Clean Water Council Meeting Agenda

Monday, January 5, 2009
9:00 a.m. – 3:00 p.m.
Freeman Building (Room B145), 625 Robert Street N., St. Paul

9:00 a.m.: Full Council Convenes

1. Approval of Minutes from 11/17 meeting and 11/25
   Note: *To allow adequate time for the budget discussion, member updates will be added at the end of the day if time allows.*

2. Report back on 11/25 information meeting with G16

9:00 a.m. - 11:30 a.m.: Consideration of Additional Funding Recommendations

1. Presentation from MN Department of Health et al. on drinking water protection needs

   10:15 a.m. – 10:30 p.m.: Break

2. Presentation from Public Facilities Authority and MPCA on infrastructure needs

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11:30 a.m. - 12:00 p.m.: Water Quality Education Proposal - Stormwater Coalition

12:00- 12:30 p.m.: Lunch
(Lunches available outside Room B145)

12:30 p.m. – 2:30 p.m.: Public Comments, Proposals on Clean Water Funding Recommendations – opportunity for the public to present comments and proposals (approximately 5 minutes each) on programmatic needs for water quality and Clean Water Legacy Act activities.

2:30 p.m.: Council Discussion of Next Steps

3:00 p.m.: Adjourn

Next Meeting – January 26, 2009 – at a *NEW LOCATION*: Room 230 at the Minnesota Judicial Center – 25 Rev. Dr. Martin Luther King Jr. Blvd.

Clean Water Council Meeting Minutes
Monday, January 5, 2009
9:00 a.m. – 3:00 p.m.
Freeman Building (Room B145), 625 Robert Street N., St. Paul

(This meeting replaced the Dec. 15, 2008 meeting,
which was cancelled due to inclement weather)

Council members present: Dave Bennett, Marilyn Bernhardson, Earl Bukowski, Brian Davis, Del Haag, Keith Hanson, Scott Hoese, Larry Kramka, Chris Kolbert, Joe Martin, Gary Pedersen, Steve Pedersen, Gaylen Reetz, Victoria Reinhardt, Louis Smith, Sarah Strommen, Paul Torkelson, Steve Woods, Terri Yearwood.

Absent: Pam Blixt, Bill Moore, Deb Swackhamer.

9:00 a.m.: Convened Full Council Meeting
Chair Louis Smith convened the meeting and asked for approval of minutes from the 11/17 and 11/25 meetings. For approval of minutes from 11/17/08 meeting, Victoria Reinhardt made motion & Keith Hanson seconded. For approval of the minutes from the 11/25/2008 meeting, Victoria Reinhardt made motion & Steve Peterson seconded. Both sets of minutes were approved by the full council. Council member updates were deferred until the next meeting.

9:10 a.m.: Consideration of Additional Funding Recommendations
Chair Louis Smith described the background and purpose of this agenda item. The Clean Water Council invited public comments and proposals on Clean Water funding to be presented at this meeting, January 5, 2009. On December 1, 2008, the Council submitted its first Biennial Report to the Legislature which included $97,829,000 in Clean Water funding recommendations for FY 2010 and 2011. On or before February 1, 2009, the Council intends to provide additional funding recommendations of approximately $70 million to meet infrastructure, drinking water source protection, and other critical needs.

Anyone interested in offering comments to the Council on Clean Water funding needs at the January 5 meeting were invited to submit a request to be on the Agenda, along with a one-page summary of their comments or proposal. Anyone who was unable to attend the January 5 meeting but desired to submit written comments could do so; written comments should be submitted no later than January 14, 2009 at 5:00 p.m.

Smith emphasized to proposers that the Clean Water Council's funding recommendations to the Legislature are programmatic in nature, and typically do not address individual projects. Presentations from state agencies were made in the morning and those from the public were made in the afternoon.

Presentations from state agencies on drinking water source protection needs *(handouts are available upon request)*
The following agencies made presentations to the Council:

Department of Health (John Linc Stine)

Ideas for allocating the funding dedicated for drinking water protection through the Clean water Land and Legacy Amendment:

- Drinking Water Source Protection
- Data Management and Access
- A Center for Emerging Drinking Water Contamination
- Drinking Water Research

Funding: $3.25 million per biennium for source water protection; $1.8 for Center for Emerging Contaminants.

1. **Metropolitan Council Environmental Services (Keith Buttleman)**
   Funding in the amount of $375,000 for 2009 and $750,000 each year thereafter is requested. These funds will be used in the ongoing analysis of water supply availability and identification of acceptable water sources to help communities meet current demands and future growth in the metropolitan area.

2. **Department of Agriculture (Dan Stoddard)** – 2 proposals:
   A. Increased Drinking Water Protection from Ag Chemicals - increase state efforts in response to elevated nitrates in agricultural areas where groundwater is or could be used as drinking water, and to promote practices that will reduce leaching of nitrogen fertilizer to groundwater. Funding Request $1-3 million
   B. Increased Pesticide Monitoring - increase monitoring for pesticides and pesticide degradates in surface water and groundwater. Funding Request $1-2 million

3. **Department of Natural Resources (Jim Japs)**
   Water Supply Management; Funding $2.9-4 million per year; $6-8 million per biennium
   Mapping and characterization of the water resources, monitoring to evaluate resource trends and changes in water levels, and managing uses (planning and permitting) to assure future supplies. Priorities for future work are:
   A. Drinking Water Supply Planning
   B. Aquifer Protection
   C. Observation Wells

4. **Board of Water and Soil Resources (Julie Klocker)**

The Minnesota Board of Water and Soil Resources is not proposing additional money, but recommends that a percentage of our implementation funds be targeted towards implementing source water protection activities. In order to make this work most effectively, she proposed three recommendations for the Clean Water Council's consideration:

1) Group the following categories into one large category: Non-Point Restoration; Non-Point Protection; and Streambank, Stream Channel, Shoreland protection and restoration. She added that this is much easier for us to administer than so many separate budget lines and it is also much easier for their clientele to understand and use.
2) Establish funding principles by determining a percentage of the total funds that should be allocated to each of these three categories: Non-Point Restoration (majority); Non-Point Protection (second largest); and add source water protection to the mix. The streambank and shoreline projects tie into the other categories more neatly than having these

activities as a separate category. Additionally, the recommended percentages can change over time to address future needs.

3) Consider conservation easements as an appropriate tool for source water/drinking water protection in areas where BMP implementation alone will not protect the drinking water supplies. Conservation easements are a good tool that can provide benefits for water quality and therefore should be considered an appropriate recommendation for the Clean Water funding.

5. Minnesota Pollution Control Agency (Shannon Lotthammer)

MPCA has identified four areas of ground water assessment needs:

1. Enhancing MPCA's shallow monitoring well network (which can serve as an "early warning system" for pollution), to better characterize the impacts of land use on ground water quality.
2. Investigating the presence of endocrine disrupting chemicals in ground water.
3. Further enhancing MPCA's data management capabilities to provide access to more ground water data (data and information generated by MPCA, and by other agencies/partners).
4. Providing support to TMDL projects where ground water-surface water interactions are a significant component of the impairment picture.

The estimated cost of meeting these needs is about $3 million for the biennium.

6. Public Facilities Authority (Jeff Freeman) and MPCA (Bill Dunn)

Bill Dunn described the municipal loan and grant programs to finance primarily wastewater and stormwater construction projects and MPCA's role vs. PFA's respective roles. MPCA's role is to prioritize projects to ensure technical and environmental requirements are met, and PFA's role is in the administration and financial management of the loan and grant programs. Dunn also outlined the five-year current financial need, as indicated by the 2009 Project Priority List, totaling $1.8 billion for 261 projects. He noted that impaired waters-related activities are driving up need. Jeff Freeman then described and outlined the specific annual needs for three Clean Water Legacy programs:

A. Small Community Wastewater Treatment Program; Annual need: $1.75-2.25 million
B. Total Maximum Daily Load (TMDL) Grant Program; Annual need: $10-20 million
C. Phosphorus Reduction Grant Program; Annual need: $5-10 million

Lunch

Public Comments, Proposals on Clean Water Funding Recommendations *(handouts are available upon request)*

The following individuals and organizations presented comments and proposals on needs for additional funding:

1. Recommendations to the Clean Water Council on the Importance of Education in the Clean Water Legacy Act - Cliff Aichinger and Tracy Fredin, Hamline University Environmental Education; GreenPrint for Minnesota.

Representatives from the Minnesota Stormwater Steering Committee urge the Clean

Water Council to place an increased emphasis on education in the recommendations outlined in their December 2008 report and proposed budget for CWLA appropriations. They are asked the Clean Water Council to:

1. Add a recommendation to its report to the legislature that specifically addresses education as critical in reaching our clean water goals.
2. Allocate 4%-8% of Legacy funding, or $3.2 – $6.4 million per year for clean water education as a specific line item.

2. Minnesota Agricultural Water Resources Coalition & Discovery Farms (MAWRC) – Warren Formo

MAWRC supports a producer led effort to discover and understand water quality issues at the farm scale; thus facilitating more effective discussion among farmers, researchers, policy-makers, and the general public through a Minnesota Discovery Farms (MDF) program. The MAWRC proposes an ongoing annual budget of $1 million, to allow establishment of 10-12 sites during the 2009 and 2010 crop years.

3. Minnesota Farm Bureau – Chris Radatz

Minnesota Farm Bureau supports using the Minnesota Clean Water Fund:

A. to provide cost-share assistance for farmers for the development of voluntary comprehensive planning tools for nutrient management, manure management, pesticide management, tillage management, water management and conservation;
B. for research and education projects related to agricultural nutrient use and potential water quality impacts – Agriculture Fertilizer Research and Education Council; and
C. for the development and operation of an on-farm research and demonstration program for evaluating the relationship between farming practices and water quality, including the effectiveness of agricultural BMPs – Discovery Farm concept.

4. Clean Water Action – Darrell Gerber

A. The Council should look at ways to bring in projects to be funded through the Public Facilities Authority that don't get funded by the current structure but are better able to meet the environmental requirements of the Council's charge.
B. Begin moving Minnesota's water infrastructure toward 21st Century solutions.

5. University of Minnesota - Bruce Wilson for John Nieber

Proposal Title: Assessing and Monitoring Water Resource Sustainability
Collaborators: University of Minnesota, U.S. Geological Survey, South Dakota State University
Project Duration: Two years Requested Funding Amount: $717,000
This proposal will:

1. Evaluate the long term availability of water in surface- and ground-water components of Minnesota's hydrologic system;
2. Assess the influence of climate and landscape changes on this availability;
3. Map the results for use in protecting drinking waters and planning for water sustainability;
4. Develop a science-based design for monitoring the quality and quantity of Minnesota's water resources.

6. **University of Minnesota - Les Everett**
   A. Technical skills training for public and private service providers
   There is a need for enhanced coordination and delivery of technical skills training for private and public sector personnel involved in clean water projects, in order to develop and maintain technical assistance capabilities statewide.
   Recommendation: Commit $150,000 annually for inter-agency coordination of training, including web site and education materials development.
   B. Tools: Digital Elevation Data
   Recommendation: Finish acquiring LiDAR data for the state by 2012 at approximately $9 million. Begin with the counties of the Minnesota River Basin and those counties south, at $2.5 million, in order to address the current impaired waters in the Basin.

7. **Cannon River Watershed Partnership (CRWP) - Beth Kallestad**
   CRWP proposes the following comments for additional consideration by the Council:
   A. Stormwater - have dedicated funding to assist municipalities, communities, and individuals with monetary assistance in reducing stormwater pollution through projects that are not infrastructure and development of ordinances. Provide funding for the installation of rain gardens, rain barrels, pervious pavers, etc. and to develop land in a way that has the least impact to help reduce pollution from stormwater.
   B. Consider funding educational efforts for all citizens with respect to water quality. CRWP strongly supports the Stormwater Steering Committee on the need for water quality education especially in urban and suburban areas.
   C. Establish a pilot program to fund education and enforcement of the existing state law requiring installation of riparian buffers especially in agricultural areas. At an estimated total salary of $60,000 annually, that's approximately $9,000 annually to enforce per county not including expenses for possible litigation.
   D. Make available a portion of the Clean Water funds to all organizations and citizens of the state of Minnesota, not just through state agencies, by establishing a process similar to that used by the Legislative Citizen Commission on Minnesota Resources (LCCMR), so a portion of the funds are available for projects and activities that meet the goals of improving or protecting water quality.

8. **Minnesota Waters (Citizen's group) - Marian Bender**
   Increasing the Role of Engaged Citizens in Protecting and Improving Minnesota's Lakes and Rivers:
   A. A comprehensive approach to citizen involvement in water quality issues is needed. She said that we should review the existing water quality improvement initiatives to determine where citizen action can dramatically and effectively expand agency efforts.
   B. Minnesota Waters recommends that a board comprising a representative from MPCA, DNR, Department of Health, Dept of Agriculture, and BWSR work with Minnesota Waters to define a comprehensive list of project areas in which citizen volunteers can expand agency capacity.

9. **Minnesota Cities Stormwater Coalition - Randy Neprash**
   Comments - include effectiveness monitoring that focuses on the drainage areas; give greater emphasis to public education; research on urban BMP effectiveness and load allocations; fund the development of compliance tools; support capacity building.

10. **Private citizen - Larry Thompforde, Goodhue County**
    Comments on the existing budget recommendations of the Biennial Report of the Clean Water Council-December 2008 - far too much of the budget is being spent on "monitoring", "technical assistance", "development", and similar activities that have little to do with the goal of making the surface waters of Minnesota less polluted. These new dollars need to be put into action on sites where they will make a difference in water quality, not in engineering, technical assistance, monitoring, and similar activities.

11. **League of Minnesota Cities – Craig Johnson**
    - Comments in support of funding the backlog of needs we have for wastewater and stormwater infrastructure in Minnesota and the Clean Water Legacy Act-created funds: the TMDL grant program, the Small Community Wastewater Treatment grant and loan program, and the Phosphorus Reduction grant program;
    - Maximize our success by using existing proven programs to deliver the resources communities need to make the actual physical improvements that will lead to water quality gains;
    - Recommend funding for educational components and effectiveness monitoring for both urban and agricultural stormwater BMPs.

12. **MN Stormwater Steering Committee - Cliff Aichinger**
    Recommended staffing to implement the many needs identified in the Stormwater Road Map.

Louis Smith thanked everyone for their time and efforts to provide ideas to the Council. He added that any follow-up thoughts may be sent to Jeff Risberg for another week (until Jan. 14th).

Council Discussion of Next Steps
Louis Smith asked the Council for their general thoughts on the ideas presented. He recommended that the Steering Committee discuss the proposals/comments at their January 8th meeting, and deliver information to the full Council on January 26. Some proposals may be appropriate for work groups to consider.

Steve Pedersen said that the Council needs to be clear about their recommendations, in light of the Clean Water, Land, and Legacy Amendment's requirements that dedicated money must supplement traditional funding sources and cannot be used as a substitute. Pedersen made a motion that the Council's recommendations should <u>not</u> consider previous "one-time funding" the same as existing or traditional funding. Other Council members believe that this was the understanding reached at previous meetings and is alluded to in the December 2008 biennial report, but agreed that this should be documented through a formal motion.

Victoria Reinhardt seconded Pedersen's motion. The motion carried.

Gaylen Reetz offered an idea for categorizing the proposals and reminded the group that there is approximately another $70 million estimated to be generated for the biennium from the constitutional amendment that the Council did not address in its December report to the Legislature. He then listed these categories and the range of funding needed according to the proposals provided at the meeting:

Drinking Water Source Protection	17 – 23 million
Infrastructure	35 – 65
Education	6- 12
Research/Tool Development	5 – 10
TOTAL	$63 – 110 million

He added that the Council avoid project-specific recommendations, which is more appropriate for the Legislature, and advise on scale rather than specifics. Other members noted that the short timeframe to provide these recommendations precluded more specific proposals as well. There was consensus that this approach, as characterized in the above categories, was an appropriate place for the Steering Committee to use in drafting final recommendations for consideration at the 1/26 Council meeting.

Steve Woods offered that the identified need be considered in light of BWSR's listening sessions held across the state in December. BWSR is putting together a summation and Steve Woods suggested that BWSR Executive Director John Jaschke present the results of the listening sessions to the Council at the 1/26 meeting. Steve summarized the common themes BWSR heard from the public at the sessions and said that they were largely consistent with several of the comments the Council heard from the public:

- Expectation that you do something on the ground
- Lag time in getting this up and running
- Local governments have pared down over the years, so need to build local capacity and landowner expectations – marketing needs.
- Build on what's been done
- Transparency – citizen doesn't understand how government works – how this will get done.

Dave Bennett asked whether the proposed federal stimulus package should be taken into account as another source of infrastructure funding. Brian Davis and other members expressed that the Council should not consider this and it would be a short term, temporary source for longer term, substantial needs.

Scott Hoese and Earl Bukowski expressed support for additional spending on education and civic engagement.

Del Haag noted that he is concerned about proposals that require staffing increases that may not be sustainable if funding ends.

3:00 p.m.: The meeting was adjourned. Louis reminded members that the next meeting will be held on 1/26 at the Minnesota Judicial Center.

Clean Water Council Meeting Agenda

Monday, January 26, 2008
9:00 a.m. – 2:30 p.m.
Minnesota Judicial Center, Room 230
25 Rev. Dr. Martin Luther King Jr. Blvd, St. Paul

9:00 **Full Council Convenes**

9:00-9:15 **Introduction and Updates**
1. Approve 1-5-09 Meeting Minutes
2. Council Introductions and Updates

9:15-11:00 **Report from the Steering Committee on Additional Budget Recommendations to the Legislature**

Break (approximately 10:15)

11:00-11:15 **Elect Chair and Vice Chair** (two-year term)
1. Submit final nominations
2. Vote

11:15-12:00 **Report from BWSR on Public "Listening Sessions"** (John Jaschke)

12:00 **Adjourn meeting of full Council**

12:00-12:30 **Lunch**

12:30-2:30 **Work Group meetings** (*work group chairs to develop agendas)*
The following assigned rooms are available for your use until 2:30 p.m.

- **Prevention and Monitoring Work Group** - Room 225
- **Civic Engagement & Local Partnerships Work Group** - Room 220
- **TMDL Development & Implementation Work Group** - Room 230
- **Measurable Outcomes & Research Work Group** - Room 230

Next Meeting: Monday, February 23, 2009 (due to Presidents' Day Holiday on 2/16)

Clean Water Council Meeting Minutes
Monday, January 26, 2009
9:00 a.m. – 2:30 p.m.
Minnesota Judicial Center, Room 230
25 Rev. Dr. Martin Luther King Jr. Blvd, St. Paul

Council members present: Marilyn Bernhardson, Earl Bukowski, Brian Davis, Keith Hanson, Scott Hoese, Larry Kramka, Joe Martin, Bill Moore, Steve Pedersen, Gaylen Reetz, Victoria Reinhardt, Louis Smith, Sarah Strommen, Deb Swackhamer, Paul Torkelson, Steve Woods, Terri Yearwood.
Absent: Dave Bennett, Pam Blixt, Del Haag, Chris Kolbert, Gary Pedersen.

9:00 a.m.: Convened Full Council Meeting

9:00-9:15: Introduction and Updates
Chair Louis Smith convened the meeting and asked for approval of minutes from the 1/5/2009 meeting. Victoria Reinhardt made the motion and Keith Hanson seconded it. Council members introduced themselves and some provided updates. Audience members also introduced themselves.

Council member updates:
- Brian Davis talked about the Governor's trade trip to Israel and the water projects in Israel.
- Sarah Strommen attended an Outdoor Heritage Rally. The main themes she heard were: coordination between the Lessard Council and Clean Water Council is important to citizens; it's not just about infrastructure, but also about clean water; accountability and results.
- Steve Woods said BWSR held listening sessions around the state, and they are participating in interagency coordination on the constitutional amendment funds.
- Keith Hanson mentioned the MEI process discussing the Stormwater Road Map, and how to streamline delivery mechanisms.

Dean Maraldo from EPA's Region 5 TMDL Program was introduced. He said Minnesota is in the upper echelon of TMDL programs, with an emphasis on implementation. Measuring outcomes and success is very important and difficult to do; Minnesota has a pilot project for measuring effectiveness. EPA gives out about $1 million per region for TMDL projects - Minnesota is getting support for a number of projects.

Paul Torkelson said legislation has been drafted about the charge and composition of the Clean Water Council (CWC). Louis Smith said there is some interest in having the CWC look more like the Lessard Council - more Legislative involvement. Paul said that he is drafting legislation.

Meetings and speaking requests:
- Louis: MN Waters is having a Citizen's Forum in Minnetonka on the dedicated funding.
- BWSR invited the chairs of the CWC and Lessard Council to speak to the BWSR Board.
- Rep. Wagenius invited Louis to speak to a joint hearing of her committee, Environmental & Natural Resources Finance, and Rep. Mary Murphy's committee, Cultural & Outdoor Heritage Finance, on Wednesday morning.

9:15-11:00: Report from the Steering Committee on Additional Budget Recommendations to the Legislature

Budget table - Louis described the steering committee's process for additional budget recommendations, as noted in a draft addendum to the December 2008 biennial report, including:

1. 5 % for Drinking Water Protection
2. Public Education & Civic Engagement – many comments on the importance of this; additional funding is recommended in response to the comments we received.
3. Research and Development
4. Wastewater and Stormwater Infrastructure - largest area of funding need concerns wastewater and storm water infrastructure.

