

Minnesota River Update:

January 7, 2006

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NRCS CHIEF FIELDS QUESTIONS ON WETLAND DETERMINATION PROCESS AT USDA OFFICE IN MORRIS:

Bruce Knight and a host of other NRCS officials fielded tough questions for about two hours Monday, December 19 at a “wetlands hearing” hosted by Congressman Collin Peterson. More than 200 farmers, tiling contractors and various agency staff comprised an overflow crowd at the USDA soils lab in Morris. Their main concern was the process for getting wetlands certified, and rule limitations on what they can do or not do regarding installation of new drainage and repair of existing drainage. Some of the apparent confusion and frustration may be due to overlapping jurisdiction and differences between provisions in the 1985 “Swampbuster” rules administered by NRCS, and Section 404 of the Clean Water Act administered by the Army Corps of Engineers. In presenting background on the rules Knight stated that the boom in drainage activity over the past 10 years has generated conflicts over wetlands and “farmed” wetlands. There has been no change in the definitions of wetlands, he said. In February 2005 NRCS and COE issued joint guidance informing landowners that they may need determinations on wetlands from both agencies. The [memorandum](#) is located on the Web at http://www.nrcs.usda.gov/programs/compliance/pdf_files/COE_NRCS_wetland.pdf.

NEW MINNESOTA STORMWATER MANUAL RELEASED: The new *Minnesota Stormwater Manual*, released Dec. 2, answers cold-climate concerns and addresses the extremes in Minnesota geography—from shallow karst in the southeast to the floodplains of the northwest. The manual provides information on choosing BMPs, cold climate impact and runoff management, stormwater credits and other important details. Stormwater can be a source of sediment and nutrients and is an issue in the Minnesota River Basin for small and large communities. The Lower Minnesota Dissolved Oxygen TMDL Report, for example, calls for communities to reduce phosphorus from stormwater. Sediment causes turbidity problems in the Basin.

The 709-page manual is the collaborative result from 40 members of the Stormwater Steering Committee, which includes the MPCA, other state agencies, local government, businesses, and a variety of environmental, educational and water-protection groups. The Minnesota Erosion Control Association, Stormwater Steering Committee, and the MPCA will hold meetings in Marshall on January 12, Mankato on January 17 and other locations from January 10 through February 9. The morning session is an introduction to the manual and the afternoon session includes presentations on permit requirements using Better Site Design. The cost of the morning session is \$25 and the cost of the afternoon session is \$50. See the brochure for details on the MPCA’s web site at <http://www.pca.state.mn.us/water/stormwater/sw-manualbrochure.pdf> The manual is also available on the web at www.pca.state.mn.us/water/stormwater/stormwater-manual.html.

MINNESOTA'S TMDL LIST UPDATED: On December 19, the Minnesota Pollution Control Agency announced its biennial update of the federally required list of lakes and stream segments in Minnesota that are considered polluted and need further study to determine how they can be restored to a healthy condition. The draft update adds 396 new polluted waters to the existing list.

The listed waters, also known as “impaired waters” under the federal Clean Water Act, do not meet water-quality standards. They contain various pollutants above acceptable limits designed to protect public uses of those waters. About two-thirds of the polluted waters on the current list are there because the Department of Health has advised people to limit consumption of fish caught in them to either no more than one meal a month or not at all, due to mercury contamination.

Only a small fraction of Minnesota’s lakes and streams have been assessed so far for impairments (14 percent of lakes and eight percent of streams). As the agency gathers more data, the number of listings has been growing. Along with it, public concern over the number of waters on the list has risen. State lawmakers have debated measures to devote more funding to cleaning up polluted waters for several legislative sessions, but a law has yet to pass.

“Identification and restoration of our polluted waters is our number-one priority,” said MPCA Commissioner Sheryl Corrigan. “Minnesotans place a high value on their water resources. Clean water is intrinsic to our quality of life, it supports healthy fish and wildlife, and is an economic driver for our state. Simply put, clean water is central to Minnesota’s success.”

In the past, water regulators could focus most of their efforts on wastewater discharges from industry and cities. However, the majority of pollutants causing impaired waters come from more diffuse sources such as land-use practices, atmospheric deposition, and runoff from farms and cities. Corrigan noted that while regulation of traditional “end of pipe” sources will continue, a new approach is needed.

“This is a problem that can’t be solved by just adding more regulation,” Corrigan said. “Our thinking about how to protect and improve our waters has to change. Each and every one of us contributes to declining water quality, and we must all be part of the solutions.”

The Clean Water Legacy Partnership, a broad-based coalition of farm, industry, conservation, environmental and local government organizations, has developed a bill currently under consideration by the Minnesota Legislature. The Clean Water Legacy Act would provide \$80 million per year for the next decade to address impaired waters. Legislators generally support the policies in the bill but were unable to agree on a mechanism for funding in the last legislative session. The group plans to bring the bill before legislators again in the 2006 session.

