting.

2. Steering Committee and BOC Report Information item

- Council Election Process
- Final Legislative Report
- The Council election process is described in the bylaws. Submit your nominations to the chair. Someone requested a ballot vote. There is nothing in the bylaws that says we can't do it, so we will have a ballot vote in January.
- Final Legislative Report – Keith Hanson, BOC chair, described the changes since the last time the Council saw the report; some sections were reorganized, the numbers didn't change. Keith and Marilyn meet with the local government round table. They wanted to know where they are with recommendations. Steve Pedersen will draft something for the public review process next time.
- Keith changed Lake Superior to Great Lakes Program in the report, emphasizing the Council funds programs not projects. There is interest in how many FTEs are in the recommendations. The response from the Council is, we don't know. Agencies should think about it.
- Requests for the report from various groups – the Council doesn't want to release the report until it goes to the Legislature. BOC and Steering Committee will talk today to discuss what

can be released. The G16 wants to meet with the BOC, but will wait until after the report goes to the Legislature.

- Gaylen – on the issue of FTEs, the agencies will have that information when the Governor releases the budget. The question is did they ask for an increase in FTEs.
- Victoria – the Council’s draft recommendations were out for public comment.
- Rep. Torkelson and Gene Merriam were asked what the Legislature’s protocol is for releasing reports. Gene – the question is what does the law requires us to do. We may have to release any information we have. It’s different for executive branch agencies. They don’t disclose until the Governor’s budget is released. The Council may be required by law to disclose any information we have. Members discussed what to do regarding requests for the background budget information from MCEA and others. Information used to put together this report has to be provided if someone asks for it. Keith H. – we will send the budget spreadsheet to those who request the background information.
- Members discussed providing copies of the report, how to get copies made, etc. Some groups have requested copies for a meeting, but the cost is high. Let them know that the report will be available on the web on a certain date or to send in a request if someone needs a copy.
- When does the report become a final document, when it comes off the press? Marilyn - when the Council approved it last month, we did it with the caveats that there will be changes. Keith H. – there are a few more typo type changes that still need to be made. A change from last month’s version is we got rid of the comparison to last year’s budget.
- Marilyn has been asked what the Council will do if the available budget goes up or down. She said we’ll figure that out when it happens.
- Gaylen – by December 1st, this report will be sent to the chairs of the existing Legislative environmental committees. The report will be sent to the new chairs once they are announced.
- Marilyn – Steve Pedersen is working on a timeline for the next report that will allow time for public input.
- Deb thanked Keith for all his hard work on the report.
- Marilyn reminded members about the Citizen’s League reception tonight at 5:30 pm, “How Can We Protect Clean Water On The Farm By Making It Everyone’s Best Interest” at the Loft located at 900 Washington Avenue in Minneapolis.

Break

- Victoria was in Winnipeg over the weekend and spoke on solid waste management. Differences they have there; there is no economic incentive to reduce garbage. They want to change that. Only 17% of their solid waste is diverted.
- 3. 3rd Update on 25-year Water Sustainability Framework, “Planning Far into the Future”;**
Deb Swackhamer, U of MN
- Background – the report is in draft, it’s not yet done.
 - This will be a long presentation, very dense, with a summary slide at the end.
 - What is the Framework? It’s not a spending plan for the Clean Water Fund.
 - Definition of sustainability in law.
 - Synthesis Team – synthesize white papers from other teams and develop recommendations.