The additional recommendations were integrated into the original budget recommendations. Louis explained that the total budget was slightly higher than the potential budget for sales tax receipts (difference between the $74 versus $70 million) and noted that the number could be different since the Legislature will ultimately make the final decision.

<u>Comments from the other steering committee members</u>

Marilyn Bernardson said the civic engagement group met and they would like to put forward their plan. This is a very important topic. They plan to break into two groups; rural and metropolitan, because the issues are different, and invite presenters to present success and failure stories to the group. They haven't yet attached dollar amounts to areas. They are staying away from a statewide campaign because working at the local level is more effective. There is no timeline yet. They are open to other ideas; if anyone has other ideas, please contact Marilyn.

Victoria Reinhardt said we've learned a lot about education from solid waste and toxicity reduction programs. Hopefully lessons learned from other programs will be used. It's important to have some statewide coordination; implement at local level.
Marilyn responded that they have heard from recycling successes, and they recognize it is important to get state agency buy-in.

Louis said we should be mindful that our public testimony and comments offered ideas including some from nongovernmental organizations. How about the idea that a state agency could have a fund from which it could develop grant criteria to fund water quality education activities?
Steve Woods said it fits with what BWSR does; they could implement education along with projects. U of MN Extension and OEA (now part of MPCA) can help with implementing educational efforts. Brian said all of the agencies need to be involved. Marilyn responded that they have requested agency representation through this process.

Louis said that protection is important; there is a statewide work group working on this. Marilyn said her group worked on restoration and also included protection. Deb Swackhamer can provide a connection to staff in extension at the U of MN.

Sarah asked if the additional recommendations in the addendum are on top of original budget recommendations. Louis said we need language describing how the additional budget items were developed.

Discussion about the meaning of education and civic engagement:
Members discussed the meaning of education and civic engagement; whether including civic engagement in the January addendum is repetitive of the original budget item; will this look redundant to the Legislature?
Some of the proposals in the addendum included some civic engagement activities (Discovery Farms, etc.) as well as education. The original budget included civic engagement in TMDL Development; the addendum is about other civic engagement and education. Members decided to provided an explanation of civic engagement in the cover letter

Louis Smith: *We recommend $8 million in funding through the Board of Water & Soil Resources prevention & assistance. .that engage citizens to engage in practices to protect and improve water quality.*

Sarah Strommen offered a friendly amendment to add other agencies to the sentence; other agencies are also involved in civic engagement activities so it should be available to all the agencies.
There was discussion about providing education funds to BWSR as the financial arm rather than list out all the state programs, or leaving that decision to the Legislature to determine. The question was raised about whether education also includes technical training.

Scott Hoese made a motion to accept Louis' additional sentence. Brian Davis seconded the motion.
Louis: *We recommend $8 million in funding through state agencies…to protect and improve water quality…to local units of government & non government organizations that engage citizens …and provide technical training.*

Deb S. offered an amendment to add; *to provide technical skills training for public and private service providers.*
Keith Hanson seconded the amendment. A vote was taken with 6 members in favor of the amendment and 5 opposed. The amendment passed. A vote was taken on the motion to add a sentence to the cover letter for the budget recommendations. Motion passed.

Research & tool development budget recommendation:
Louis asked if there were any changes to this item.

The discussion that followed included references to the strong support for LiDAR in the Steering Committee; that any research has to provide answers in the near term and show the public that this money is providing water quality enhancement early on; and to recognize the research of the Water Resources Center.
Brian Davis moved that we add references to LiDAR & the Water Resources Center Report on Impaired Waters Research Needs. Jeff Risberg said that there is a reference to the Water Resources report in Council's December report. We could add a reference to that in the letter.

Louis Smith reminds the Council that we are making recommendations at the program level rather than the project level. Members agreed, but felt that LiDAR is important and it is a big budget item, and it can serve as an illustrative example. Also, local governments want this, it is a crucial tool.

Restate amendment - research; Water Resources Symposium. Deb S.: *to provide research priorities for research opportunities (see also recommendation 6).*
Louis: Further discussion?
Brian restated the amendment: Note that LiDAR and the research priorities from the Impaired Waters Research Symposium, Water Resources Center report are good illustrations of the opportunities.

Motion to adopt. Brian moved and Scott seconded. The vote was taken on the amendment, and the amendment carries. Brian made a motion to adopt language with amendment in it and Deb S. seconded the motion. Members agreed the previous vote was on the original motion to adopt language and included the amendment.

<u>Drinking Water Source Protection:</u>
Louis: Drinking Water Source Protection language…any comments? No comments.

<u>Wastewater and stormwater infrastructure:</u>
There was a request for clarification whether funds for PFA were included in the original recommendation. The original budget recommendation didn't include any funding for PFA. The Legislature is making recommendations for the whole biennium.

Steve Pedersen made a motion to adopt the report as amended. Scott Hoese seconded the motion. Motion passed.

Steve Woods provided a diagram of what the package would look like and drew a pie chart with the following components:
<u>Steve Woods – diagram (pie chart):</u>
65% Implementation – NPS, WWTP
21% - Monitoring, TMDL
14% - Education, Research Drinking Water
Keith Hanson made a motion to include the narrative for the pie chart in the cover letter. Deb S. seconded the motion. Scott Hoese offered a friendly amendment to also include the pie chart in the letter. Motion passed.

10:30 a.m. – there is some time for brief comments from the audience
Darrell Gerber, Clean Water Action said he has heard concerns expressed about whether drinking water source protection is more about water quantity than water quality protection?
Randy Ellingboe responded that there is a source water protection unit at MDH that works with locals on source protection planning. The activities they were talking about are primarily about water quality not water quantity.
No other comments from the public.

Break

11:00-11:15 Elect Chair and Vice Chair (two-year term)
Comments from Louis Smith on the work of the Council: he enjoyed serving as chair and working with everyone. The nominations for Chair are Marilyn Bernardson and Victoria Reinhardt. Are there any other nominations? There were none. The Chair declared nominations closed. The nominees each gave a statement.

Louis Smith called for a hand vote and Marilyn was elected chair.

Deb Swackhamer offered a resolution to thank Louis Smith for his work with the Council, and for setting high standards for the Chair;

"The Council thanks Louis Smith for his exemplary and excellent leadership of the Council as its first Chair, for establishing the workings of the Council and in setting a high standard of professionalism and productivity of the Council."

Brian seconded the motion.

Louis Smith: The Vice Chair nominee is Pam Blixit. Are there any other nominations?
Deb S. nominated Victoria Reinhardt; Brian seconded; motion to close nominations. A hand vote was taken and Victoria Reinhart was elected.

Marilyn said Louis agrees to help out when she can't come. Deb S. made a motion to keep the past chair on the steering committee for 2 years. Brian seconded. Marilyn called for a vote and the motion passed. The Council voted that the past Chair (Louis Smith) will serve on the steering committee for two years. It was noted that the vice chair also can be turned to, to fill in if necessary.

Marilyn asked for input on any other issues and the following was discussed:
- There was discussion of the agenda items for the February meeting.
- The Steering Committee hasn't had time to do work planning for 2009.
- Keep the Council informed when there will be testimony for the Legislature.
- The recent email about per diem and speaking requests was brought up. Members should send speaking requests to the Chair for pre-approval.

Report from BWSR on Public "Listening Sessions" (John Jaschke)
Jaschke provided a handout and an overview of the statewide series of listening session with the public. There were several common themes heard throughout the sessions, including:
- improve habitat and protect clean water
- multiple benefits projects – a mutual goal of BWSR's
- engaging local governments – connecting this to the citizens
- outcomes need to be broad-based
- need behavior changes as well as infrastructure; results clear, accountable and measurable

- value in protection – especially in the northern part of the state

Questions or comments:
Deb S. said many of comments are similar to those on the Statewide Conservation Plan, which has been finalized and is on the web. She can bring CDs for everyone. It's good to see the consistency on public comments for both.

Louis: this echoes many things we've already heard. How do you leverage the efforts of the Heritage Council and CWC?
Jashke: No one has a really good idea about that – some things are primarily water quality, some are habitat based – it's mostly habitat. Many things that have multiple benefits, still working on how to sort that out. BWSR is preparing a list of projects that are ready or will be ready for funding.
Paul asked how we will coordinate water quality and habitat efforts. Do we need to reprioritize our projects based on habitat or water quality?
Jashke: habitat projects are in 4 categories and the focus is on projects ready to go in one year:

1. Wetlands
2. Lakes and streams
3. Forests
4. Prairie

Steve W. said the eLink tracking database for implementation projects can provide some information. There are multiple funding sources for these fixes. Locals use various grant programs to accomplish their goals.

Full council meeting adjourned

12:00-12:30 Lunch

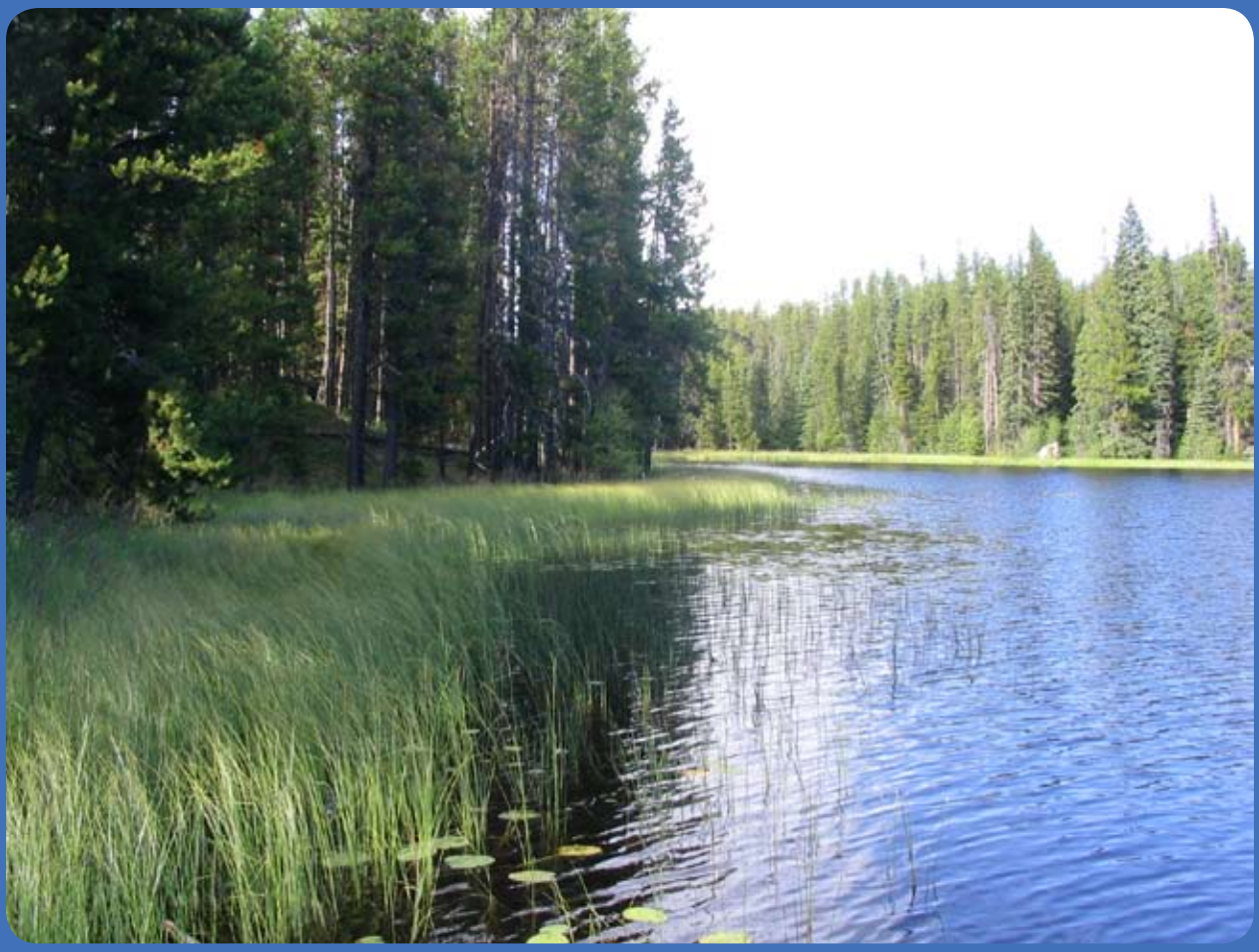
12:30-2:30 Work Group meetings (*work group chairs to develop agendas)*
The following assigned rooms are available for your use until 2:30 p.m.

- **Prevention and Monitoring Work Group** - Room 225
- **Civic Engagement & Local Partnerships Work Group** - Room 220
- **TMDL Development & Implementation Work Group** - Room 230
- **Measurable Outcomes & Research Work Group** - Room 230

Next Meeting – February 23, 2009 – at the Freeman Building, Room B145

Biennial Report of the

Clean Water Council



Clean Water Legacy Act: Progress and Recommendations

December 2008

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Clean Water Council membership (as of October 2008)

Left to right, back row: **William Moore** — Metropolitan Council, **Steve Woods** — Board of Water and Soil Resources, **Delvin Haag** (Buffalo) — cities, **David Bennett** (Burnsville) — fishing organization, **Marilyn Bernhardson** (Redwood Falls) — soil and water conservation districts, **Louis Smith** (Minneapolis) — lakes and streams nonprofit organization, **Terri Yearwood** — Department of Natural Resources, **Joe Martin** — Department of Agriculture, **Christopher Kolbert** (St. Charles) — hunting organization.

Front row: **Gary Pedersen** (Dover) — township officials, **Earl Bukowski** (Sauk Rapids) — rural counties, **Pamela Blixt** (Minneapolis) — watershed districts, **Sarah Strommen** (Ramsey) — environmental organization, **Victoria Reinhardt** (White Bear Lake) — metro-area counties, **Gaylen Reetz** — Minnesota Pollution Control Agency, **Keith Hanson** (Duluth) — businesses.

Not pictured: **Brian H. Davis** (St. Paul) — environmental organization, **Scott Hoese** (Mayer) — statewide farm organization, **Steven Pedersen** (Coon Rapids) — businesses, **Deborah Swackhamer** (Stillwater) — state higher education system, **Paul Torkelson** (St. James) — statewide farm organization

Our thanks to former members who served in 2007 & 2008: **David Jeronimus** — businesses, **Bob Vogel** — counties, and **John Greer** — cities.

Contact: Louis Smith
Chair, Clean Water Council
(612) 344–1400
smith@smithpartners.com

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Executive summary

Enacted in June 2006, the Clean Water Legacy Act (CWLA) established the Clean Water Council. The 23-member Governor-appointed Council's mission is to advise Minnesota's legislative and executive branches on the administration and implementation of the CWLA and to facilitate coordination between all stakeholders playing a role in achieving clean water for Minnesotans. The Council was officially launched in March 2007.

As required by the CWLA, the Clean Water Council has prepared policy and funding recommendations for FY2010 and 2011 (see detailed budget summary on page 9), including:

- **Funding for monitoring and assessment.** The Council recommends funding for monitoring and assessment at $14.89 million in FY2010–2011. This is consistent with the one-time funding of $14.89 million in FY2008–2009. At this funding level, 100 percent coverage of priority waters can be achieved in all major watersheds on a 10-year cycle.
- **Funding for TMDL development.** The Council recommends funding for TMDL development at $20.61 million in FY2010–2011. This is equal to FY2008–2009 one-time funding levels, which increased the capacity of state and local governments to adequately develop TMDL studies on a timely basis. Progress will further improve if this funding level is met while adopting a major watershed approach (further described on page 4 of this report).
- **Ramp-up restoration and protection efforts.** There is a broad and growing need to restore impaired lakes, rivers and streams and to prevent clean waters from becoming impaired. The Council recommends $61.42 million for FY2010–2011, compared to one-time funding of $18.5 million in FY2008–2009, to begin meeting this need.
- **Infrastructure investments.** There is a growing need to improve wastewater and stormwater treatment. Specific budget recommendations from the Council will be provided for the 2009 Legislative session.
- **Invest in civic engagement to enhance long term success of restoration and protection efforts.** To meet the civic engagement goals of the CWLA, the Council recommends $1.8 million for the biennium to develop and test a civic science program in targeted watersheds.
- **Define and report on performance measures to track CWLA effectiveness.** The Council developed an effectiveness tracking and reporting framework to meet the CWLA's call for outcome related performance measures. State agencies will further define and begin reporting on specific measures in 2009.
- **Support high priority research to more effectively address impaired waters.** The Council sponsored and utilized the results of a research symposium, convened by the University of Minnesota Water Resources Center, that brought together over 150 policy-makers and practitioners to identify critical research needs. The Council recommends that state agencies prioritize their research dollars to meet these needs.

Mississippi River confluence with St. Croix River upstream of Lake Pepin shows impacts of turbidity on water clarity.

Constitutional Amendment

The Council strongly supported the need for a long-term source of funding for water quality restoration and protection in Minnesota and adopted a resolution on this issue in January 2008 (see Appendix 2). Since the proposed "Clean Water, Wildlife, Cultural Heritage, and Natural Areas" amendment to the state constitution was adopted by the voters in the 2008 general election, the Council encourages the Legislature to fully fund the activities identified in this report. The Council will also be recommending additional funding and capital bonding to meet infrastructure and other critical needs.

Introduction and purpose of this report

This report fulfills Clean Water Legacy Act requirements (see Appendix 1) for the Council to prepare the following:

- A biennial report to the legislature on the activities for which money has been or will be spent for the current biennium, and the activities for which the money is recommended to be spent in the next biennium.
- An implementation plan that explains Minnesota's framework for identifying and cleaning up impaired waters, addressing general procedures and timeframes, and establishing priorities.

Minnesota's impaired waters and federal requirements

The federal Clean Water Act (CWA) requires states to monitor and assess all waters, list waters not meeting water quality standards, conduct Total Maximum Daily Load (TMDL) studies to identify the cause of each impairment, set pollution reduction goals to attain standards, and implement corrective measures to restore waters.

About 40 percent of Minnesota's waters are impaired. As of 2008, a total of 2,575 impaired lake and steam segments have been identified. With only 14 percent of the state's river miles and 18 percent of its lakes assessed, the number of impaired waters is likely to grow substantially in the years ahead.

"The purpose of the Clean Water Legacy Act is to protect, restore, and preserve the quality of Minnesota's surface waters by providing authority, direction, and resources to achieve and maintain water quality standards for surface waters as required by section 303(d) of the federal Clean Water Act."

— MN Statutes114D.10, (sub. 1)

Minnesota's Clean Water Legacy Act

To meet Clean Water Act requirements, Minnesota's CWLA was enacted in 2006 to:

- Accelerate assessment of Minnesota's waters.
- Provide resources to develop TMDL studies.
- Target additional financial resources to existing state and local programs designed to restore impaired waters and protect water quality for those waters that are unimpaired.
- Leverage additional federal, local and private resources where possible.

The 2006 CWLA provided one-time funding of $24.95 million for identified clean-water priorities to be funded through the Minnesota Pollution Control Agency (MPCA), Department of Natural Resources (DNR), the Board of Water and Soil Resources (BWSR), the Minnesota Department of Agriculture (MDA), and the Public Facilities Authority (PFA). The 2007 legislative session resulted in a one-time appropriation of $53.975 million for the FY2008–2009 biennium.

The CWLA was created by the Legislature following several years of work by a broad coalition of state and local governments, environmental and conservation organizations, businesses, and agricultural interests who led efforts to secure passage of the bill. The Clean Water Council was formed with this spirit of collaboration in mind.

The TMDL process

Assess the state's waters → List those that do not meet standards → Identify sources and reductions needed (TMDL Study) → Implement restoration activities → Evaluate water quality

Accomplishments of the Clean Water Council

Since its formation in early 2007, the Clean Water Council has:

- Met on a monthly basis to develop policy and budget recommendations on the implementation of the Clean Water Legacy Act (see following pages).
- Discussed strategies with a wide range of experts in water policy and resource management.
- Provided input on agency CWLA-funded programs.
- Provided recommendations to the Governor on the PFA's 2008 capital budget request.
- Sponsored and utilized the results of a research symposium, convened by the University of Minnesota Water Resources Center, that included more than 150 scientists, policy makers and practitioners to discuss the current state of water-quality research in Minnesota and identify gaps for impaired waters (see Appendix 3).
- Developed an effectiveness tracking and reporting framework to meet the CWLA's call for outcome-related performance measures (see Appendix 4).

Council strategies

The Council developed its "Mission, Authority and Organizing Principles" (Appendix 5), and a work plan further defining how it will fulfill its statutory requirement to advise the implementation of the CWLA. The work plan outlines strategies and tasks to address the following needs:

- **Civic engagement** in the impaired waters process.
- **Priority recommendations** for TMDLs, restoration and prevention activities.
- **Work integration** of state agencies to maximize effectiveness of program delivery.
- **Local partnerships** to identify effective solutions, enhance outreach, and seek ways to leverage local expertise and state funding.
- **Measurable outcomes** to gauge program performance.
- **Prevention activities** to protect water quality.
- **Strategic research** needed to protect and restore water quality.
- **Monitoring** needs and ways to better utilize government agencies and citizen volunteers.