Adding to the urgency to deal with impaired waters is a state Court of Appeals decision earlier this year that prohibits new wastewater discharges to impaired waters. As a result,

a growing number of cities and industries in Minnesota are finding they cannot construct new facilities to accommodate growth and development, or to replace facilities that are failing or at the end of their useful life.

The proposed 2006 Impaired Waters list, methodology for listing, and **regional maps** may be accessed on the MPCA's Web site at <http://www.pca.state.mn.us/water/tmdl/index.html>. Questions and requests for printed copies of the list may be directed to Howard Markus at 651- 296-7295 or 1-800-657-3864.

Public comment schedule

Although the updated list is available for public review and informal comment now, the formal public comment period on the draft list is from Jan. 23 through Feb. 24, 2006. A series of public meetings will be held during the formal comment period in MPCA offices in the following cities. Any changes to this schedule will be confirmed on the MPCA Web site at www.pca.state.mn.us/water/tmdl/index.html.

| Date | Location | Time |
|-------------|-----------------|-------------------|
| Jan. 26 | St. Paul | 10:00 a.m. – noon |
| Jan. 30 | Duluth | 1:00 – 3:00 p.m. |
| Jan. 31 | Detroit Lakes | 1:00 – 3:00 p.m. |
| Feb. 1 | Brainerd | 1:00 – 3:00 p.m. |
| Feb. 6 | Marshall | 1:00 – 3:00 p.m. |
| Feb. 7 | Mankato | 1:00 – 3:00 p.m. |
| Feb. 8 | Rochester | 1:00 – 3:00 p.m. |

MINNESOTA RIVER WATERSHED ALLIANCE MEETS JANUARY 24: The next meeting of the Minnesota River Watershed Alliance will be on Tuesday, January 24 at 6:00 p.m. at the Hutchinson Events Center. It is located on the south end of Hutchinson, off State Highway 15.

ENERGY FORUM TO BE HELD IN ST. PETER: The Three Rivers RC&D and partners are holding an energy forum on January 19 at Gustavus Adolphus College in St. Peter from 9 a.m. to noon. Renewable energy and alternative crops will be discussed. An agenda is included below. For more information, contact Amy Stratton at 507-345-7418 ext 5. RSVPs are requested.

MINNESOTA'S ENERGY FUTURE:

COMMUNITY ENERGY AND ECONOMIC OPPORTUNITY FORUM

Heritage Room, Johnson Student Union, Gustavus Adolphus College, St. Peter, Minnesota

Thursday, January 19, 2006, 9:00 am to 12:00 noon

RSVP is requested by calling Three Rivers Resource Conservation and Development at 507-345-7418 x5.

CAMPUS MAP: <http://www.gustavus.edu/welcome/maps/index.cfm?haveFlash=1>

- 8:30 am -9:00 am Registration (Gustavus students assisting with registration)
- 9:00 am Welcome – *Katy Wortel, Chair, R9 Renewable Energy Task Force*
- 9:10 am Minnesota Energy Overview – *Mike Taylor, Minnesota Department of Commerce*
- 9:20 am Region 9 Renewable Energy Task Force and Clean Energy Resource Teams (CERTs)
Lou Schwartzkopf, R9 RETF and Joel Haskard, CERTS
- 9:40 am *Starting with Efficiency*
✓ Bruce Nelson, MN Department of Commerce
✓ *John Hutchens, Benco Electric*
- 10:10 am BREAK
- 10:20 am Moving into Renewables – Panel Discussion
✓ Green Pricing (MPCA EA) – *Jeff Ledermann, Environmental Assistance MPCA*
✓ Dept of Commerce Resources – *Mike Taylor, MN Department of Commerce*
✓ C-BED – *Mark Lindquist, MN Project*
✓ Madelia Project – *Linda Meschke, President Rural Advantage*
- 11:00 am Higher Ed’s Role in the Future of Renewables and Efficiency – Panel Discussion
✓ University of MN Initiative for Renewable Energy and the Environment – *Todd Reubold, Assistant Director*
✓ Gustavus Adolphus research – *Professor Robert Douglas*
✓ Minnesota State University -Mankato – *Professor Gregg Marg, MSUM Biology*
- 11:20 am *Open Discussion, Question and Answer*
- 11:50 am Closing - *Katy Wortel, Chair, R9 Renewable Energy Task Force*
- 12:00 pm Adjourn – time with displays and lunch on your own at Market Place Dining Hall

QUOTE OF THE WEEK: "And life is what we make it. Always has been, always will be.
- Grandma Moses

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