- White Papers developed on water use, water supply, and water quality - summary of what we know about water quality in the state.
- Eight work teams framed 90 specific needs (or things that need attention). 10 big issues, contained in 3 categories of sustainability: Social, Environment, Economic, with an emphasis on the environmental needs. The implementation schedule is 25 years.
- Water supply - not sure how much is available as we use it. Some counties may be using more than we are replacing.
- County geologic atlases – recommend acceleration of the atlases to get them done in 12 years instead of 24 years. Increase funding to get them done sooner, faster. Figure out base flows.
- Conventional impairments. Strategy 1: develop a statewide nutrient enrichment management plan. Make implementation of approved TMDLs mandatory for all sectors including non-regulated nonpoint sources.
- Strategy 2: accelerate improvements in water quality. Groups of farmers in a watershed would have one allocation. They get to decide how to meet the allocation.
- Minnesota is a leader in adoption of BMPs compared to other states, but the voluntary approach is not working fast enough.
- Strategies for contaminants of emerging concern (CECs).
- All the timeframes she is talking about are for the public sector side.
- Strategies to integrate water and land planning – have a single plan. This would impact permitting. Integrate: Ecological and hydrologic integrity.
- Water-energy nexus: 60% of state’s water is used for cooling to produce electricity – biggest use in state. Water pricing – already have a law passed for the overall pricing of water to encourage conservation of water. Recommend incorporating the ecological value in the base price for water.
- Other issues: Public water infrastructure; citizen engagement and education; organizations and institutions – re-establish Legislative Water Commission.
- Summary: Top 5
 - Protect and Restore Water Quantity and Quality
 - Revise permitting, model water balance
 - Strengthen TMDLs
 - Address future contaminants
 - Address Interconnected Nature of Water
 - Integrate water and land use planning
 - Align water, energy, land, transportation policies for sustainability
- The framework is to be a plan for change for sustainable water. We have a citizenry that is 65% in favor of protecting water – sustainability.

Questions:

- Steve P. – strengthening TMDLs, does that mean implementation? Deb – yes, it means implementation and filling the gaps.
- Keith H. – is the six year time frame to do all the statewide TMDLs in 6 years? Deb – we recommend accelerating the assessment process. Implementation is still long term, but we want to accelerate setting them up, development of the TMDLs. For full TMDL implementation to take place would take a full 25 years.

- Steve W. – in talking about governance costs, any thought about 10% of the money being set aside for an endowment? Deb – no, but it’s a good suggestion. The Council should make that suggestion.
- Keith H. – the example of water consumption by utilities using water for cooling, that’s not really consumption. This is pass through water; the water is not consumed by the process. Deb – consumptive use is not really a scientific term. There are impacts on the water by using water for cooling. They don’t use the term consumptive use. Treat all water the same.
- Steve P. – CECs, do you discuss pharmaceuticals? Deb – they are a subset of CECs. They are regulated by FDA for their use, but not regulated as an environmental contaminant in water.
- Steve P. – make a recommendation that as a part of the FDA process, they regulate disposal. Deb – there are two bills in Congress dealing with that. Minnesota can only deal with the manufacturing in the state, but few pharmaceutical plants in the state.
- Rep. Torkelson - you talked about the watershed concept for TMDLs. Are you endorsing that? Is that important to your framework? Deb – we didn’t really get into that - TMDLs on 81 watersheds – we may address scale in the future. Statewide scale is a problem, basin level you still have differences, watersheds are the right scale. We need to think about the right scale for farm groups, but probably not at a larger scale.
- Rep. Torkelson said we haven’t figured out the right scale yet. He would pull the plug on TMDLs and figure out the right scale for them. Gaylen said we’re using the watershed approach now, but the TMDLs on public notice are based on the previous scale. Soon we will have about 1/3 of the watersheds with TMDL projects.
- Rep. Torkelson – how do you see enforcing the regulatory process on agriculture? Deb – through testing of the receiving waters as we do now, then back out to find the problem. Rep Torkelson – that’s assuming the allocations are correct and that may not be the case. Deb – we’re not questioning the integrity of the science. This would happen in the next 10 year cycle of watersheds.
- Keith H. – it will be difficult to implement all of the recommendations. What is the role of the Council, and what is the cost? Deb – first it goes to the Legislature, and then her role will end; only a supporting role not a lobbyist. It must be picked up by groups like this, by advocates.
- It would be helpful if the Council would advocate for this. There probably is not enough funding in Clean Water Fund to do everything. May have to do it over time. Prioritize by time and funding. 8 of 10 (?) recommendations fall into the protection area. Some of cost of the recommendations will be in the private sector. They prioritized the top 10.
- Keith H. asked what is the Council’s role? Deb – to look at the overall plan and endorse it.
- Scott – what are the politics of this Framework? Rep. Torkelson – it’s hard to answer that now. The Legislature is in the process of putting together committees. Also, the budgetary issue is of concern.
- Scott – put it on the back burner for a few years? Deb – the report is due to the Legislature on January 1st. There have been issues with committees now. Water issues are nonpartisan.
- Louis said it has to be more than the Legislature that implements this plan. Local governments, Council. It’s appropriate for the Council to pay attention to this.
- Deb – audience for the report is the Legislature, but they also tried to give it to a statewide audience. Agrees that the Council should be the champion of the Framework.
- Earl – what about tiling and drainage issues? Deb – no recommendation on drainage.