The Council organized itself into four work groups in order to carry out the strategies listed above. See page 10 for work products.

The Council gained insights into stormwater management and low impact development during an urban tour of the Minnehaha Creek Watershed District in September 2008.

Council member Paul Torkelson explains the farming process and the economics of agricultural production to other members, while visiting his farm in St. James, MN. This was part of an October 2007 agricultural and wastewater field tour in southern Minnesota.

Progress and recommendations

A critical goal of the Clean Water Council is to foster coordination and cooperation among all public agencies and private entities concerning water management, conservation, land use, land management, and development plans as relevant to the implementation of the Act. Progress on CWLA implementation from FY2007–2009 indicates that collaboration, particularly between state agencies and local government, is on track.

To build on this progress and implement its strategies, the Clean Water Council's four work groups developed the following policy and funding recommendations for FY2010–2011. The recommendations are designed to help improve the efficiency and effectiveness of Clean Water Legacy Act-supported programs. (See page 9 for a detailed summary of the budget recommendations).

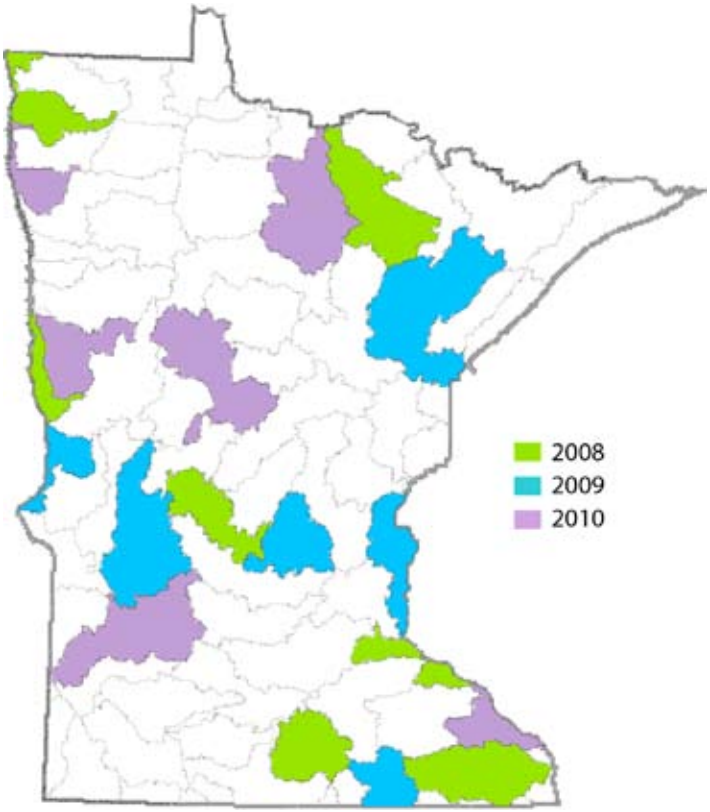
Recommendation 1:

Develop a statewide watershed approach to prioritize and integrate monitoring and assessment, TMDL, and restoration and protection activities

The CWLA called for the Clean Water Council to develop prioritization strategies for restoration and protection activities. To achieve this goal, the Council endorsed a new strategy for a watershed management system (see Appendix 6).

The strategy is based on synchronizing monitoring and assessment, TMDL development, restoration and protection on the major watershed scale (8-digit level watershed, based on the hydrologic unit code). As described in the Council's report, (see Appendix 7), monitoring and assessments will be performed on a 10-year cycle (approximately eight major watersheds per year). The strategy integrates state agency, local government and citizen monitoring. TMDL studies will begin 2–3 years following completion of assessment. The planning process will ultimately result in a watershed plan that integrates both restoration and protection implementation activities.

While this watershed approach is currently being employed for monitoring, the state is in the early stages of integrating TMDL development and restoration/protection activities at the major watershed level. In FY2009 and FY2010, pilot projects will begin with local and state partners to fully integrate all activities into a comprehensive watershed plan.



Major watersheds to be monitored 2008–2010. Pilot projects will begin in 2009 to integrate TMDLs, restoration and protection activities.

Advantages of following an integrated watershed management approach include:

- Enables monitoring of all wastersheds in 10 years.
- Integrates impaired and unimpaired waters into a single watershed management plan.
- Creates a predictable cycle of water management.
- More effectively engages public and stakeholders in watershed planning and implementation activities.

Recommendation 2:

Funding for monitoring and assessment

The Council recommends funding levels at $14.95 million for FY2010–2011, with an emphasis on monitoring lakes and streams using a watershed framework. This is consistent with one-time funding levels in FY2008–2009. At this level of funding, 100 percent coverage of priority waters can be achieved in all major watersheds on a 10-year cycle.

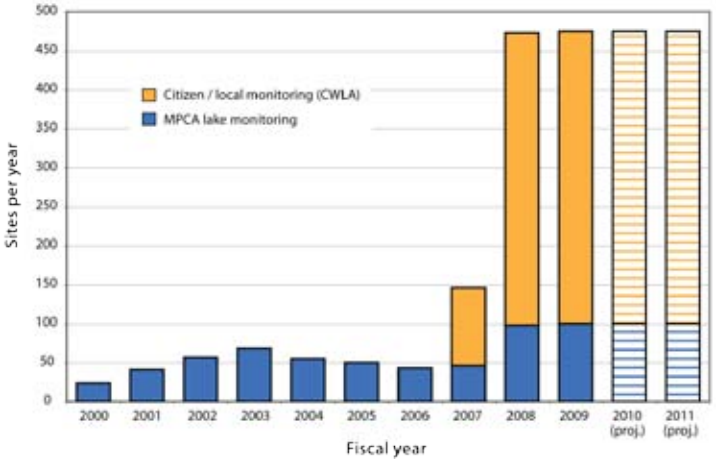
Progress report on monitoring and assessment: The CWLA set a goal to identify the state's impaired waters within 10 years from the Act's passage and to ensure continued evaluation of surface waters for impairments. To achieve this goal, approximately $2.1 million of one-time funding was appropriated for monitoring and assessment in FY2007 and $14.9 million in FY2008–2009.

The Council found that the state's investment in monitoring and assessment activities is paying off. In 2006, only about 18 percent of Minnesota lakes had been assessed for conventional impairments and 14 percent of the state's stream miles. With the FY2008–2009 funding, state agencies are now monitoring at least 100 lakes and 500 stream sites each year, and are on track to assess all of the state's major watersheds on a 10-year cycle (see graphs).

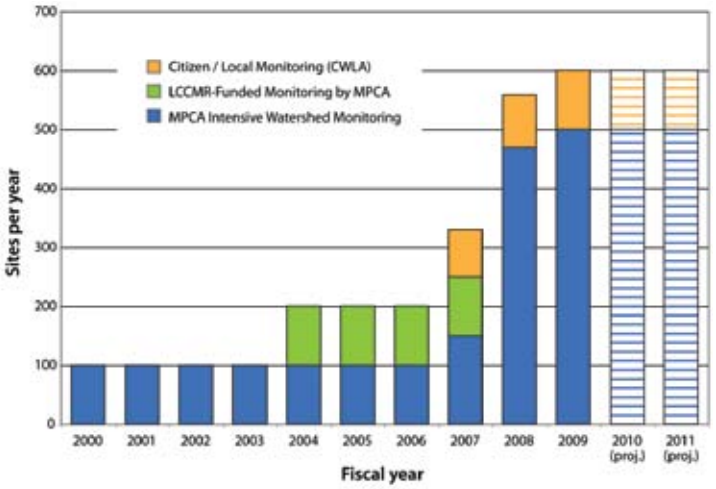
This increased assessment coverage is further supplemented by local and volunteer monitoring efforts funded by CWLA surface water assessment grants, which totaled $3 million in one-time funding in FY2007 and 2008. These grants to local government and citizen groups are being used to sample more than 475 lakes and 150 streams (see graphs). These local projects are integral to the overall monitoring strategy, which relies on local and volunteer efforts to help target state agency monitoring and to enhance the coverage (both spatially and over time) of the monitoring and assessment effort.

Finally, the CWLA has enabled the establishment of water flow and pollutant load monitoring stations at the outlets of each of the state's major watersheds, to provide a long-term record of watershed conditions. The CWLA has also allowed state agencies to monitor 160 additional sites for mercury in fish tissue.

Lake assessment monitoring



Stream assessment monitoring



Monitoring progress from local government, citizens and state agencies, and projections in FY2010–2011 (at recommended funding levels). 'LCCMR' funding refers to a grant from the Legislative-Citizens Commission on Minnesota Resources.

Recommendation 3:

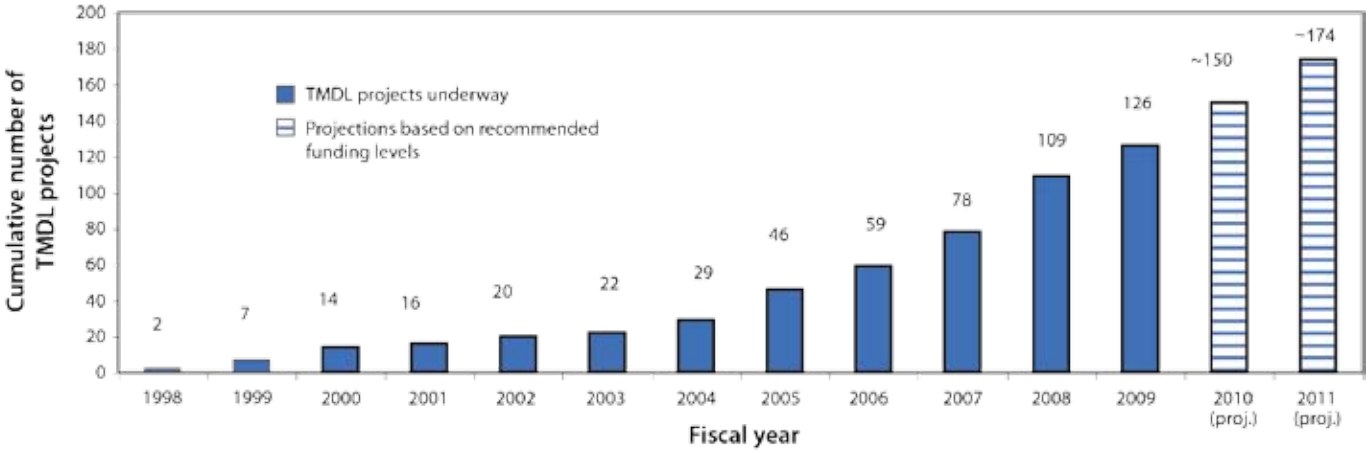
Funding for TMDL development

The Council recommends funding levels for TMDL development at $20.61 million. This is consistent with one-time funding levels in FY2008–2009 and will provide state and local governments with the capacity to develop TMDL studies on a timely basis, and transition to a major watershed approach. This approach will facilitate TMDL studies that address multiple impairments throughout a watershed and more efficiently engage local water management entities and stakeholders. In addition, $0.9 million is recommended in new funding for civic engagement activities in watersheds for TMDL development (see Recommendation 7 for further explanation).

Progress report on TMDLs: The CWLA requires the completion of TMDL studies in a timely manner to meet federal Clean Water Act requirements. An approved TMDL is required prior to permitting new or expanded point sources and is critical for planning environmentally sustainable growth. Prior to CWLA funding, Minnesota had fallen far behind in completing TMDLs on schedule. To remedy this situation, one-time funding of approximately $3.2 million in FY2007 and $20.6 million in FY2008–2009 was appropriated for TMDL development.

As a result of CWLA funding, nearly 50 percent of all waters impaired by conventional pollutants like nutrients, bacteria and sediment (535 of 1,090 total listings), are now being addressed by TMDL projects that are underway (see graph). At this rate, the state is now on track to complete all studies within 15 years after appearing on the impaired waters list, as required by the U.S. Environmental Protection Agency.

TMDL project ramp-up



The cumulative number of TMDL projects underway has significantly increased from FY2007–2009 due to CWLA appropriations. Projections for FY2010–2011 show continued progress at recommended funding levels.

In addition, more than 80 percent of TMDL projects are led by local government agencies. This was an important goal of the CWLA to provide grants for "third-party TMDLs" to qualified local public agencies who can connect with key stakeholders and who often have the best understanding of effective and equitable solutions to pollution problems.

Finally, in 2007, Minnesota achieved a national first when it gained EPA-approval of a statewide mercury TMDL addressing nearly 1,000 mercury impaired lakes and rivers. A year-long stakeholder effort followed that resulted in consensus on an implementation plan that includes unprecedented reductions in mercury from air sources, including an 86 percent reduction from Minnesota's coal-fired power plants.

Recommendation 4:

Ramp-up restoration and protection efforts

To better meet the growing demand of eligible restoration and protection projects, the Council recommends nonpoint source restoration and protection be increased to a level of $61.42 million for FY2010–2011. This total includes $54.92 million for restoration and protection, plus $5.60 million for the Ag BMP loan program and technical assistance. In addition, $0.9 million is recommended in new funding for civic engagement activities related to restoration and protection activities (see recommendation 7).

In FY2007–2008, CWLA grant applications from local units of government for restoration and protection projects exceeded available funds on about a 5 to 1 ratio: $14.3 million was available for $71.9 million in requests. Demand for restoration funding has been growing as more and more TMDL studies and their implementation plans are approved. Approximately $530 million in restoration needs have been identified in the 13 currently approved TMDL implementation plans alone. Total costs for each plan ranged from approximately $300,000 to $108 million, largely depending on the size of the watershed and severity of the problem.

Because of the growing competitive pool of potential applicants, the Council recommends using the following criteria to prioritize grant requests:

- *Fund ongoing projects that have demonstrated success:* The Clean Water Council recommends funding the continuation of restoration projects that are clearly accomplishing their proposed work plans in a timely manner.
- *Fund projects that will show improved water quality in a reasonable amount of time:* It is important to fund a critical mass of projects that can show beneficial effects, particularly for nonpoint sources.
- *Establish grant size requirements that improve cost-effectiveness:* Grant administration costs should be reduced and local cooperation enhanced by utilizing a grant minimum as well as a maximum.

What is a TMDL?

The Clean Water Act requires that states complete a Total Maximum Daily Load study for each water on a state's impaired waters list. The TMDL results in a calculation of the maximum amount of a pollutant the water body can receive and still meet water-quality standards. It also allocates needed pollutant reductions among all the pollution sources. TMDLs involve intensive stakeholder and public input and they must be approved by the U.S. Environmental Protection Agency (EPA). Following approval of the TMDL, restoration activities are implemented to achieve the pollutant reduction goals set in the TMDL.

Buffers on a stream located in the Red River Basin.

- *Require MPCA approval of TMDL implementation plans to attain eligibility for restoration funds:* A TMDL Implementation plan should be approved by the MPCA prior to the opening of the application period to be eligible for restoration funds.

The Council also recommends prioritizing funding for threatened waters that are on the verge of becoming impaired. Specifically, the Council recommends the MPCA, which administers the Clean Water Partnership (CWP) program, to dedicate all CWP appropriations (currently about $5 million per biennium) to protection needs.

In addition, to further enhance statewide protection efforts, the Council recommends the following:

- Provide $0.6 million in new funding for agricultural-related pilot projects, including research on farms evaluating the relationship between water quality and agricultural production practices.
- Fund DNR forest stewardship plans and shoreland management, and better target them to enhance protection.
- Research the connection between incentives, education, regulation and local action to encourage voluntary action by citizens to protect water quality.

Progress report on nonpoint source activities: Approximately $12.3 million in one-time funding was appropriated in FY2007 and $18.5 million in FY2008–2009 to nonpoint source restoration and protection activities. Restoration funding is available for TMDL projects with approved implementation plans, while protection funding is available to activities in approved local water plans that will prevent degradation of unimpaired waters or improve the quality of listed waters prior to the completion of a TMDL.

As a result of pollution reduction activities over the past six years, nine previously impaired waters are now fully meeting water quality standards. Successful restoration can take decades, depending on the severity of the problem.

Nonpoint-source restoration and protection activities are being led by local government and supported by state agencies. In FY2007–2008, there were 98 grants awarded totaling $14.3 million in one-time funding including: 32 led by soil and water conservation districts, 24 led by counties, 17 led by joint powers authorities, 11 led by cities, 10 led by watershed districts, and three led by watershed management organizations. Grant recipients in the initial rounds are constructing an array of urban and agricultural practices, including lakeshore restorations, streambank and gully stabilizations, buffer strips, alternative agricultural drain tile intakes, and bioretention and sedimentation basins.

In addition, $2 million in one-time CWLA-funded agricultural BMP loans have been awarded in watersheds of approved TMDL implementation plans, including upgrading livestock waste systems and rural on-site sewage systems, and purchasing conservation tillage equipment. The agricultural sector also is the focus of continuing research projects on agricultural BMP effectiveness including agricultural drainage BMPs to support TMDL implementation. Also, by early 2009, more than 350 technical service providers will receive training to assist agricultural producers in designing and implementing BMPs.

Recommendation 5:

Infrastructure investments

The Council recognizes that cities across the state have a need for improved infrastructure to provide wastewater and stormwater treatment. The Public Facilities Authority will be providing financial assistance for projects through the Wastewater Infrastructure Fund and TMDL grant programs. The Council will be making additional recommendations to meet these needs, including capital bonding.

Progress report on point source activities: A total of $14.2 million for CWLA programs was appropriated to the Public Facilities Authority (PFA) in 2006–2008 to assist communities with upgrades to wastewater and stormwater facilities discharging directly to impaired waters. An additional $94.9 million was appropriated to the PFA for point source restoration and protection projects through the Wastewater Infrastructure Fund (WIF) and Clean Water Revolving Fund programs (see Appendix 8 for a detailed summary).

In FY2007–2008, PFA funded 26 point source restoration and protection projects (totaling $9.4 million) through CWLA programs, including six technical assistance grants for unsewered communities. During that same timeframe, PFA also provided $26.9 million for eight TMDL implementation projects from the WIF and the Clean Water Revolving Fund programs, approximately eight percent of the total funding through those programs during that period. That percentage is expected to increase significantly in the future due to the growing number and size of TMDL implementation projects. In FY2009, PFA expects to fund up to 12 TMDL implementation projects for $145.6 million from the WIF and Clean Water Revolving Fund programs, more than 60 percent of the total project funding expected from those programs.

Recommendation 6:

Advance research for effective CWLA implementation

"The Clean Water Council and public agencies and private entities shall make use of available public and private expertise from educational, research, and technical organizations, including the University of Minnesota and other higher education institutions, to provide appropriate independent expert advice on models, methods, and approaches used in identifying impaired waters, developing TMDLs, and implementing prevention and restoration" (MN Statutes 114D.35, subdivision 2).

The Council recommends that state agencies continue to allocate funds to research, focusing on the needs identified in the 2008 Impaired Waters Research Symposium Final Report (see Appendix 3). For example, the Council recommends development of a searchable database of past and current Minnesota water-related research. This database inventory will help to ensure that TMDL studies and other impaired waters initiatives will be better equipped with comprehensive, up-to-date technical information on water quality.

Lake Byllesby (Dakota County) is impaired for recreational use due to excessive nutrients.

Recommendation 7:

Invest in civic engagement to enhance long-term success of restoration and protection efforts

The Clean Water Council is charged by the CWLA to "develop strategies for informing, educating, and encouraging the participation of citizens, stakeholders, and others regarding the identification of impaired waters, development of TMDLs, development of TMDL implementation plans, and implementation of restoration for impaired waters" (MN Statutes 114D.35, subdivision 3).

A work group of the Council is focused on developing methods to effectively engage Minnnesota citizens in water quality protection and restoration, including utilizing local watershed partnerships in the development and implementation of TMDLs. This work group has met with a number of experts on stakeholder involvement and citizen education, and researched civic science approaches employed in other states related to water quality.

The work group found that best practices for using civic science principles for water quality projects and a training program need to be developed to increase the number of civic science practitioners and their ability to engage and sustain involvement of citizens and stakeholders. Several models of civic science are being demonstrated in projects in Minnesota and in other states. These should be studied and synthesized for testing in pilot watersheds throughout the State, and ultimately developed into a curriculum for training practitioners.

The Council recommends $1.8 million in the next biennium for the development of civic science best practices, and to test these practices in pilot watershed projects statewide. This total has been split evenly between TMDL and Restoration & Protection funding needs.

Clean Water Council Budget Recommendations

As discussed in the report, the following table summarizes CWLA appropriations in FY2007–2009, and the Council's proposed budget recommendations for FY2010–2011.