- Larry said two more of these will come to the Legislature for Parks and Trails and the Lessard-Sams Council. All are due at the same time, all will be controversial. We don't want to just say all is good. We want to address the issues, including the 25 year timeframe. This is another piece of information for the Council to consider.
- Gaylen asked if there was anything in the Framework on ravines that existed before the land was settled.
- Victoria said we need a stable funding source if we want to make these improvements.
- Marilyn – what's the timeframe for report. Deb – no later than January 1, 2011. It will be on their website as a draft. We will ask the new committees about public process. It's not final until the Legislature decides it's final. Steve P. – can we get the report now? Deb – not until it's done. Gene – U of MN is not a state agency.
- Victoria – can we get your PowerPoint presentation? Deb – yes.

Lunch and watch documentary film “Troubled Waters”

4. Discussion on the film “Troubled Waters”

- Dave asked if you remove the animal off the land – protein needs for human – you remove 70% of the tillage of the land. Rob – can't really answer that.
- Scott – the film is very informed, but has some issues. They didn't give numbers for CRP/RIM. There should be some fact sheets to go with it.
- Del – where can you get a copy of the film? Deb – U of MN Bell Museum.
- Rob – good presentation of precision agriculture.
- Steve W. – USDA policy is a big deal. It dwarfs what we do at the state level. USDA also provides funds for conservation.

5. Continuation: Council priority scoping discussion; Facilitated by Jeff Risberg, MPCA

Priority scoping discussion for work plan development

- Jeff – review the handout, everyone selects three priorities from the main themes. Where to start the planning exercise.
- Deb – are these the topics the Council will focus on the next 2 years? Marilyn – yes, though the Council can re-evaluate in the future if needed. There also may be new topics not anticipated.
- Deb – what is the role of the Council in some of these topics like research and tool development? Marilyn – the Council can understand the topic, provide comments, etc. Steve P. – Council could also provide policy recommendations.
- Members selected their top 3 categories as priorities.
- Marilyn asked what to do about presentation requests. We need to be flexible about the requests. They may not fit into the topic the Council will be discussing.
- Keith H. had a question about the Other category in the priority scoping notes. What is important in that grouping? Rep. Torkelson – Deb circled the first two bullets in the Other category. Steve W. – 2 votes for Other, especially the first 2 bullets. Keith B. circled how does it all fit together. Earl said the 3rd bullet is important to him. Gary said it's time for the Council to reflect after four years (2nd bullet).

- Steve P. – follow up on how to use this to focus on speakers; not just speakers on interesting topics, we need to focus on priorities. Marilyn – we also need to be flexible if topics come up that are important to the Council.
- Marilyn – Steering team meets this Thursday. We hope to have draft work plan for the January meeting.

6. January meeting agenda review and Council adjournment

Tentative items:

- **Council election**
 - **Preview of 2011 Legislative Session**
 - **Draft 2011-12 Work Plan review / approval**
 - **New tools for precision conservation targeting presentation; LiDAR, BASINs model, terrain analysis modeling** (*how these tools can be used for implementation targeting*) – Tim Larson / Terri Yearwood / Adam Birr?
- Marilyn reviews January meeting agenda topics. Any other topics?
 - Del – ballot process – they were told they couldn't do a ballot. They have to do it at the meeting. Marilyn – we will check on that.
 - Gaylen attended a presentation on the Amity Creek TMDL. One of the professors at UMD is working on the project and gave a really good presentation. Add that to the list of potential topics.
 - Pam – the Steering Committee should identify areas we want to work on over the year for policy recommendations.
 - Scott would like an update on the watersheds (Gaylen); where we are at.
 - Steve P. asked what role does the Council want to take on the Framework? Marilyn – Steering Team will take that up. Victoria – do we comment on the Framework after it is submitted? Marilyn – yes.
 - Victoria - this is Earl's last Council meeting. Earl has done a great job updating the Minnesota Association of Counties. Marilyn - we appreciate all the work you have done.
 - Scott – do members stay on until they are re-appointed? Yes.

Council adjournment

Next Meeting: Monday, January 24, 2011 at the Freeman Building, St. Paul