CWLA Funded Activities (dollars in millions)	FY07 (one-time funding)	FY08–09 (one-time funding)	FY10–11 Recommendations
Water Quality Assessment & Monitoring			
State, citizen and local monitoring activities	$2.140	$14.524	$14.524
Endocrine disruptor monitoring/analysis	_	$0.375	$0.375
Subtotal	$2.140	$14.899	$14.899
TMDL Development			
TMDL development and technical assistance	$3.170	$20.610	$20.610
Civic engagement in TMDL development	_	_	$0.900
Subtotal	$3.170	$20.610	$21.510
Nonpoint Source Protection & Restoration			
Nonpoint restoration/cost share/ incentive payments	$1.500	$3.316	$19.320
Nonpoint restoration engineering/technical assistance	$2.250	$3.000	$6.000
Nonpoint protection activities	$1.410	$1.000	$10.000
Stream bank, stream channel, lakeshore, roadside protection and restoration projects (SLR)	$1.000 (bonding)	_	$4.000
Reporting, evaluation & research	$0.600	$0.400	$0.600
County ISTS	$0.730	$2.450	$5.000
Imminent threat/failing ISTS grants	_	$1.000	$2.000
Feedlot water quality grants	_	$3.000	$6.000
AgBMP Loan Program	$1.200	$2.500	$5.000
Agricultural technical assistance (including pilot projects)	$0.400	$0.400	$0.600
Research on agricultural BMP effectiveness & load allocations	$0.800	$1.100	$2.000
Riparian land protection	$1.340	_	_
Civic engagement in restoration & protection activities	_	_	$0.900
Subtotal	$11.230	$18.166	$61.420
TOTAL	$24.950*	$53.975	$97.829**

* *Includes $8.41 million for point source restoration and protection funding. See Appendix 8 for a detailed summary of 2006–2008 capital bonding appropriations and FY2007–2009 spending for point source protection and restoration projects.*

** *As noted in the report, the Clean Water Council will be recommending additional funding and capital bonding to meet infrastructure and other critical needs.*

Appendices

1. Complete text of the Clean Water Legacy Act: www.revisor.leg.state.mn.us/bin/getpub.php?pubtype=STAT_CHAP&year=2006&section=114D
2. "Resolution to support long term funding of the Clean Water Legacy Act", adopted January 28, 2008. Available on the Clean Water council website at: www.pca.state.mn.us/water/cleanwatercouncil/resolution-12808.pdf
3. Impaired Waters Research Symposium Final Report: http://wrc.umn.edu/newsandevents/impairedwaters/index.html
4. Effectiveness Tracking and Reporting Framework for Implementing the Clean Water Legacy Act
   a. Final report and addendum: http://wrc.umn.edu/outreach/cwlatracking/index.html
   b. For more information on this project and the series of meetings which led to the development of the effectiveness tracking framework, see: http://wrc.umn.edu/outreach/cwlatracking/
   c. Clean Water Council "Resolution to endorse effectiveness tracking and reporting framework for clean water protection and restoration measures" (adopted August 18, 2008) available at: www.pca.state.mn.us/water/cleanwatercouncil/resolution-81808.pdf
5. Clean Water Council "Mission, Authority and Organizing Principles"

   This document was created and approved by the Council in November 2007 to clarify their statutory charge and the principles around which they would base their work plan. Available on the Clean Water Council website at: www.pca.state.mn.us/water/cleanwatercouncil/cwc-mission.pdf
6. Clean Water Council "Resolution to endorse watershed framework for monitoring, assessment, planning and restoration of impaired waters" (adopted June 16, 2008) available at: www.pca.state.mn.us/water/cleanwatercouncil/resolution-61608.pdf
7. "Watershed Approach to Condition Monitoring and Assessment". Available on the Clean Water Council website at: www.pca.state.mn.us/water/cleanwatercouncil/cwc-publications.html
8. Point Source Protection and Restoration Funding. Available on the Clean Water Council website at: www.pca.state.mn.us/water/cleanwatercouncil/cwc-publications.html

Attachment A: Clean Water Council budget recommendations (January 2009)

The following table summarizes Clean Water Legacy Act (CWLA) appropriations in FY2007–2009, and the Council's proposed budget recommendations for FY2010–2011.

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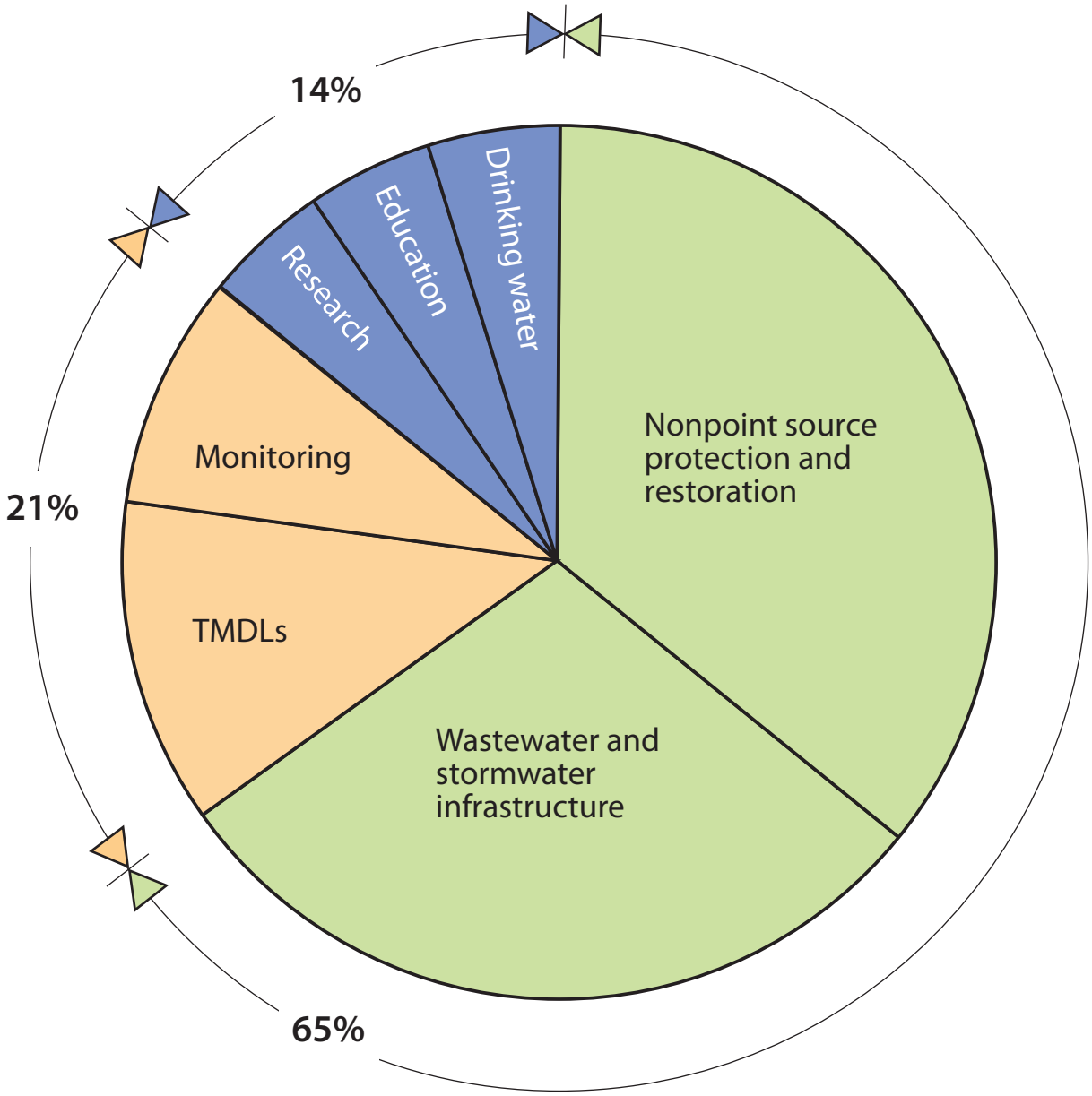
Nonpoint restoration/cost share/ incentive payments	$1.500	$3.316	$19.320
Nonpoint restoration engineering/technical assistance	$2.250	$3.000	$6.000
Nonpoint protection activities	$1.410	$1.000	$10.000
Stream bank, stream channel, lakeshore, roadside protection and restoration projects (SLR)	$1.000 (bonding)	_	$4.000
Reporting, evaluation & research	$0.600	$0.400	$0.600
County ISTS	$0.730	$2.450	$5.000
Imminent threat/failing ISTS grants	_	$1.000	$2.000
Feedlot water quality grants	_	$3.000	$6.000
AgBMP Loan Program	$1.200	$2.500	$5.000
Agricultural technical assistance (including pilot projects)	$0.400	$0.400	$0.600
Research on agricultural BMP effectiveness & load allocations	$0.800	$1.100	$2.000
Riparian land protection	$1.340	_	_
Civic engagement in restoration & protection activities	_	_	$0.900
Subtotal	**$11.230**	**$18.166**	**$61.420**
January 2009 Addendum			
Wastewater and stormwater infrastructure	$8.410	$0.300	$50.0
Drinking water source protection	_	_	$8.0
Education and public engagement	_	_	$8.0
Research and tool development	_	_	$8.0
Subtotal	**$8.410**	**$0.300**	**$74.0**
TOTAL	**$24.950**	**$53.975**	**$171.829**

Attachment B: Clean Water Council FY2010–2011 recommendations by budget category



65% of the Clean Water Council's recommended biennial budget is devoted to implementation of restoration and protection activities.

21% of the budget is recommended for water-quality monitoring and TMDL development.

14% to drinking water, education and research.

Clean Water Council

January 27, 2009

The Honorable Ellen R. Anderson
Chair, Environment, Energy & Natural Resources Budget Division
Minnesota State Senate, Capitol Building, Rm 120
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

The Honorable Satveer Chaudhary
Chair, Environment & Natural Resources Committee
Minnesota State Senate, Capitol Building, Rm 205
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155-1606

The Honorable Mary Murphy
Chair, Cultural & Outdoors Finance Division
Minnesota House of Representatives
343 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, Minnesota 55155

The Honorable Kent Eken
Chair, Environment Policy & Oversight Committee
Minnesota House of Representatives
575 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, Minnesota 55155

The Honorable Jean Wagenius
Chair, Environment & Natural Resources Finance Division
Minnesota House of Representatives
449 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, Minnesota 55155

Dear Committee Chairs:

We are pleased to present the Clean Water Council's recommendations for the FY2010-2011 budget. This letter supplements the Council's December 2008 Biennial Report to the Legislature (copy enclosed; also online at http://www.pca.state.mn.us/water/cleanwatercouncil/cwc-publications.html). We welcome the opportunity to discuss our recommendations with you in the weeks ahead.

Our December 2008 report, required by the Clean Water Legacy Act, included $97.8 million in budget recommendations for clean water activities in FY2010-2011. This January 2009 addendum adds a total of $74 million for the biennium with new recommendations for wastewater and stormwater infrastructure, drinking water source protection, and other critical needs.

In developing this addendum, the Council reviewed proposals from a wide range of state and local government agencies, interest groups and citizens. This input was critical to better understand and refine the categories of need described in our December report. Therefore, the additional recommendations included in this letter focus on the larger purposes of those categories, rather than on specific projects.

The Council's recommendations are timely given the Clean Water, Land and Legacy Amendment to the state constitution, approved by the voters last November. We encourage the Legislature to fully fund the activities (see Attachment A) identified in our December report and this January addendum for FY2010-2011, to meet the Amendment's water quality protection and restoration goals.

Wastewater and stormwater infrastructure: $50 million
The Council recognizes that cities across the state need improved infrastructure to meet wastewater and stormwater treatment needs to both prevent and restore impaired waters. Our recommendation of $50 million over the next two years will meet the need estimated by the Public Facilities Authority for the following Clean Water Legacy programs:

- Total Maximum Daily Load (TMDL) Grant Program *(biennial need: $20-40 million);*
- Phosphorus Grant Program *(biennial need: $10-20 million);* and
- Small Community Wastewater Treatment Program *(biennial need: $3.5-4.5 million).*

Drinking water source protection: $8 million
At least 5 percent of the newly-created Clean Water Fund is to be spent to protect drinking water sources**.** The Council recommends $8 million for source water protection over the next two years. In addition, our December 2008 report's budget recommendations included nonpoint source protection and restoration measures which may be applied to protect surface water and groundwater that are drinking water sources. The combined recommendations are a significant step forward to meet this critical need.

Education and public engagement: $8 million
The Council believes that this additional investment in education and public engagement is warranted to help the public understand their role in prevention and local water quality issues. We recommend $8 million in funding through state agencies for water quality education and public engagement grants to local units of government and nongovernmental organizations that engage citizens in practices to protect and improve water quality, and provide technical skills training for public and private service providers.

Research and tool development: $8 million
The Council believes that essential research is needed to improve best management practices, develop new analysis tools, and accelerate program effectiveness, through initiatives such as high resolution topographic mapping (e.g., LiDAR) and the research priorities identified in the Final Report of the 2008 Impaired Waters Research Symposium, convened by the University of Minnesota Water Resources Center (see "Recommendation 6" in our December Biennial Report).

Again, please see the attached table for the complete list of budget recommendations from the Council's December 2008 report and January 2009 addendum. In total (see Attachment B), nearly two-thirds (65 percent) of the Clean Water Council's recommended biennial budget is devoted to implementation of point- and nonpoint-source restoration and protection activities. Another 21 percent of the budget is recommended for water-quality monitoring and TMDL development, and 14 percent to drinking water, education and research.

We look forward to reviewing our recommendations with you during the weeks ahead. Please don't hesitate to contact Louis Smith at 612-344-1400, or me at 507-637-2427 ext. 3, if you have any questions.

Sincerely,

Marilyn Bernhardson
Chair, Clean Water Council

Louis N. Smith
Past Chair, Clean Water Council

MB/LS/mkr

Enclosure

Clean Water Council Meeting Agenda

Monday, February 23, 2009
9:00 a.m. – 3:00 p.m.
Freeman Building, Room B145
625 Robert Street North, St. Paul

9:00-11:00 **Work Group Meetings** (*work planning for 2009)*

- 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

11:00-11:10 **Convene Full Council**

1. Approve 1-26-09 Meeting Minutes
2. Council Introductions and Updates

11:10-12:00 **Status Updates and Overview of Governor's Budget**

1. Presentations to House Joint Committee and BWSR Board (Louis Smith)
2. Report on G16 Strategies
3. Overview of Governor's Budget

12:00-12:30 **Lunch**

12:30 -1:40 **Reports from Work Groups on 2009 Planning**

1:40-2:10 **Presentation on the 2010 Assessment & Listing Cycle**
MPCA, Howard Markus; introduced by Shannon Lotthammer

2:10-2:25 **Report on the FY2009 Clean Water Legacy Grant funding round**
BWSR, Jeff Hrubes

2:25-3:00 **Presentation on the History of the Stormwater Steering Committee and an overview of the Roadmap**
Stormwater Steering Committee, Cliff Aichinger

3:00 **Adjourn meeting of full Council**

Next Meeting: Monday, March 16, 2009 at the Freeman Building, Room B145

Clean Water Council Meeting Minutes
Monday, February 23, 2009
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, Brian Davis, Keith Hanson, Scott Hoese, Joe Martin, Steve Pedersen, Gaylen Reetz, Victoria Reinhardt, Louis Smith, Paul Torkelson, Steve Woods.

Absent: Del Haag, Larry Kramka, Chris Kolbert, Bill Moore, Gary Pedersen, Sarah Strommen, Deb Swackhamer.

9:00-11:00 Work Group Meetings (*work planning for 2009)*

- 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

11:00 Convene Full Council

1. *Approve 1-26-09 Meeting Minutes*

Clean Water Council Chair Marilyn Bernhardson convened the full council. Scott Hoese moved to adopt the agenda, and Brian Davis seconded the motion. The agenda was adopted. Victoria moved and Scott seconded to approve the 1-26-09 meeting minutes. The minutes were approved.

2. *Council Introductions and Updates*

- Victoria Reinhardt – budget concerns for the county / legacy funds / stimulus funds – concerns about how it all fits together.
- Gaylen Reetz – Legislative presentations related to the budget; received positive reaction to the watershed framework and requests for the big picture on groundwater. A fact sheet on the watershed framework is available.
- Paul Torkelson – presentation to subcommittee by Louis Smith was well received. Important to incorporate an approach to groundwater and asked whether the Council should consider an addendum to CWC report to include approach to groundwater.
- Steve Woods – Wetlands summit on Saturday representing CWC. Explains difference with the Lessard Council and the Clean Water Council – purpose not projects. CWC had not talked a lot about wetlands – rather looking at the health of the whole system – will talk more about wetlands in the future.
- Joe Martin - Discussed budget issues; has received lots of questions about what will be funded.
- Earl Bukowski – Thursday North Central Lakes meeting in Brainerd.
- Louis Smith – Discussed MN Waters Forum and noted that it was well attended by people from all over the state especially lake associations. Attendees were concerned about their lakes being listed or not; questions about funding.

- Marilyn Bernhardson –
  - Provided an invitation to Lessard Council to attend a meeting, but they meet at the same time as the Clean Water Council so we have to figure out how the two groups can collaborate.
  - Chris Kolbert resigned from the Council. Appointments by the Governor – not sure when that will happen.
  - March 12 Star Lake Board requests a presentation from the CWC. Louis Smith volunteered to speak to the Star Lake Board. Marilyn will pass on any further information.
  - Pam Blixt will become the chair of the Civic Engagement work group, replacing Marilyn Bernhardson.

Status Updates and Overview of Governor's Budget

1. *Presentations to House Joint Committee and BWSR Board (Louis Smith)*

Louis Smith reported on his presentation to the House Cultural and Outdoor Heritage Finance Committee (chaired by Rep. Mary Murphy), and the Senate Clean Water Legacy Subcommittee (chaired by Sen. Sandy Rummel). Smith also participated in a joint presentation to BWSR from the CWC and the Lessard council.

2. *Report on G16 Strategies (Louis Smith)*

G16 members have expressed concerns that legislators will present bills to slice out funding for various purposes or projects, so the G16 is working on a bill that covers the Council's recommendations. Gaylen Reetz added that G16 members were unanimous about adopting the Council's recommendations. They may make some adjustments to the budget to be in line with the latest forecast on sales tax receipts.

Brian Davis offered a motion authorizing the Steering Committee to draft a letter of support for legislation on the Council's recommendation after the bill is introduced. Victoria seconded the motion. Keith Hanson expressed concern about lobbying by the Council. The Chair asked for a vote on motion – motion carried.

3. *Overview of Governor's Budget (Gaylen Reetz)*

Gaylen referred to a table in the packets that compared the Council's budget to the Governor's over FY10-11. The Governor's budget assumes there will be less money available, but the proportions devoted to the major clean water categories are roughly the same between the two budgets. Louis asked whether there was any information on federal funding in the stimulus for wastewater. Gaylen said that the stimulus bill would approximately provide $73 million for wastewater and $35 million for drinking water.

Steve Pedersen asked why there is no education or research in the Governor's budget. Gaylen said that research is included in the other categories, i.e. TMDL development. Steve Woods also noted that the budget bill language does not yet describe what will be funded for BWSR.

4. *Presentation to outgoing chair, Louis Smith*. Marilyn presented a plaque and Council resolution to Louis Smith in appreciation for his service as the Council's first chair.

Reports from Work Groups on 2009 Planning

Prevention and Monitoring Work Group Presentation - Brian Davis

They need to refocus their agenda based on additional input.

1. Re-visit plan to integrate groundwater issues
   Watershed approach as a theme – integrate that approach
2. Update monitoring on lake assessments.
3. Work closely with civic engagement work group
4. Product stewardship efforts
5. Strongly recommended that the Council coordinate efforts with the Lessard Council
6. MN Department of Health will formally be added to the work group

Questions/comments:
Louis – are you working on protection plan?
Brian – yes, protection and prevention plan is the same.
Keith – how to focus groundwater into each work groups plan?
Marilyn – steering committee will be addressing that.

Measurable Outcomes & Research Work Group - Steve Pedersen

1. Effectiveness Framework – EPA has selected MN as one of its pilot projects.
2. Research needs – setting priorities is the next step. This hasn't happened yet.
3. Steve and Dave Bennett in the monitoring meeting discussed establishment of a clearing house for research.
4. Reinforced by MN DOT – they can determine if the research fills in the gaps in research (for road research).
5. Will be looking for opportunities to implement MN Stormwater Committee's Stormwater Roadmap.

Questions/comments:
Pam – requests that Steve and Dave write-up his report so members both here and not here can refer to it.
Steve W. – what is the timing? 6 months or so will know where they are standing, what needs to be funded, etc.

TMDL Development - Keith Hanson

Brainstorm items from January meeting and narrow it down

1. Overview of Lake Pepin TMDL by MPCA - what are the elements of that plan – what lessons can we learn - also other TMDLs
2. Mentioned that MPCA is developing a protocol for implementation plans.
3. Prioritization of projects for TMDLs
4. Explore digital terrain analysis – stimulus package may impact this.

Civic Engagement and Local Partnerships - Pam Blixt

1. The work group has had two other full-day meetings.
2. Charge of group – education is an important component; civic engagement is also important and education happens through that.
3. Handout – Pilot projects

4. Will be seeking input from Council members

Questions/comments:

Louis – copy of MN Project Report – does this fit in with some of the pilot projects?

Jeff R. – submitted by MN Project to be distributed to the council.

Marilyn – we need to put together work group plans into one document. Gaylen suggested that the steering team could create a standard format for work plans or use the one from last year.

Report on the FY2009 Clean Water Legacy Grant funding round

BWSR, Jeff Hrubes; 2 handouts

Questions/comments:

Scott H. – feedlot cost share dollars available?

Feedlot dollars moved into legacy with some additional requirements

Steve W. – hope to have more flexibility with feedlot dollars.

Louis – funds for feedlot work not spent?

Jeff H. – not all projects meet the requirements for the feedlot funds.

Marilyn – the project had to be tied to a TMDL. That restricted some projects.

Scott H. – will the requirements change this year?

Steve W. – depends on the Legislature

Gaylen - open lot agreement – agencies will recommend that open lot agreement not be extended. Outlined changes in open lot agreement

Louis – is it that criteria for feedlot funds are very narrow or is it that appropriate landowners didn't apply?

Marilyn – of the 4 of 5 phone calls she received, they didn't have the right number of animal units to be eligible.

Gaylen explained the complexities of the issue.

Presentation on the 2010 Assessment & Listing Cycle

MPCA, Howard Markus; introduced by Shannon Lotthammer - handout in packet

2010 Assessment and Listing Cycle

Questions/comments:

Jeff R. – how many new listings in 2010?

Howard – we don't know

Will 2010 list have some watersheds listed?

Shannon – There is some preliminary data, but we don't yet have IBI data to do that completely.

Move toward an annual assessment in the future?

We will continue to explore that

Presentation on the History of the Stormwater Steering Committee and an overview of the Roadmap

Stormwater Steering Committee, Cliff Aichinger explained:

- What is stormwater?
- Why do we care about stormwater?
- Evolution of Stormwater Steering Committee.
- Stormwater Steering Committee web site is linked from MPCA's web page.

- SSC products.
- Implementation needs: investment of time and funds.

Questions/comments:
Steve W. – framework for a watershed approach; agencies provide some guidance for SSC.
Dave Wright, DNR – quantity vs. quality
Cliff – They discuss the need to look at both issues
Scott H. – What is the make up of committee?
Cliff – Cross section across state, no agriculture representative.
Gaylen – SSC takes broad view of stormwater
Cliff – permitted stormwater and other activities that impact water.

Other items:
Marilyn – DNR has had some reorganization since Friday
Dave Wright (DNR) - DNR has merged the Water and Ecological Services Divisions.
The two departments that primarily have to do with legacy clean water issues.
Charge is to deal with water issues / legacy issues, etc.
Brian – hopes the Clean Water Council and DNR can work closely in the future.

2:30 p.m. Clean Water Council meeting adjourned.

Next Meeting: Monday, March 16, 2009 at the Freeman Building, Room B145

Clean Water Council Meeting Agenda

Monday, March 16, 2009
9:00 a.m. – 3:00 p.m.
Freeman Building, Room B145
625 Robert Street North, St. Paul

9:00-11:00 **Work Group Meetings** (*work planning for 2009)*

- 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

11:00-11:10 **Convene Full Council**

1. Approve 2-23-09 Meeting Minutes
2. Council Introductions and Updates

11:10-11:40 **Legislative Update**

11:40 -12:00 **Presentation and Discussion of 1st Work Group's 2009 Work Plan and Timeline**

12:00-12:30 **Lunch**

12:30-12:45 **A Civic Engagement Framework for Minnesota**
Presentation by Civic Engagement Work Group

12:45-2:00 **Civic Engagement in Action: Watershed Project in Northeast Iowa**
Presenters: John Rodecap and Scott Bruns
Civic Engagement in Action in Minnesota
Presenter: Rich Biske, The Nature Conservancy

2:00-2:20 **Presentation and Discussion of 2nd Work Group's 2009 Work Plan and Timeline**

2:20-2:40 **Presentation and Discussion of 3rd Work Group's 2009 Work Plan and Timeline**

2:40-3:00 **Presentation and Discussion of 4th Work Group's 2009 Work Plan and Timeline**

3:00 **Adjourn meeting of full Council**

Next Meeting: Monday, April 20, 2009 at the Freeman Building, Room B145

Clean Water Council Meeting Minutes
Monday, March 16, 2009
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), Brian Davis, Del Haag, Scott Hoese, Joe Martin, Steve Pedersen, Gaylen Reetz, Victoria Reinhardt, Louis Smith, Sarah Strommen, Deb Swackhamer, Paul Torkelson, Terri Yearwood (for Larry Kramka).

Absent: Earl Bukowski, Keith Hanson, Larry Kramka, Chris Kolbert, Bill Moore, Gary Pedersen, Steve Woods.

9:00-11:00 Work Group Meetings (*work planning for 2009)*

- 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

11:00 Convene Full Council

1. *Approve 2-23-09 Meeting Minutes*

Clean Water Council Chair Marilyn Bernhardson convened the full council. Del Haag moved to adopt the agenda, and Brian Davis seconded the motion. The agenda was adopted. Victoria Reinhardt's name was misspelled in the draft meeting minutes. Scott moved and Victoria seconded to approve the 2-23-09 meeting minutes. The minutes were approved.

2. *Council Introductions and Updates*

- Louis Smith – last Thursday he gave a presentation to the Star Lakes Board. They were glad to hear about the CWC and the Council's recommendations.
- Marilyn Bernhardson attended the MN River Board sponsored MN River Watershed Group presentation on March 6th. One of their concerns is how funding will get distributed.
- Early April – soil and water people in central MN.

Legislative Updates:

- Marilyn - meeting with Senator Ellen Anderson was cancelled. Rep. Torkelson has not introduced his bill yet.
- Jeff Risberg – The G16 presented to the House Cultural and Outdoor Heritage Finance Committee (chaired by Rep. Mary Murphy) and gave full support to the Council's recommendations. Ken Bradley (Clean Water Action), Mike Robertson, Craig Johnson, MCCA – Paul Assan, CGMC – support for wastewater funding. The Chair was reminded that Louis Smith did speak before the committee. She wanted another copy of the report. It was a very strong show of support for the Council.

- Jeff also noted HF 21, introduced by Rep. Junke – conservation plans for farms required to receive funds
- Jeff Risberg passed around a 3-15-09 Pioneer Press article about the status of legislative hearings to allocate the constitutional amendment. It mentioned the Council's recommendations.
- Louis' opinion editorial to the Star Tribune in reaction to a recent story on the amendment which did not mention the Council was not published by the newspaper, but he did share it with the G16 and interested parties list.

Audience members introduced themselves

Work Group Presentations:

Work Group #1 Prevention and Monitoring Work Group Chair - Brian Davis:
Brian went through the strategies and objectives for their group and described them. He handed out hard copies of their plan.

- Section 4.7 - Groundwater is included in the monitoring plan and the protection strategy. This is a major change.
- Directly working with Dept of Health is a work group goal, they would like a full-time member involved if possible.

Question about the timing of the next work plan – is it supposed to be for 2009-2010?
The Chair answered that it's for 2009, but her work group also went into 2010.

Questions and comments:

- Will what you are doing include water quantity as well as quality? Brian said they will review that.
- What about the surface – groundwater interchange? Brian replied that they will certainly be addressing this (surface-gw interchange). They are not the only group that will address groundwater.
- What about water quantity vs. quality? They will consider that and bring any change back to the Council for discussion.

Section 4.8 - Product stewardship

- Question: I'm not sure what this means. It's such a broad based statement
- Brian replied that it is part of pollution prevention and was put in as a place holder because there is a lot of activity going on. We need to have this on the radar screen for the Council. They want to make sure there is coordination going on with other agencies or through legislation. It's vague because it's developing.

Section 4.9 - Coordination with Lessard Council. We are recommending that the CWC have a liaison with the Lessard Council and vice versa.

Section 4.10 - Coordinate education. We won't be in the classroom with specific directions, but we will be involved with civic engagement.

- Question from Louis Smith: in last year's work plan there was an effort to develop a common set of best practices. A statewide prevention plan was started. Where are we in that process?
- Shannon Lotthammer responded she is not sure if the objectives specifically mention a prevention plan. That would be a good recommendation to make to add to work plan (it fits under 4.2 & 4.3). Also to bring in groundwater to that prevention plan and encourage collaboration and coordination.

- Question was asked if the word "regulation" should be in there where current authority exists. Brian said he agreed with that suggestion.

Work Group #2 TMDL Development Work Group – Bob Patton:
Bob described their work group's strategy and objectives;
- Strategy #1 - Define what statewide watershed approach looks like.
- Experience with large watershed, Lake Pepin. We need to educate ourselves on what's happening with the pilot watersheds & Lake Pepin.
- Then we'll look at protocols over the summer.
- We will develop strategies to more intensively involve stakeholders – one of the weaknesses so far.
- Also, the work group will review implementation of TMDL plans and the recommendations of an interagency group working on this, and then develop recommendations for CWC for input into protocols and watershed studies.

Questions and comments:
- There were questions about the timeline for various tasks, including Task 2.2d. – change the timeline for bonding recommendations to May or June 2009. Regarding LiDAR, DTA work – the timeline should say Winter 2010. This task will also involve the Civic Engagement work group.
- Louis Smith: The public is interested in how their lake or watershed was scheduled for a certain year. Is your work group looking at how those priorities are set?
- Shannon Lotthammer: The MPCA is looking at a process to use for updating the schedule for TMDLs/watersheds. They are considering an annual schedule for updates. They will bring the draft process to the Council and get input from the Council on updating schedules. There are problems if we do it too quickly, but we also need to update it regularly.

Discussion on Council's role:
Deb Swackhamer asked a general question of work group chairs about mission creep. Some of work plan tasks are worded as being the role of the Council when they may be more appropriately the role of the MPCA or other agencies.

Break for Lunch

Civic Engagement Framework – Pam Blixt:
Civic Engagement – What does it mean? It can include;
1. Targeted information and education activities
2. Social marketing
3. Verbal communication

4. Use of print media

Civic Engagement transcends and overlaps with other work groups / water quality

This Work Group has focused on civic engagement from two perspectives;

1. Citizen and stakeholder involvement in the democratic process of developing TMDLs and watershed plans
2. Encouraging changes in individual behaviors that could improve water quality (our initial focus has been on agricultural nonpoint sources)

What is most likely to change personal behaviors? What is needed to change individual behaviors?

Questions:

- Steve Pedersen asked if the work group has given up on education of the general public. He suggested inviting someone like Tracy Fredin from Hamline University to discuss this more fully. Pedersen expressed concern that their charge is becoming too small.
- Blixt replied that next month they will have small group discussions where that topic can be discussed in more detail.

Civic Engagement in Action: Watershed Project in Northeast Iowa

Presenters: John Rodecap and Scott Bruns

John Rodecap – County Extension Director and Farmer:

Actively interested in water quality programs

- Sediment, phosphorus, nitrogen, bacteria are the 4 major pollutants in Iowa
- Working with farmers, locals in a bottom up process is the most effective.
- Drainage and wetlands are important
- Need programs that are effective / cost effective and that deal with all the issues, not just structures.
- Keep nutrients/organic matter on the landscape - improve both on the land.
- Need to work with farm operators, not just farm managers. Have them own the issue and that gets to sustainability.
- Peer pressure and neighborhood contacts important; incentives important.
- Measuring results also important / performance based / heavy on education
- Program must be simple – program that has one piece of paper for example
- Water monitoring results are important
- Program must be sustainable
- Use volunteers
- Work in watershed with 60-90 operators
- Local knowledge – exchanging ideas and reinforcing with neighbors

PowerPoint Presentation:

- 90% of contaminants in Iowa come from agriculture
- 70% in one county were participants
- Meetings set up for January-February and July-August when they are available
- Soil loss, phosphorus, maps, etc. Target fields to be addressed
- Run scenarios and discuss them as a group
- Identify farm fields by code – not by name

Question and comments:

- Steve Pedersen asked if there is 70% farmer participation, how do they address the other 30%?
- Scott Bruns replied that the approach is better than alternatives and more cost effective. Anything short of a mandate is hard to get everyone to participate. Some of the non-participants may not be a big part of the problem.
- He also noted that price escalates exponentially if you try to get 100% participation. Expand use of dollars by having volunteers. It takes expertise to initiate the program. We had seed money and got a grant to supplement the program. Peer pressure also helps with sustainability of program.
- WIRB - Watershed Improvement Review Board in Iowa; 9-10 projects funded.
- Bruns noted that Iowa DNR determines that there is an impairment, but farmers are initially skeptical of impairment and monitoring. The farmers do additional monitoring, analysis at a lab, and then they are convinced and will move on.
- He added that they have used a general performance contract that the watershed group designed. However, if a farmer commit, they expect it to be done and when finished, you get your incentive. Each one is tweaked to work in each watershed.
- John Rodecap has a list of 16 critical steps that he'll give to Lynne Kolze.
- Other Questions:
    - Do you continue monitoring? Yes after improvements are made, especially after rain events.
    - What do you see as the role of regulation? Producers will do everything they can to avoid regulation, such as regulate their ability to apply nitrogen or how much.
    - What role does cost share play? Their role is complementary to NRCS's role. They handle smaller things. This does not do away with cost share.

Civic Engagement in Action in Minnesota
Presenter: Rich Biske, The Nature Conservancy, Root River Small Watershed Pilot Project:
Biske gave a presentation outlining The Nature Conservancy's pilot project to work collaboratively with farmers in the Root River Watershed.

Questions or comments:

- How does he see the aspects of voluntary compliance? They are still in the initial stages – find local leaders and build upon them.
- Would you be willing to bring in professionals, crop consultants? Open to leaving it up to the producer; we're flexible on that. We want those folks more involved.

Work Group #3 Civic Engagement – Pam Blixt:

- Describes strategies/objectives
- Current work plan doesn't include tasks identified in other work group's plan (Disclaimer)
- They need to talk to other work groups to coordinate
- Next CWC meeting – they will have time to share with them in small group meetings
- Next time we can establish criteria to use funding. Will be establishing criteria and framework for pilot projects. Also tie into some TMDL projects that are out there, especially the Buffalo River Watershed Project.

- Protocols for civic engagement will be developed.
- Break out in small groups at the next meeting.
- Planning to meet with Stormwater Steering committee later this year.

Questions and comments:
- Question about Strategies #1.1 – 1.6; clarify what that is directed at - rural vs. urban?
- We're focusing on the agricultural issues, but we haven't eliminated anything urban. We will try to clarify that in the work plan.

Work Group #4 Measurable Outcomes and Research – Steve Pedersen:
- Steve Pedersen explained the plan and said that it has been hard to move forward as a group when research has been taken out of the Governor's budget as a line item.
- Steve outlined the key strategies:
  1. The work group will refer to the U of MN research list created through the research symposium which is a list of topics that are important to water issues. He said the group feels it is necessary to have the U review the list and set some priorities. He will give a draft to his committee tomorrow.
  2. The group cited a continued need for water resources research clearinghouse – especially for TMDLs. Currently there is no place to find out if research has been done before a project is started.
  3. There will be a focus on implementation of the effectiveness tracking effort facilitated by the University of Minnesota Water Resources Center. He mentioned that EPA is helping with the implementation through a pilot project with several states. EPA has been very cooperative with us on our needs. They will discuss refining draft measures, to developing a communication tool and watershed pilots.
  4. Track what stormwater steering committee is doing – they're working with the MnDOT and other agencies to be sure they're working with the right thing, at the right time, etc.
  5. Cost effectiveness has to become a key element of what we do, not just an asterisk.
- Steve said he will put this in writing for the 2009 work plan.

Discussion on Council's role (continued from morning discussion):
- Marilyn referred to the questions the Deb Swackhamer raised earlier - What is agency's role and what is Council's role?
- Scott Hoese asked about what happens with work group products -- Does some agency act on them? He wants the meetings need to have more action items.
- Victoria said that Council members are not the implementers. They are partners with the state agencies because ultimately they are the ones the work has to come from. We need to avoid mission creep. When putting out the work plan, you can always pull things back, but it's harder to put things back in. We want to make sure "water's" voice is being heard in issues, and put in some place markers to help guarantee that.
- Brian noted that the Council is adhering to their mandate - integrated with what agencies are doing. The Council is helping to optimize what the agencies are doing, and that is one of the key roles under the Clean Water Legacy Act.
- Gaylen emphasized that evidence of the Council's good work is in what's happening at the Legislature when various groups represented by the G16 can agree on the Council's recommendations. The Council's work has been successful and he believes the Legislature

will favor the reasonable, thoughtful recommendations from the Council. There is no shortage of topics to be thinking about, but the funding isn't the most important – it's the advice the Council is giving the agencies. He looks at this group as representing 24 different stakeholder groups that the agencies need to get advice from, and despite going through some fits and starts of frustration, we now have a cohesive package of recommendations.

- Terri Yearwood added that expectations are managed. There is that negotiation within the state, and that expectations are managed around that.
- Pam Blixt said that one of the issues is that water is such a varied entity and we have had to wrestle with that as a group, along with many other groups. Value of the Council is to bring all the different groups dealing with water to the table.
- Victoria said that MDH is willing to participate on the Council, their input is needed, and the Council needs to make that permanent.
- Deb asked what the process is for giving them a seat and that she didn't think anyone's opposed to have the Dept of Health at the table.
- It was noted that MDH has been attending Council meetings and participating in the TMDL work group but does not have an official appointment to the Council. Jeff Risberg clarified that membership is mandated in the Legacy Act, and the change needs to be made formally there.
- Marilyn asked what is going to happen to Council in the Legislature. Gaylen said that this is still pending and MDH may be included in some of the bills.
- Deb suggested that the work of the Council will be decided by combining the work plans of the four work groups. We need the goals of the Council first to drive work groups.
- Deb agreed with a comment by Joe Martin and added that the work group plans seem like "make work" and the overall plan doesn't feel like a well thought-out discussion. It may not be relevant at this point in time. She said that to "prepare a monitoring plan" is not a Council task; It's an agency task.
- Brian clarified that this is an awkwardly worded task. It's meant to support the work of agencies.
- Del Haag suggested having work groups look at recommendations for funding and how they work with work plans.
- Pam asked what is the likelihood that the Legislature will make changes and when?
- Victoria said there has to be Legislation that is introduced that deals with CWC. Bills have to be introduced by the end of March. .
- Gaylen recommended that the group proceed as if a good decision will be the result and move forward. He doesn't see the momentum changing.
- Deb suggested that the next meeting revisit work groups/purpose of Council/Big picture. Are there work groups that we don't need?
- Louis emphasized that the work groups are in line with policy recommendations principles that are relevant to our charge. There are 8 principles that created the Council & the purpose was established by the Legislature, and the work groups follow that. To start all over and discuss what our change is would start over is going too far.
- Deb said they should start with organizing principles. Don't go all the back to the beginning. Pick up where our recommendations left off.
- Louis noted we should get on with our work rather than re-examine our purpose.

- Victoria concluded the discussion by clarifying that she didn't mean to say we should go back too far. We can't afford to wait beyond April for work plans. We need to move forward with our work plans. We can make changes in the future.

Motion

- Brian moved to have work plans established by April, to include changes recommended today and at the April meeting, with the caveat that they can be changed at any time. Motion seconded by Pam.
- Louis suggested that time be taken in April to discuss overall priorities, to think about how the pieces fit together, and make some deliberative adjustments.
- Organizing principles - should we have a copy be distributed to everyone?
- Motion passed. The group also agreed to:
  - Discuss the full work plan at the next CWC meeting. Marilyn asked Jeff to consider a facilitated format for the meeting.
  - Provide organizing principles on one sheet of paper for next meeting.
  - Send out the revised 2009 CWC work plan before the next Council meeting.

- On another issue, Gaylen Reetz received a request for someone from the Council to speak at the Shallow Lakes Forum in Chaska. Scott Hoese volunteered.

Meeting was adjourned.

Next Meeting: Monday, April 20, 2009 at the Freeman Building, Room B145

Clean Water Council Meeting Agenda

Monday, April 20, 2009
9:00 a.m. – 3:00 p.m.
Freeman Building, Room B145
625 Robert Street North, St. Paul

9:00-9:10 **Convene Full Council**

1. Approve 3-16-09 Meeting Minutes
2. Council Introductions and Updates

9:10-9:30 **Legislative Update (G16 invited)**

9:30-2:30 **Small Group Discussions and Feedback to Work Groups**

- **9:30-11:00 Civic Engagement & Local Partnerships Work Group –Presentation/Discussion of Vision and Work Plan**
- **11:00-12:00 Prevention and Monitoring Work Plan**

---------- Lunch (12:00-12:30) ----------

- **12:30-1:30 TMDL Development & Implementation Work Plan**
- **1:30-2:30 Measurable Outcomes & Research Work Plan**
- **2:30-3:00 Approval of Work Plans by full Council; Comments and Next Steps**

3:00 **Adjourn meeting of full Council**

Next Meeting: Monday, May 18, 2009 at the Freeman Building, Room B145

Clean Water Council Meeting Minutes
Monday, April 20, 2009
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), Brian Davis, Del Haag, Keith Hanson, Scott Hoese, Larry Kramka, Joe Martin, Gary Pedersen, Gaylen Reetz, Victoria Reinhardt, Louis Smith, Sarah Strommen, Deb Swackhamer, Paul Torkelson, Steve Woods.
Absent: Bill Moore, Steve Pedersen.

9:00 Convene Full Council

1. *Approve 3-16-09 Meeting Minutes*
   - Clean Water Council Chair Marilyn Bernhardson convened the full council. Members moved and seconded to adopt the agenda. The agenda was adopted. Members moved and Victoria seconded to approve the 3-16-09 meeting minutes. The minutes were approved.

2. *Council Introductions and Updates*
   - Sarah Strommen – Conservation MN asks for updates on the amendment; there is some confusion about the Council's role.
   - Dave Bennett – Trout MN is anxiously watching bills in Legislature.
   - Steve Woods – he made a presentation at the Shallow Lakes Conference in Chaska and discussed funding limitations with the group.
   - Keith Hanson – He announced that his confirmation hearing for the Clean Water Council was that afternoon.
   - Gaylen Reetz – Announced that 33 projects received Surface Water Assessment Grants (SWAG) this year for approximately $1.85 million. He has given several presentations to groups to provide updates on the Legacy amendment and overview of CWC recommendations, including recent meetings in International Falls, Brainerd, and River Falls.
   - Joe Martin – Announced that the MN Conservation Funding Guide is available at www.mda.state.us. He passed around a card about the guide, which is an online tool that Minnesota farmers and other landowners can use to find out about conservation practices, programs, and payments.
   - Louis Smith – MN Waters Lakes and Rivers has an upcoming conference in Rochester. He was invited to speak at the Red River flood prevention conference, which was cancelled due to flooding.
   - Marilyn Bernhardson – has given four presentations on the Council's work since our last meeting.
   - Scott Hoese – Attended the Shallow Lakes Conference in Chaska with Steve Woods.
   - Audience members introduced themselves

Legislative Updates: Paul Aasen, MCEA and Craig Johnson, League of MN Cities

- Bills in Legislature: 3 on the House side; 2 on the Senate side; maybe a fourth on the House side.

- The G16 has invoked the name of the "Clean Water Council" many times over the last few weeks.
- Concerns that baseline funds not all in one bill; divided among bills. The G16 will advocate for putting at least a little bit of funding for all the recommendations in all bills.
- Discussion followed on the various Clean Water Legacy bills in the Legislature.
- Paul Aasen gave some positive views. So far the G16 is maintaining solidarity and legislators support the basic use of the amendment funds for clean water.
- Paul Torkelson – Described a handout which he presented to the Legislature last week called "The Role of Minnesota's Clean Water Council". The message is the Clean Water Council was put together in 2007 and that it has the support of G16. The products of the Council have been timely, appropriate and supported by the G16; and the CWC should be the official advisory group for these funds, and the MN Department of Health should be added. He did not submit a bill but will draft amendment language.
- Craig Johnson – There may be a change as to how Council members are appointed.
- Dave Bennett – DNR Commissioners office puts out Cyber News to update stakeholders on what's going on at the Legislature for fish and game bills. Can the CWC have some similar way to keep Council members informed? The presentation today is timely, but when something changes, what notification can we have so that we can take action that is necessary to influence some of this legislation?
- Craig Johnson – members of groups represented by the G16 get twice a week updates.
- Brian Davis – Can we get updates from G16?
- Paul Aasen – The G16 have a central point where they have something like that except occasional meetings
- Rep. Torkelson recommends we have answers to questions about CWC membership.
- Craig Johnson – Referenced an article in the Pioneer Press describing the Council. Reminds everyone that clean water funding has been planned to a level beyond other funding pots because it's a program(s) designed to solve certain problems.
- Steve Woods - CWC recommended $56 million to go to local governments. Senate $51 million / Governor recommends $25 million / House $23 million. We need a better explanation to the Legislature about how funds get translated into dirt moving and implementation.
- Craig Johnson – We need better linkage of TMDL loads to implementation activities.
- Deb Swackhamer – Rep. Wagenius' bill provides money to U of MN to fund a long-term framework for water planning with the goal of unifying water funding across the state. The process would be truly participatory. The proposal in the House is for a year and a half. For example, plan for how to address point source across the state for the next 25 years.
- Paul Aasen encourages the CWC to talk to Lessard Council to discuss coordination between Councils. Look for multi purpose, multi benefit projects; start getting ready for next year.
- Deb Swackhamer – How would you see changes in the Council? How would you reconstitute it?
- Paul Aasen – The Lessard Council has 12 people – four are appointed by the Governor, four by the Senate and four by the House. Not necessarily geographic or representative group. Look at elements of that and potentially the Lessard Council – could interface with Parks & Trails.
- Craig Johnson – Having Legislators on the Council is politically advantageous, but they are often too busy to participate during the Session. Concern that it could become a Legislative

group rather than a citizen's group. The Legislature appoints CWC members, but it's hard to figure out how to do that.

- Rep. Torkelson – his idea for Mary Murphy's committee is to set up subcommittee liaison between CWC and Legislature. He thinks the same for the Lessard council. We should make a recommendation for how the Council works in the future.
- Craig Johnson – having ad hoc members of the Legislature on the Council is a new idea that the Legislature will think about.
- Louis Smith – Did federal stimulus funds get to any point source recommendations/projects?
- Craig Johnson – None has gone to MN because of a Buy American clause and wastewater technology is not made in America. Working on getting a blanket exemption. In some ways it will accelerate the need for the CWC's projects to be funded. The demand for funding will increase.
- Gaylen Reetz provided the staffing and expenses for the Council over the past three years. It was approximately $114,000, $153,000 in 2008, and $157,000 is anticipated in 2009.
- The Lessard Council has requested about $700,000 in administrative costs per year.
- Louis Smith - issue of structure of Council and who's on it needs to be addressed in the next 10 days. Possible agenda item at the end of today's meeting.
- Members decided to have a working lunch to discuss this further.

Presentation on the Civic Engagement work group's vision – Pam Blixt & Lynne Kolze:
Pam Blixt – Prior to submitting a larger budget recommendation for civic engagement, their group wanted to work more in depth first and work with the Council to develop recommendations. Today we will present what we learned, then we will move into discussion.

Lynne Kolze presentation – Why do we need a Vision
Summary of key points:

- We have not put the emphasis on Civic Engagement in water programs.
- Think globally, act locally is not a good model for water quality. It's too big for people to engage.
- Small is beautiful. Think locally, act locally.
- Scale is very important.
- Human relationships matter as much as other factors for success.
- Engagement at small scale more likely to be successful at the subwatershed level.
- Engage citizens in every step of watershed planning, if they so desire.

Small group discussion of work plans – Jeff Risberg
Jeff facilitated a small group exercise to get more intensive input on the draft work plans. Key questions for the groups to consider were:

- Any impediments or fatal flaws in work plans?
- Any area of opportunities for integration or cohesion?
- Record both fatal flaws and any opportunities.

Following the small group discussions of each work plan, the work groups met to discuss the feedback they received, revisions that need to be made and next steps. The Council decided to approve revised work plans at the May meeting. The time period for the plans can cover both 2009 and 2010.

Luncheon Discussion on Council membership:

- The discussion focused on the issue of whether to recommend adding legislators to the Council vs. keeping the same structure, and whether the Legislature should have a role in making appointments.
- Ideas included:
    - Keeping the current structure and appointment process – appointed by the Governor and confirmed by the Senate – but add the MN Department of Health and have legislators serve in a liaison role (not official members).
    - Changing the appointment process so the Legislature and Governor get to appoint members.
    - Create more seats or divide up current seats - have different bodies appoint them.
    - Legislators serve in a liaison role, but do not have official membership.
- The discussion ended with most members stating that the current structure is working well but we should add MDH and ask legislators to serve in a liaison role rather than as members to improve communication.
- Brian Davis offered a motion (Victoria seconded) that the Clean Water Council recommends that the CWC continue to be appointed by the Governor and confirmed by the Minnesota Senate in accordance with current statutes, that the legislators would have a liaison role, and that the Department of Health be added to the Clean Water Council as an agency member. The motion carried.
- Specific discussion points:
    - Gary Pedersen doesn't want to see political overtone added to the Council. He prefers not adding Legislators to the Council, but perhaps to work groups.
    - Gaylen Reetz added that the Legislature is a transient organization, not everyone remembers how or why the Clean Water Act was passed. Important to have the Legislature remember the history of the Council and why it exists, so need to keep them involved.
- The Council also approved a motion to recommend that its mission be broadened to cover issues included by the constitutional amendment. Specific discussion points:
    - Deb Swackhamer asked how the Council sees the mission of the Council change by having the Clean Water Fund merge into the Clean Water Legacy Fund. CWC is about impaired waters now. In addition, the Council doesn't deal with quantity issues. Should we broaden our vision to include all water resource issues? Do we need to develop a broader vision statutorily? We need to be prepared to answer that question.
    - Brian Davis noted that the current mission includes prevention.
    - Victoria noted that the process of work plan development can include expansion or modification of CWC's vision.
    - Larry Kramka commented that it is important to talk about the Council's membership going forward, also important to talk about its mission going forward.
    - Louis Smith said that a simple way to do this is to embrace the clean water charge, water quality, and add drinking water source protection, but not go beyond that to include everything.

- Deb Swackhamer moved offered a motion (Victoria seconded), as amended, that the Clean Water Council requests that its authority be clarified in accordance with the Clean Water Land and Legacy Amendment. Motion was approved.
- The Council also gave the Steering Committee authority to provide these recommendations to Representative Torkelson and edit the motions if it could clarify their intent. The Steering Committee met on Thursday, April 23rd. They made some modifications to the motions and submitted the following recommendations to Rep. Torkelson:

Motions Approved at the April 20, 2009 Clean Water Council meeting, and amended by the 4/23 Steering Committee:

1. The Clean Water Council (CWC) recommends that: 1) the CWC continue to be appointed by the Governor and confirmed by the Minnesota Senate in accordance with current statutes, 2) that legislators be invited to serve in a liaison role to the CWC, and 3) that the Minnesota Department of Health be added to the CWC as an agency member.

2. Revise 114D.30 of the Clean Water Legacy Act: "A Clean Water Council is created to advise on the administration and implementation of this chapter and the clean water fund, as established in the Minnesota Constitution, article XI, section 15, and foster coordination and cooperation as described in section 114D.20, subdivision 1."

The meeting was adjourned at approximately 3:00.

Next Meeting: Monday, May 18, 2009 at the Freeman Building, Room B145

Clean Water Council Meeting Agenda

Monday, May 18, 2009
9:00 a.m. – 3:00 p.m.
Freeman Building, Room B145
625 Robert Street North, St. Paul

9:00-9:10 **Convene Full Council**

1. Approve 4-20-09 Meeting Minutes
2. Council Introductions and Updates

9:10-10:00 **Legislative Update** (G16 invited)

10:00-10:30 **Annual Update Process for the Watershed Monitoring Schedule** (Shannon Lotthammer, MPCA and Bob Finley, MPCA)

10:30-11:00 **Update on Minnesota Environmental Initiative's Land and Water Policy Project** (Emily Franklin, MEI)

11:00-12:00 **Work Plan Review and Approval**

1. Brief overview of main issues/changes to 3 work plans:
   - Prevention and Monitoring Work Group
   - Civic Engagement & Local Partnerships Work Group
   - TMDL Development & Implementation Work Group

2. Discussion of Measurable Outcomes & Research Work Plan

12:00-12:30 **Lunch**

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

3:00 **Adjourn meeting of full Council**

Next Meeting: Monday, June 15, 2009 at the Freeman Building, Room B145

Clean Water Council Meeting Minutes
Monday, May 18, 2009
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, Earl Bukowski, Keith Buttleman (for Bill Moore), Brian Davis, Del Haag, Keith Hanson, Scott Hoese, Larry Kramka, Gary Pedersen, Steve Pedersen, Gaylen Reetz, Victoria Reinhardt, Peter Shepherd (for Joe Martin), Louis Smith, Sarah Strommen, Deb Swackhamer, Paul Torkelson, Steve Woods.

Absent: Pam Blixt, Joe Martin, Bill Moore.

9:00 Convene Full Council

1. Approve 4-20-09 Meeting Minutes

Clean Water Council Chair Marilyn Bernhardson convened the full council. Members moved and seconded to adopt the agenda. The agenda was adopted. Members moved and seconded to approve the 4-20-09 meeting minutes. The minutes were approved.

2. Council Introductions and Updates

- Del Haag – wastewater upgrade for the City of Buffalo; innovative, phosphorus removal, full report next time.
- Earl Bukowski gave a presentation on the CWC at the AMC meeting.
- Gary Pedersen – Eyota Ethanol plant is an issue in his area.
- Sarah Strommen – organizing a conference September 24-25th at the Arboretum; MN Land Trust and Minnehaha Creek Watershed District; the second Conservation Summit; a two day summit focusing on land & water. They will send save-a-date cards soon.
- Deb Swackhamer – Water Resources Center just finished 2 workshops on groundwater; working with DNR on Best Practices, etc. She is on a national committee to evaluate the science plan for USGS NAWQA program.
- Larry Kramka – DNR is continuing to work on TMDL studies, technical assistance, and other work is still going on.

Legislative Update: Representative Paul Torkelson; Paul Aasen, Minnesota Center For Environmental Advocacy; Craig Johnson, League of Minnesota Cities

- Rep. Torkelson expects to see a bill come out of conference committee today. Agreement on the Clean Water, Parks and Trails, Lessard Council. He expects the bill to pass. CWC has done excellent work; the bill will reflect the Council's recommendations fairly closely. There may be opportunities when the Lessard Council and the CWC have common interests and should work together. We need to make sure the Council's work receives the proper attention. Questions?

- Victoria noted that the issue that seems to resonate with the Legislature is that our recommendations truly are based on need. The Council has worked over two years to develop them and they are not based on just having money available.

- Paul Aasen, MCEA – everything is up in the air at the Legislature. The bill may get stuck in the end of session process.
    - The framework by the Council is roughly what was recommended.
    - Septic systems may be funded in a reasonable manner, but not a longer term plan. Re-visit this next year. Can't confer these bills together.
    - Encourage CWC members to meet regularly with committee members.
    - Supplement vs. supplant issue – they are watching that. Assessment and monitoring is an example of this, with funds in the general fund, supplemented by additional funds.
    - Governance and the Clean Water Council's relationship to it – we should have another discussion in order to end up with a concerted effort next time we go through it.

Response to Questions:

- In response to questions Aasen noted that he thought it would be difficult to unallot constitutionally dedicated funds, but the Governor could line item veto the final bill. He added that there is concern that some Legislative members feel the need for more discussion and some don't want a bill this year.
- He added that the history of the Council, 2 years of work, is an important point to make. This is ongoing work. To not get a bill hurts a lot more than it does the other funds. There will be an effect on agencies; state and local. Tough decisions will have to be made if it doesn't pass.
- The CWC model is a good one for governance. The Council had time to meet, learn the issues, etc., before any money was available.

Marilyn led the discussion about what the Council wants to do or say in response to the pending legislation.

- Steve Pedersen - 1) if there is a bill, he would like to hear the timing, planning for dispersing the funds, the process, what are we going to do; 2) if no bill, is there an opportunity to bring the wishes of the Council to the Legislature yet today. Use the Council's name to say we need to do this.
- Victoria said it's important for Council members to contact their Legislators and let them know how important it is to pass a clean water bill. The best way to contact people is by email today.
- Members discussed the message they want to present, for example; the CWC has had a thoughtful, reasoned process, to develop recommendations that are based on need.
- We want them to pass the Clean Water bill today. We put a lot of thought behind it, CWC recommendations are based on need; we've been working on this long before there was any funding. Pass the bill; these are the recommendations, based on need, on what we've been doing for 2 years.
- Members decided to write a letter to the Legislators from the Council. Comments were made about what will be put in a letter.
- The stronger message should be about the recommendations.
- Be sure to thank your legislators, on behalf of your constituencies, for helping to pass the bill and don't take anyone's vote for granted.
- Members discussed why the one-time Legacy funding can't continue. There are not enough general funds to meet the needs of Clean Water; we used CWLA one-time funds; now we hope to use amendment funds.

- Some of the members have heard at the Legislature that you shouldn't bother trying to get Clean Water money unless your project is tied to a TMDL.
- The onetime money was appropriated when we had a surplus. Now we have a general fund shortfall so we looked for ongoing funding.
- One-time money is not part of the base, so it's not supplanting.
- **Marilyn concluded the discussion by saying the steering committee will take up the letters at their Thursday meeting.**

Annual Update Process for the Watershed Monitoring Schedule
Shannon Lotthammer, MPCA and Bob Finley, MPCA

- Shannon presented background information on the process and asked the Council members for feedback on the process and the schedule.

Questions and comments:

- Is July reasonable or do you need to push that out?
- Shannon – the dates are backed out from September when the RFP for the grants go out. We may be crunched for time this year.
- Is the 10 year cycle at risk based on funding?
- Shannon – yes, it's based on a permanent source of funding. With one time funding, we were able to pilot this approach, but we need continued funding.
- Are the criteria weighted, i.e. # 1 gets more points, etc.?
- Shannon – the criteria are not quantitative, they are more qualitative, based on discussions with partners, etc.
- The schedule allows for citizen engagement in out years, which is a good thing. Regarding your comments on the overlap in monitoring activity; we are not always clear about the kind of monitoring PCA does versus what DNR does. What is the response from local groups to your process and scheduling?
- Bob Finley – it's a 10 year cycle and changes can be made based on circumstances or need. There is a dialogue.
- Gaylen – some locals want to go forward on the planning aspect, not wait for the monitoring.
- Is alignment with partners part of this? Some LGAs are bigger than one watershed.
- Shannon – yes, that is part of the discussion, adjustment, feedback.
- Brian's workgroup has been closely involved with this process, and they appreciate the close coordination on all of this.
- SWAGs (surface water assessment grants), how many grants will benefit if there are 8 watersheds being studied? We need a sense of the scale.
- Shannon – $1.2 million in last 2 years, about 30-40 grants. Priority points are given to projects in those watersheds.

Update on Minnesota Environmental Initiative's Land and Water Policy Project
Emily Franklin, MEI

- Focus groups showed that local governments spend a lot of time planning leaving less time for implementation. They heard that as a main issue from all 5 focus groups.
- Other issues also came up such as the effectiveness of enforcement efforts.
- 20 member work group – handout.
- They grouped 200 recommendations into 5 categories.

- Extracted 9 key recommendations – "Big Ideas".
- Working group focused on 3 areas: Shared Vision, Public Education, and Planning Requirements.

Questions and comments:
- FYI - the Statewide Conservation Plan is not LCMR's; it's the University of Minnesota's.
- This is a nice alignment with the Council's work on citizen engagement.
- Emily – MEI has done some coordination with the Council and they look for the opportunity for more in the future.

Work Plan Review and Approval

1. Brief overview of main issues/changes to 3 work plans:
    - Prevention and Monitoring Work Group
    - Civic Engagement & Local Partnerships Work Group
    - TMDL Development & Implementation Work Group
2. Discussion of Measurable Outcomes & Research Work Plan

Marilyn explains the process; brief review of work plans and approval.

Prevention and Monitoring Work Group – Chair, Brian Davis:
- Brian said that all the recommendations made in the CWC meeting session were integrated into their work plan. Open for questions:

Questions and comments:
- Members discussed changes to the work plan;
- There are two main areas; Prevention and Monitoring. There are two Prevention strategies: 4.1 and 4.5. Maybe they should be put together to keep the money and the idea together.
- Brain agrees.
- Others that deal with prevention could be combined; 4.3 and the Groundwater one 4.6.
- Move to 4.7...there is no 4.7.
- Shannon – 4.7 was combined with 4.5.
- Victoria moves to approve Prevention and Monitoring work plan as amended. Louis seconds the motion. The motion is passed and the work plan is approved.

Civic Engagement & Local Partnerships Work Group – Marilyn Bernhardson:
- Marilyn – the Civic Engagement chair is not here today. Marilyn described changes to plan. They removed the activity of developing funding criteria for education plan. Added need to identify ways of groundwater protection – last bullet under 1.2.
- Why remove; developing funding criteria for water education?
- Lynne – there is no funding for it, so we dropped it.
- It maybe useful to keep it so it's there when funding is available. Keep it but adjust the timeline.
- Take the language from Prevention work plan on page 9; explore the funding criteria to be brought to the Council. If there isn't money, developing criteria makes no sense.
- Steve P. offered a motion to put the old language back in; define criteria…..as a strategy. We continue to encounter issues in education because we don't have criteria. We need to define

criteria for these activities in the area of water education. Moves that the original language be put back.

- Louis agrees with both suggestions. Watershed education and outreach are important and need to be funded. In the Legislative proposals, there is not much there in terms of advocacy.
- Marilyn – motion by Steve P.
- Brian seconded, motion passed.

- Add to Strategy 1.6 …"and others engaged in watershed education." Delete the one meeting.
- Vote was taken and the motion passed.
- Is strategy 1.7, develop accountability measures, repetitive with the other workgroup?
- Is your motion to delete 1.7 from the Civic Engagement work plan?
- Yes; take it out of page 3 entirely and simply say that we'll work with the Civic Engagement work group on this. Otherwise it looks like we don't know what each other is doing.
- Victoria seconds the motion.
- Motion passed.

- Fix the formatting in the work plans to make it consistent.
- We don't need the names of speakers in the work plan
- Deb moves to strike names of speakers, and change bullet to; bring in speakers.
- Steve P. offered a friendly amendment to combine bullets 3 and 4 (or 1 and 2 under 1.2) to just say; "bring in speakers for workgroup discussion"
- Brian would like to hear from work group members.
- Scott/Gary – no objections.
- Motion passed.

- The responsibilities column is blank.
- Marilyn asked if there was any discussion on Monday. No.
- Scott assumes the responsibilities are; work group, staff, full Council
- We need to involve outside agencies. How do we do that?
- The full Council is the mechanism to do that.
- Measurable Outcomes did the same thing on page 7.
- Victoria suggested that we make it consistent throughout; work group/staff/ full Council.
- Motion carried.
- Motion moved and seconded to approve Civic Engagement work plan as discussed. Motion carried.
- Victoria made an amendment to the approval of the Prevention and Monitoring work plan to add; work group/staff/full Council to the responsibilities column.
- Motion passed.

TMDL Development & Implementation Work Group: Keith Buttleman and Bob Patton:

- Keith - the workgroup heard some very good suggestions which have been incorporated into this draft. He then deferred to Bob Patton.
- Bob translated the flip chart notes to the work plan.
- Many comments had to do with the statewide watershed approach; the integration of protection, areas of water, civic engagement, heritage fund.
- Suggestion was made for the timelines, to put months in instead of early/late.

- The work plans can go over into 2010.
- Bob agrees we'll have to revise the timeline. The work group will discuss it.
- Brian moved to approve the work plan and Gary seconded. Motion carried.

2. Discussion of Measurable Outcomes & Research Work Plan: Chair Dave Bennett's presentation:

- Stakeholders need something they can wrap their arms around – measurable outcomes.
- Members' packet has a summary page of Dave's presentation.
- Dave would like to have a single sheet of paper summary from a project that describes the outcomes. He believes Legislators would like that also.

Questions and comments:

- Is this put in 3.1? Yes.
- Where you're going is great. Research and Outcomes group is the right combination because we will need research to do this. A few years ago, a cost benefit analysis of water quality standards was done. It eventually died at the Legislature because of the cost of doing this kind of analysis.
- Easier to do on wastewater site, harder to do for BMPs. Use the 1998 30-page report from MPCA as a starting point.
- BWSR tracks some of this information already. It's hard to know the life cycle of BMPS.
- Dave – we may make things more complicated sometimes. If you can't answer the question, you can't answer it. We just need a page or two. Medicine Lake did what we would like to see.

Suzanne Hanson's presentation – 3.2

- Interactive tool from Wilder Foundation. They talked about how to communicate the outcomes - maybe use something similar.

Questions and comments:

- Doesn't BWSR have a database that monitors the cost effectiveness of BMPs? Use that as a starting point.
- Yes eLink does some of the things Dave talked about.
- FYI - there are about 10-12 databases with various components. We may need a data portal.
- Of all the data agencies are measuring, some are useful for communicating, and some are not.
- Dave – it's equally important to communicate what doesn't work.
- They have examples of that in eLink.

- 3.2 should be and what did we achieve? Not everything is measurable by cost.
- Objective/tasks add - include measurement of environmental outcomes & cost benefit analysis.
- Dave – we need one page summary specific to a funded project.
- How it's done is outside of work plan – put the expectation in the work plan. What you've achieved and how much it cost.
- 3.1 & 3.2 Strategy. There is no 3.2 under Organizing Principles.
- Motion for preliminary approval
- Tasks 3.1 and 3.2 are part of the process of getting to the overarching strategy.

- You don't explicitly state you want measurable outcomes
- Dave – we will word smith it this afternoon.
- Expect that under objective/tasks there would be more discussion of cost benefit analysis.
- Marilyn – should we approve this work plan next month?
- Scott – yes

Meeting adjourned at 12:18 p.m.
Adjourn meeting of full Council

Lunch

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, June 15, 2009 at the Freeman Building, Room B145

Clean Water Council Meeting Agenda

Monday, June 15, 2009
9:00 a.m. – 3:00 p.m.
Freeman Building, Room B145
625 Robert Street North, St. Paul

9:00-9:10 **Convene Full Council**

1. Review and Adopt Agenda
2. Approve 5-18-09 Meeting Minutes
3. Council Introductions and Updates

9:10-10:00 **Legislative Update – Overview of Final Legacy Bill** (G16 invited)

10:00-12:00 **Discussion with Lessard Outdoor Heritage Council**
(Mike Kilgore, Council Chair; Jim Cox, Vice Chair; Bob Schroeder, Council member)

12:00-12:30 **LUNCH**

12:30-1:30 **2010 Capital Budget – Update and potential recommendations from TMDL Implementation Work Group**

1:30-1:45 **Final Approval of Work Plans for:**

1. Measurable Outcomes & Research Work Group
2. Council Steering Committee

1:45-2:00 **Discuss site visit options for Sept/Oct. meeting**

Adjourn for Work Group Meetings

Work Group Meetings ***(immediately following full Council meeting):***

- 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, July 20, 2009 at the Freeman Building, Room B145

Clean Water Council Meeting Minutes
Monday, June 15, 2009
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), Brian Davis, Del Haag, Keith Hanson, Larry Kramka, Joe Martin, Gary Pedersen, Steve Pedersen, Gaylen Reetz, Victoria Reinhardt, Louis Smith, Sarah Strommen, Deb Swackhamer, Paul Torkelson, Julie Klocker (for Steve Woods).

Absent: Scott Hoese, Bill Moore, Steve Woods.

9:00 Convene Full Council

1. *Review and Adopt Agenda*
2. *Approve 5-18-09 Meeting Minutes*

Clean Water Council Chair Marilyn Bernhardson convened the full council. Marilyn requested a change to the agenda -- the addition of a discussion item before lunch about future CWC meeting dates and frequency. Members moved and seconded to adopt the agenda as revised. The agenda was adopted. Members moved and seconded to approve the 5-18-09 meeting minutes. The minutes were approved.

3. *Council Introductions and Updates*

- Del Haag - brochure on the City of Buffalo wastewater upgrade; innovative use of biosolids – probably the first facility in the country to dry, burn, and produce heat from biosolids.
- Joe Martin – Dept. of Agriculture is busy dealing with the Emerald Ash Borer in Minnesota.
- Brian Davis will be traveling to Tel Aviv for a water conference. He will be looking for opportunities to share information and share needs.
- Julie Klocker for Steve Woods – there is a legislative summary on BWSR's web site. She will be going to Winnipeg to represent state agencies for the Red River and how it affects Lake Winnipeg.
- Gaylen Reetz passed around copies of an article Sunday's *St. Paul Pioneer Press* about improvements in the Minnesota River as seen in the fisheries. Gaylen also said the RFP for Section 319 funds is on the MPCA's web site today. $6 million in funds; applications due in 30 days.
- Marilyn said the tour of clean water projects in her area with County Commissioners and Senator Fredrickson was very worth while and well received.

Audience members introduced themselves

Legislative Update – Overview of Final Legacy Bill (G16 invited)
Paul Aasen, Minnesota Center for Environmental Advocacy

- General categories - could be categorized many ways – spreadsheet handout.
- FYI – Assessment and monitoring – CWC recommended $15 million ----- $21 million received.

- Paul went through the spreadsheet and talked about how budgets for items in the various categories may have shifted.
    - Point Source funds; CWC recommended about $50 million -- $32 million received. You could say this amount fits the need for the present.
    - Similar for the Nonpoint Source funds. It's a 2 year number that may change in the future depending on the needs.
    - Drinking water; CWC recommended $8 million -- $13 million received. Drinking water issue getting some Legislative attention.
    - Education and Public Engagement; CWC recommended $1.8 million --- Education and Public Engagement are included in some of the other areas.
    - Research CWC recommended $8 million -- ???
- Overall outcome of the session is very good for the Clean Water. We need to ensure that the way programs roll out fits with the Clean Water Legacy language. We are not sure how unallotment could potentially affect this.
- Next step – coordination with the Lessard Council. Decide if the CWC wants to link itself with the Clean Water Fund.

- Gaylen: It was a very successful session. The Council's recommendations had a big impact. Report of how it broke out; (reference to pie chart on the screen). The big themes of the session were transparency and outcomes. We need to have results and outcomes on websites. We are moving forward to do that. We will pass on to our partners the need to be transparent.
- LeeAnn Buck, G16: The diversity of the G16 coalition had some weight and effect on the Legislature. The measurable outcomes also helped with the Legislature. Thanks to the Council.

Discussion about future meetings: Marilyn Bernhardson, Chair
Do we need to meet every month? Work groups now need to implement their work plans; maybe we can focus on that. Are 12 meetings too many or 6 too few? Something in between, perhaps. Open for discussion.

- Council members had a discussion about how many meetings were needed each year, if some of the summer months could be missed, whether more time was needed for work groups, etc. Some members expressed the need to continue with monthly meetings.
- The suggestion was made to have work groups meet in the morning to change the focus of the work groups. If there is no agenda for the full Council, then no Council meeting in the afternoon.
- If additional meetings are needed, members could lengthen the time for the full Council as needed, the steering committee could call a meeting if needed, and the chair can call a meeting at any time if needed.
- Louis Smith moved that the CWC set its schedule to meet 8 months per year. The schedule will be set by the Steering Committee. Work groups will meet on off months. Meeting times will be posted on the web.
- Del seconded the motion.
- Victoria offered an amendment to the motion that one of the meetings skipped will be July.
- Louis considers that a friendly amendment.

- Marilyn called the question: Motion to change the meeting schedule to 8 meetings a year; the steering committee decides the dates; steering committee can call a special meeting if needed; July will be the first month off; work groups will meet instead of full Council meetings.
- Members in favor of the motion – 6
- Members opposed to the motion – 6
- Motion fails.

- Members discussed work groups, providing more time for the work groups, how to make them more effective, etc. It was suggested that the steering committee have a discussion about how to make work groups more effective.
- Marilyn called the question - each month the steering committee will decide if we need a meeting the following month.

Motion carried.

- Victoria moves not to have a full Council meeting in July. The motion was seconded.
- Work groups can decide if they want to meet in July.

Motion carried.

Discussion with Lessard-Sams Outdoor Heritage Council (LOHC): Mike Kilgore, Jim Cox, Bob Schroeder. Presentation by Mike Kilgore.

Overview of the Lessard Council: Constitutional mission of the Outdoor Heritage Fund: "Restore, protect, and enhance wetlands, prairies, forests and habitat for fish….."

- There are many resource plans available for various critters that have been prepared by diverse groups. Long range, specific plans, with concrete goals, many are very current.
- Some projects or programs had clean water or parks and trails benefits as well as habitat benefits. If the LOHC had more time, they might have been able to sift through the proposals and recommend some for other funds.
- Emerald Ash Borer funding – only for trees on protected lands.
- Success story – the Legislature appropriated funds for great projects to protect, enhance and restore habitat, etc. It's a struggle to have a common understanding of what the criteria should be. There were differences of opinion on the Council.
- LOHC only made one year recommendations unlike other advisory groups. Next recommendations are due in January.
- Next year the Council will be the L-SOHC – Lessard-Sams OHC.
- Ideas for opportunities to collaborate with the Clean Water Council:
  1. Assist in reviewing proposals…
  2. Periodic joint meetings…
  3. Information sharing….

End of presentation. Questions and discussion followed:

- Marilyn introduced Louis Smith to provide some background information on the CWC.
- Louis thanked Mike, Jim, and Bob for coming and for their work on the LSOHC. He talked about the importance of the work of both Councils and of the need for coordination. He

provided background on CWC's work so far, as well as its role in advising on activities mandated by the Clean Water Act, TMDLs, judicial decisions, and the Clean Water Legacy Act which required the formation of the Clean Water Council. He added that the CWC developed eight organizing principles and four work groups to address those principles. Louis also emphasized that the Clean Water Legacy Act requires a focus on existing state agency programs and the need to adequately fund and coordinate their work. Council recommendations are focused on the programmatic level, rather than the individual project level. Project funding is done by agencies through a competitive process and project funds are largely passed through to local government, via existing state programs.

- Sarah Strommen attends most Lessard-Sams Council meetings for her organization and she volunteered to represent the Clean Water Council at these meetings as well.
- Louis Smith often hears concerns from the public about aquatic invasive species, and will be interested in seeing if there are opportunities for coordination there. He is concerned with protecting waters, which also protects habitat.
- Steve Pedersen asked them to elaborate on their strategic planning process.
- Bob Schroeder replied that they are beginning to work on the strategic plan now. Unfortunately they didn't have time to do that in the beginning. They had a series of meetings with conservation groups to help frame-up their current recommendations. There is a meeting tomorrow to begin to frame-up strategic plan for a 25-year plan. The LSOHC wants the bulk of that framework established by September of this year so funding requests will support that 25-year plan. They will also review various resource plans (e.g., protection, restoration, habitat for various resources: forest, wetlands, prairies) that are relevant for the 25-year plan. The final plan will form the basis of budget recommendations.
- Steve Pedersen asked about the land/water interface. Could the CWC put one chapter into your strategic plan?
- Bob S. replied that habitat has a direct or indirect impact on water, but we can't say the opposite - everything done in water may not impact habitat.
- Victoria said she is very impressed with the work LSOHC has done in a short time. The public may see this as one fund, when in fact it is four funds – and a common goal ties us together. We need to have common goals; measurable outcomes - people expect to see where their money goes; strategic plans - how they fit together. The legislative process is very fluid. It's helpful to have a diverse group of individuals for at least two parts of the fund. She recommended having at least one joint funding meeting per year.
- Bob S. – FYI, unlike the Arts Board which received funds for the arts portion of the amendment funding, the LOHC needed to sort through proposals to see the best fit for funding.
- Mike K. suggested being more targeted in the call for proposals. We must be clear about the outcomes we're looking for.
- Bob S. – Outcomes are important. Tomorrow's meeting of the LSOHC will review outcome plans and timelines for those projects that received funding.
- Deb S. asked how important is it that the two councils review proposals on a parallel track.
- Mike K. said that this is important
- Bob S. agreed that it's important to have a group that reviews the work.
- Jim Cox said most people are concerned with water. Far and away the most interest is in water issues.

- Deb S. asked if they did not recommend funding programs, funding projects instead.
- Mike/Bob clarified that they were not saying funding projects was preferential. They emphasized that it is important to fund programs and this may illustrate a difference in the mandates of the two Councils: CWC funds go to agencies, while LSOHC funds go to agencies and also to other organizations.
- Mike K. said it is hard for them to judge what is the best habitat to fund. We need to rely on experts to determine that.
- Jim Cox said if they continue to fund the same programs, there will be some concern about that.
- Sarah S. said that the processes of the two groups don't have to be the same, but there is some confusion because they don't seem to be parallel.
- Joe Martin noted that protection and restoration monies are logical places where we need to coordinate to determine whether these projects are protecting, restoring habitat, etc.
- Mike K. raised the supplement vs. supplant requirement of the constitutional amendment. He said that ultimately the decision about this lies with the Legislature. Coordination helps both councils sort through this too. He asked what does BWSR need and what can get them there? LSOHC may be able to help.
- Julie K. responded that BWSR programs have the most impact on clean water and habitat. There is concern that some of the BWSR needs may fall through the cracks.
- LeeAnn Buck of the Association of Soil and Water Conservation Districts said that RIM Reserve and other programs that get funds through the bonding bill. What effect will new funding have on this?
- Bob replied that there is some risk that new funds may reduce the traditional sources of funds.
- Larry K. said that strategic plans will help look to the future for funds. He added an outcomes challenge – what are the measures that make sense for both the water side and habitat side? Measures will need to help clarify the impact of each fund and inform the strategic plan about how connected the two funds are.
- Gaylen R. added that we have to work together to tell the positive story of how those two pieces work together; important for the public understanding.
- Paul Torkelson congratulated the LSOHC on its fine work. He emphasized that the opportunities for collaboration are tremendous, as is the risk for in-fighting. It is critical that we show the public that we're working together. Outcomes are very important for the Legislature. Joint outcomes need to be pointed out and we need to collaborate.
- Mike K. – A Legislative Guidebook will be developed jointly by the House, Senate & LSOHC. It will be worked on over the summer and jointly presented next February. It's a great opportunity to work together.
- Paul T. added that the other big question is structure – there are dramatic differences in structure. These two groups have structure, others don't. Questions - should we go on with this structure in the future? Any changes needed? Should structure be added for the other two groups?
- Bob S. said that as the LSOHC looks at program opportunities, we should try to assign relative values to projects. They could consider adding water quality benefits as a secondary value and ask that question. Also, the CWC could do the same for water projects; ask what are the habitat benefits. Maybe give extra weight to the secondary value. If projects are funded, identify the secondary benefits.

- Mike K. highlighted the LSOHC's web site and said that in the accomplishment plans, recipients were asked to identify the relative actions, habitat, clean water, etc. Cross fertilization benefits can be seen.
- Paul T. asked if the group thought whether in the future, the Governor will take the LSOHC recommendations or make his own?
- Bob S. replied that the LSOHC is part of the Legislature. He thought the Governor would place a high value on the LOHC's recommendations.
- Joe M. asked if the process of getting proposals has been laid out yet.
- Mike K. said they are working on that process this summer.
- Bob S. said the LSOHC is reluctant to use a formal Request for Proposals or RFP. They need to have flexibility and are making recommendations to the Legislature.
- Earl B. expressed Greater Minnesota's concern about the ability to acquire land and compensate for taxes lost.
- Mike K. replied that there is lots of discussion about that. Can they use the Outdoor Heritage Fund for tax payments? It depends, but not likely.
- Bob S. said that major policy issues need to be addressed going forward;, including PILT payments. For the Blandin acquisition, they are paying the taxes. The issue of long term maintenance and how to pay for that is also very important.
- Jim Cox said that increased PILT payments that are put on the state are a cost, but we get flood control, habitat, etc. as benefits.
- Bob S. added that public land increases the value of adjacent private lands, so land values go up.
- Gary P. said that PILT payments are generally less than tax payments. There's an increase in traffic, need for law enforcement, but less tax revenue.
- Marilyn B. summed up the discussion that the two Councils have common goals and have a need to continue dialogue and coordinate. She asked how to best move forward to work together?
- Mike K. replied that collaboration should be coordinated at the staff level. We need ongoing communication between staff.
- Marilyn B. suggested that the Clean Water Council steering committee will develop a list of ways to collaborate and bring it back to full Council. Would you be interested in doing that?
- Mike and Bob agreed that this would be helpful.
- Marilyn B. encouraged the LSOHC to feel free to contact her or Jeff Risberg, who helps staff the Council.
- Bob S. said that it's helpful to have a deadline and the LSOHC's is January 15, 2010, with initial recommendations by the end of December. He said that the Clean Water Council could be a big help during that time period.
- Gaylen Reetz concluded the discussion by recognizing the ongoing efforts of Representative Torkelson during the legislative session to support the Clean Water Council and its recommendations. The Council appreciated his dedication and hard work on the Council's behalf.

Capitol Budget Presentation: Keith Hanson of the TMDL Development and Implementation Work Group presented an overview of the work group's meetings with the Public Facilities Authority to understand wastewater and stormwater infrastructure needs. The work group

emphasized that the needs far exceed the money available. The issue is too complex to provide specific recommendations at this time.

Annual Report

- Marilyn reminded the Council that each work group should figure out what needs to be included from their group for the Annual Report. The annual report update is due by December 2009.

Approval of 2009-10 Work Plan

- Marilyn asked for approval of the final two work plans for the Research and Measurable Outcomes work group and the Steering Committee.
- Gary P. moved to approve the Measurable Outcomes work group work plan. Motion carried.
- Victoria moved to approve the Council Steering Committee work plan. Motion carried.

2009 Site Visit Options

- Marilyn asked the group to comment on options for its annual site visit. The site visit would be combined with a CWC meeting.
- Jeff said that there are two possible meetings dates, Sept. 21 and Oct. 19, to conduct site visits.
- Steve P. said that September is a good time to have a Council retreat and talk about strategic planning – maybe use the U of M's Statewide Plan or other plans.
- Paul T. said we should use it as an opportunity to get together with LOHC and have a site visit. There was wide support for this idea but concern that the LSOHC may be very busy in the fall.
- Jeff Risberg was asked to contact the LOHC's staff to investigate this opportunity further.
- Marilyn also said that the Steering Committee will develop recommendations for coordination with the LOHC.

Full Council meeting adjourned at 1:18 p.m.

Adjourn meeting of full Council

Work groups will use the July meeting date to work on their own work plans. Work groups chairs should contact Mary Reilly.

Lunch

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, August 17, 2009 at the Freeman Building, Room B145
There will be not be a full Council meeting in July 2009.

Clean Water Council Meeting Agenda
Monday, August 17, 2009
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**

1. Review and Adopt Agenda
2. Approve 6-15-09 Meeting Minutes
3. Council Introductions and Updates
4. Update from Steering Committee (Marilyn Bernhardson)
5. Audience Introductions

9:30-10:30 **Clean Water Fund Interagency Coordination and FY2010-11 Allocations**
Presenters: State agencies

10:30-10:45 **BREAK**

10:45-12:00 **Digital Terrain Analysis tool – Presentation and Discussion**
Presenters: Dr. Dave Mulla, University of Minnesota; Adam Birr, Minnesota Department of Agriculture

12:00-12:30 **LUNCH**

Adjourn for Work Group Meetings

12:30-3:00 **Work Group Meetings** (*2009 work plan tasks)*

- 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, September 21, 2009 at the Freeman Building, Room B145

Clean Water Council Meeting Minutes
Monday, August 17, 2009
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, Earl Bukowski, Keith Buttleman (for Bill Moore), Brian Davis, Del Haag, Keith Hanson, Scott Hoese, Joe Martin, Gary Pedersen, Gaylen Reetz, Victoria Reinhardt, Sarah Strommen, Paul Torkelson, Steve Woods, Terri Yearwood (for Larry Kramka).

Absent: Pam Blixt, Larry Kramka, Bill Moore, Steve Pedersen, Louis Smith, Deb Swackhamer.

9:00 Convene Full Council

1. *Review and Adopt Agenda*
2. *Approve 6-15-09 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 and seconded to approve the 6-15-09 meeting minutes. The minutes were approved.

3. *Council Introductions and Updates*

- Gaylen Reetz, MPCA – there has been some developments in regards to the Clean Water Council appointments. There has been a change in the appointments staff person in the Governor's office. The hope is to get the appointments done soon, in the next month or so.
  - There are $2 million available in grants for Surface Water Assessments (SWAG Program). The RFP will go out in September 2009 with applications due in October 2009.
  - Projects have been selected for the Section 319 grant application that will go to EPA for FY2010. $6.15 million will be available for these grants. The list of projects selected can be found in the August edition of MPCA's WaterFront Bulletin; http://www.pca.state.mn.us/water/tmdl/waterfront/index.html.
- Steve Woods, BWSR – agencies are working together on coordination for local water planning, BWSR and PCA. The BWSR memo in your packet describes how BWSR provided Technical Assistance Funds to help with the local match for Section 319 grants.
- Keith Hanson said there will be a tour of the St. Louis River Estuary on August 24th sponsored by the St. Louis River Alliance. The Healthy Lakes 2009 conference will be in Duluth September 10-12, 2009 sponsored by the Great Lakes Coalition.
- Del Haag provided a handout on the City of Buffalo's wastewater plant upgrade; innovative use of biosolids – probably the first in the country; dry it, burn it, and produce heat.
- Joe Martin said MDA has a partnership with several agencies to coordinate Clean Water Fund activities.
- Scott Hoese took a trip to Washington D.C. involving dairy farmer and other issues, and the difficulties they are currently facing.
- Brian Davis – Wednesday evening Minnesota Waters has RiverNight, their annual evening on the Mississippi. Brian traveled to Tel Aviv for a water conference, where there is a great

interest in sharing technologies they have developed for water; including wastewater, and drinking water around the world.

- Sarah Strommen handed out postcards with details on the Land Conservation Summit 2009.
- Rep. Torkelson had some contact with the appointment director in the Governor's office. Rep. Torkelson had planned on resigning the Council, but now is reconsidering.
- Gary Pedersen attended a conference in Rochester where there was talk about funds from the Clean Water Legacy amendment going into land trusts and easements. This means the tax revenues will go down, but the need for services go up.
- Chair Marilyn Bernhardson was invited to the LSHOC listening session in New Ulm. It was a very interesting and intense day.
    - Updates from the Steering Committee; appointments process and work plan – if changes are made to the work plan, please send them on to be inserted into the work plan.
    - LSOHC meeting – Sept. 21 CWC meeting Mike Kilgore and Bill Becker will be here to discuss their process. October 19th there will be a full council meeting in the morning and a Metro Plant tour at about 1:30 p.m. The tour will take about 90 minutes to 2 hours depending on how many questions there are. There will be lots of walking. Two vans have been reserved to take people from here (Freeman Building) to the plant. Met. Council needs to know the total number of people coming at least two weeks in advance – names and birth dates – to do a security check. Send the information to Celine Lyman or Jeff Risberg.
- Gaylen – EPA is announcing soon there will be $475 million per year available for the Great Lakes. The funds have not been appropriated yet, but they expect to get it. The funds are directed at areas of concern and will likely be used to fund work included in plans developed for the Great Lakes over the past years that have not had a funding source.
- Marilyn – Federal Conservation Stewardship Program (CSP) funds - anyone nationwide doing conservation is eligible, but there are not a lot of funds available.

Audience members introduced themselves

- Jeff Risberg mentioned some things on the work plan timeline for 2009 - the Legislative update is due in December. The deadline for content from the work groups is September 30th so a draft can be presented to the Steering Committee in October. We need to submit it to the Legislature in December. This will be a short update about what the work groups' plans are through 2010 and where they are in that process. The 2010 timeline will be reviewed by the Steering Committee this week and we will bring it to you next month.

Clean Water Fund Interagency Coordination and FY2010-11 Allocations
Presenters: State agencies; MPCA, DNR, BWSR, MDA, MDH, Met. Council, PFA.
Rebecca Flood, MPCA – information in Clean Water funding – slide show

All agencies: $150.8 million FY2010-11 – each agency representative described the agency's activities funded under the categories of funding;

1. Protection and Restoration, $95.3 million
2. Monitoring and Assessment, $21.5 million
3. TMDL Development, $20.4 million
4. Drinking Water Protection, $13.6 million

- **MPCA**, Rebecca Flood: $51.16 million
- **DNR**, Terri Yearwood: $14.53 million
- **BWSR**, Steve Woods: $38.22 million – all for Protection/Restoration
- **MDA**, Joe Martin: $8.96 million – all for Drinking Water
- **Met. Council**, Chris Elvrum: $0.40 million – all for Drinking Water
- **PFA**, Rebecca Flood for Terry Kulhman and Jeff Freeman: $32.7 million – all for Protection/Restoration (handout – TMDLs and Phosphorus Reduction grants)

Rebecca Flood – we are in the process of finalizing a fact sheet to put it all together. It should be ready in the next few weeks.
Clean Water Fund Interagency Leadership Team (slide):

- Outcomes Coordinator
- RFP Coordinator
- Other Funded Activities

Questions:
The team purpose says fund coordination, but the purpose is much broader; legacy amendment activities.
Steve Woods – it is about more than just money and includes all the things the Legislature wanted agencies to do under the amendment funding.
Rebecca welcomes any suggestions for changing the language.
There was some discussion about the G16 and whether it is an official group in statute or an informal group. It is an informal group and not the same level as the others.
It could be said that the CWC also has a different status than the other groups listed on the slide. Official status is not the only criteria for including groups. The G16 plays a crucial role and coordination should continue. There may be other informal groups we want to include in the future.
Where will the position of coordinator be funded?
Rebecca said it will be funded by all agencies that will receive Clean Water funds, except Met. Council because they will get fewer Clean Water funds.
How does this new position fit in with the Clean Water Council and coordination with LSHOC?
Rebecca - we're working on a position description right now – to be determined.
Where will the position be located?
Rebecca – that has not been determined yet. The position will probably remain at the agency the person comes from.

Break

Digital Terrain Analysis tool – Presentation and Discussion
Presenters: Dr. Dave Mulla, University of Minnesota; Adam Birr, Minnesota Department of Agriculture
Applications of High Resolution Digital Elevation Data for Soil and Water Conservation in Minnesota. Dr. David Mulla

Dr. Mulla presented information on Precision Conservation:

- Precision Conservation allows small portions of the landscape that have a disproportionate effect on water quality or wildlife habitat to be targeted with Best Management Practices (BMPs).
- Best Management Practices placed on critical landscapes can help treat small areas that produce disproportionate amounts of pollution.
- Identifying critical landscape areas can best be achieved using high resolution digital elevation data, although information about existing management practices is also important.

Precision Agriculture

- Small areas can have a disproportion effect on the watershed. Identify areas that would be good for restoring water fowl production, wetlands, etc.
- Variable Source Areas – small portions of the landscape can contribute.
- Bluffs deliver 10 times more sediment than ravines.
- Majority of ravines and bluffs are in different watersheds.

Questions:

This work is concentrated on the Minnesota River. Will you ever work on the Nemadji River, which also has sediment problems?
Dr. Mulla said he is aware of others work in these areas. He will extend his work with digital analysis to the rest of the state in the future.
What can be done about sediment coming from ravines and bluffs?
Dr. Mulla outlined some potential solutions for reducing sediment from ravines. It's harder with bluffs;

1. Bluffs may be eroding because of higher water levels (climate change?)
2. Bluffs have been eroding for hundreds of years – natural phenomenon
3. Stabilize the toe of the bluff

What percent of sediment going into Lake Pepin is from Blue Earth River and LeSueur River watersheds?
Dr. Mulla estimates 50% of the sediment is coming from Blue Earth watershed and 60% from LeSueur watershed.
Is the focus on areas of greatest variability? Are there other examples of success with this approach, with targeting?
Dr. Mulla – RIM and CREP.
Can LiDAR identify stream bank erosion?
Dr. Mulla – there is a gradation of stream bank erosion. You need overlapping LiDAR images over time to determine that. With bluff erosion we can identify sites and use calculations.
What can we do to protect the value of productive farmland?
Dr. Mulla – we are working with BWSR for BMPs that are targeted. Use BMPs on areas that are marginal for agriculture.

Adam Birr, MDA – Identification of Upland Areas

FY2007 Clean Water Legacy Pilot Study
Use top 15% of values for BMP identification.

Questions:
How long would it take to give us a finished product from beginning to end for say, the Redwood-Cottonwood watershed?
Adam – we need to do it on bare ground, in the spring and fall. A 50,000 acre watershed can be done in a month or so. We can use some of the calculations using existing data as a first cut. The Minnesota River watershed will be done this spring.
Instead of buffers all along the waterbody, is it better to have a shorter, deeper buffer at the critical areas? Adam – yes.
What are the next steps with the Council and the TMDL implementation work group?
Training, working with the civic engagement work group, and meet with Steve Woods, BWSR this afternoon.

Rep. Torkelson noted that Mary Murphy's committee is meeting next week (the 25th) to begin work on Clean Water Legacy issues.

Adjourn meeting of full Council
Lunch

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, September 21, 2009 at the Freeman Building, Room B145

Clean Water Council Meeting Agenda

Monday, September 21, 2009
9:00 a.m. – 3:00 p.m.
Freeman Building, Room B145
625 Robert Street North, St. Paul

9:00-9:25 **Convene Full Council**

1. Approve 8-17-09 Meeting Minutes
2. Council Introductions and Updates
3. Steering Committee Report
   a. CWC 2010 Timeline
   b. Final logistics information for October 19, 2009 CWC Metro Plant Site Visit (Keith Buttleman, Metropolitan Council)

9:25-10:30 **Update from the Lessard-Sams Outdoor Heritage Council**
(Mike Kilgore and Bill Becker, LSHOC)

10:30-10:45 **Break**

10:45-11:30 **Minimum Requirements for Civic Engagement for TMDL/Watershed Projects** (Lynne Kolze, MPCA)

11:30-12:00 **TMDL Development and Implementation Work Group presentation and discussion**: Revised TMDL and Implementation Plan Development Process under a Watershed Framework (Gaylen Reetz, MPCA)

12:00-12:30 **Lunch**

Adjourn for Work Group Meetings

1:00-3:00 **Work Group Meetings** (*2009-10 work plan tasks)*

- 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, October 19, 2009 at the Freeman Building, Room B145 and Metro Wastewater Treatment Plant.

Clean Water Council Meeting Minutes
Monday, September 21, 2009
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), Bob Finley (for Gaylen Reetz), Del Haag, Keith Hanson, John Howe, Larry Kramka, Gene Merrriam, Bob Patton (for Joe Martin), Gary Pedersen, Steve Pedersen, Todd Renville, Louis Smith, Sarah Strommen, Paul Torkelson, Steve Woods.

Absent: Earl Bukowski, Scott Hoese, Joe Martin, Bill Moore, Gaylen Reetz, Deb Swackhamer, Victoria Reinhardt.

8:00 a.m. New Member Orientation Meeting – Steering Committee members and others met with the newly appointed CWC members to welcome them to the Council, help answer their questions, and explain some of the history and processes of the Council.

9:00 a.m. Convene Full Council

1. Review and Adopt Agenda
   - 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.

2. Council Introductions and Updates
   - Jeff Risberg explained to new members that MPCA is responsible for providing administrative support to the Council.
   - Sara Strommen reminded members of the upcoming Land & Water Conservation Summit. The Minnesota Arboretum website has more information.
   - Steve Woods said BWSR is putting out a request for proposals for implementation funds. The Legislature added 3 members to BWSR recently.
   - Marilyn Bernhardson said we need to include the CWC's 2010 timeline in member's packets for next month's meeting.

Audience members introduced themselves

3. Steering Committee Report

   a. CWC 2010 Timeline – include the timeline in the next month's Council packet.
   b. Final logistics information for October 19, 2009 CWC Metro Plant Site Visit (Keith Buttleman, Metropolitan Council)

   - The Metro Plant tour will take about 1½ hours. There will be lots of walking so wear comfortable shoes. We will be going in and out of buildings, so dress appropriately. Vans have been reserved to take people from here (Freeman Building) to the plant. Met Council needs to know the total number of people coming at least two weeks in advance,

including names and birth dates, to do a security check. Send the information to Celine Lyman or Jeff Risberg.

- Marilyn asked that a sign-up sheet be passed around today to get the names of those going on the site visit. We will send an email to members who are not here today to get their names and birth dates for the tour. What about visitors?

Action item: Send an email to members with a cutoff date to those not here today to see if they want to go on the site visit.

Update from the Lessard-Sams Outdoor Heritage Council
(Mike Kilgore and Bill Becker, LSHOC)
Handout of LSOHC funding criteria and funding priorities.

Action item: Send (electronic, if possible) copies of LSOHC handout to members and interested parties.

Bill Becker said one of the most asked questions the Lessard Council gets is about how the LSOHC and the CWC coordinate. CWC has a preference for recommending funding for programs rather than projects. For LSOHC, recommending the best projects year after year is the only way to achieve their goals over 25 years.

Recommendations are due January 15, 2010.

1. Ranking criteria – handout; habitat, water quality, volume, etc.
2. Vision priorities
3. Funding outcomes

LSOHC application form for funding is in the process of being put together. Their mission is to ensure funds are spent on the best habitat projects, but the projects can also include water quality benefits. Applicants present before the Council what they are going to accomplish before they are funded and also how they will accomplish the goals of the project. They will encourage projects to include water quality benefits too. LSOHC is looking for programs that offer blended benefits; that's a powerful way that can be used to fund projects which benefit many.

Mike Kilgore, Chair of LSOHC
How they are moving forward, and how they can work with the CWC.

- Potential barriers – the cycle of appropriations is 2 years. LSOHC advises the Legislature annually. There is a timing question about staying on a one-year cycle.
- LSOHC has also been asked how it coordinates with other organizations, i.e. LCCMR, Parks and Trails fund, etc. Members of LSOHC are interested in coordinating but outcomes are most important – habitat. It's rare that a good habitat outcome doesn't also have good water quality outcome. For example they funded some shallow lakes projects that also benefited water quality.
- The CWC's focus is on outcomes as is ours – whatever we do, don't lose sight of outcomes. We came here to seek a dialogue and discuss how we can work together as we move forward.

Questions:

- Thanks for moving the coordination forward. Reward projects with multiple benefits. The ranking criteria includes that. Local level is important.
- Bill Becker said the local level is where the coordination needs to occur. That is an important thing to recognize.
- Mike Kilgore said that program capacity is their focus. They've had project proposals presented to them for buying land, but LSOHC is not in a position to judge those project proposals. They must be vetted through a program developed to do that. Fund acquisition programs with criteria, process, and staff capacity.
- Do the nine priority criteria in the handout have all the same score or weight?
- Mike responded that there are 21 other minimum criteria not shown in the handout.
- Do watersheds enter into your equation?
- Bill - experts say you have to take a systems approach, work high in the watershed for example. Yes, watersheds are very important.
- Mike - see the last page of the handout. Two of the 3 are watershed based priorities.
- We seem to be mixing and matching the definition of programs and projects. You're funding projects—seems that coordination would be a little later in the process – joint funding of a project would occur after the Legislature appropriates funds. How can we marry our approaches?
- Bill responded - redefine program: a program is an ongoing effort to identify opportunities for conservation, and then begin implementation on a priority basis on whatever scores the highest. We are dependent on other groups to discuss these other projects. What about blended funding? LSOHC can write a recommendation to BWSR, for example to obtain a match for the project from CWC. That's how we envision it working.
- We need a dialogue at a lower level.
- Bill – put the onus on the program manager to coordinate and provide the incentives.
- CWC funds programs like TMDLs, LSOHC funds projects, i.e., habitat projects. Coordination occurs after Legislature appropriates. Priority on how we help you fund it.
- LSOHC has programs but also funds individual projects. Fears that 25 years from now we've spent a lot of money on programs that don't make much difference. Professor Nowak (University of Wisconsin) speaks about random acts of conservation with no significant impact in the long run. What safeguards do we have that the money you're spending can guarantee success?
- Bill said they can't guarantee gestalt, but they can set up the process. Inform applicants that they will score higher if they show the ability to coordinate in a meaningful way. Implement to make sure they take into consideration other values. Programs begin to operate on the basis of targets of opportunity.
- Mike said he looks for proposals that are grounded in a science-based plan with numeric targets. Does it relate to the capacity and vision of the program or is it a request to do more of the same without a focused outcome? Does the project accomplish the goals the State is looking for and do they have a science-based plan?
- Bill – the statute defining LSOHC has an audit function; a performance audit to see if the recommendations we are making are moving towards the intent of legislation. We will have scientists in the field to evaluate the work in the years the auditors are not in the field. We can begin to get some of that knowledge back as we go down the 25-year path.

- How do we know if we are moving the ball forward? LSOHC has your audit and accomplishment plans, CWC has effectiveness tracking. How do we coordinating those two systems?
- Good suggestion. Nobody has the global view. We need to consider things like compatibility of data, etc. We will get there, but we're a few years from there now.
- It needs to be two way so outcomes data collected is compatible for both Councils.
- Are you allocating funds to sections of the state?
- Bill: Considered allocating funds based on science and conservation. It's clear that when you divide the state up, some measure of balance has to occur.
- Question of balance; over time (25 years) the money will be spread around the state based on habitat.
- Here's an observation - the habitat you want on the ground also has to have clean water. Don't get caught up on leveraging. The real question is for the two councils to figure out how to talk about the "where", not the "what". Where can the funds benefit both habitat and water? How can we come up with that system? We have lots of data, programs, etc. to decide where to put the next WMA for example. We need to look at priorities. Also, I hope we don't get to a point that the needs of conservation and water quality are equal across the state – that may not be equitable.
- Bill – the 25 year plan has to address where, priorities, density is important for example.
- Mike – some of the criteria they looked at are BWSR criteria for wetlands (RIM-WRP). Good example of funding criteria – see coordination – priorities.
- Bill – send copies of criteria to members.

Action item: Send copies of BWSR's RIM-WRP funding criteria to Council members.

- Rep Torkelson – there is a complicated landscape for funding. How can we make it easier for projects to get funding without making it overly complicated?
- Bill – we could recommend they apply to grant programs for match, appropriation include language to also get clean water funding? Leverage – we can encourage this in the evaluation of projects coming in and leverage match from a clean water source. There is a desire for blended funds, but we don't want unintended results - to fund projects with clean water benefits but poor habitat benefits.
- Question about invasive species projects that don't fit neatly into clean water or habitat, but this issue is a concern for citizens, watershed groups, etc.
- Meeting with citizens around the state you hear good ideas. Someone suggested only funding invasive species if they impact rare and endangered species or some very special situation.
- The U of MN will do the 25 year plan? Habitat Plan – MN Management and Budget (MAD).
- Mike - the LSOHC talked to various groups and as many natural resource professionals as possible to talk about strategies, targets, etc. We will use the information from those discussions in the 25 year plan.
- Question about the map in handout; what are the boundaries of the Metropolitan Urbanizing Area? Bill said they are based on DNR's Ecological Sections which includes the 7-county metro area plus some parts of other counties.
- Schedule for recommendations: October 1st is the call for requests (their RFP); November 2nd requests are due to the LSOHC. Projects will be selected and recommendations made in

- Education and public outreach; funding mechanism for education, civic engagement
- Focused on getting project done, need to include education, civic engagement piece
- Mike – the challenges are understanding and awareness. Understanding is still an issue; what the law allows, what the funds can be spent on. We can't just buy access.
- Bill – the constitution uses active verbs; restore, protect, etc. How much education ought to be done? We should stay to the conservative side of it.
- Direct expenditures on projects achieving those outcomes
- Marilyn thanked Bill and Mike for coming and said the CWC hopes to continue the dialogue in the future.

Break

Minimum Requirements for Civic Engagement for TMDL/Watershed Projects
(Lynne Kolze, MPCA)
The Clean Water Council has spent considerable effort studying the most effective methods for engaging citizens and stakeholders in the development of watershed restoration/protection strategies and TMDL studies. A small team of MPCA staff and external stakeholders was convened to draft new guidelines for local officials involved in developing watershed restoration strategies and TMDL studies. The team developed a relatively simple checklist that outlines new expectations for all projects.

Lynne Kolze – Richard Harwood, Harwood institute - Tools for citizens to promote their leadership qualities

1. Video #1 – pursue civic engagement, not public input. Genuine civic engagement is based on different principles that just public input. You need enough time for dialogue, enough time for people to express their principles. If we do this, leaders can do their work better (garner the understanding to do our work).
2. Video #2 – create expectations that can't be met, to view people as consumers who can have whatever they want. We need to be citizens, not just consumers.
3. Video #3 – provide knowledge, not more information. People want a sense of coherence. What kind of knowledge do people need?

- Lynne Kolze – there have been efforts in agency to advance civic engagement. The original focus was to develop a protocol for civic engagement; to provide consistency statewide for civic engagement.
- Decided to develop something very simple and came up with a checklist of activities. We won't tell people how to do these things. Checklist reflects information from a variety of individuals and a number of focus groups. The intent is to be flexible, and help those who need it as they need it. There is a vision piece to explain what this is about.
- The group received some input on the draft checklist from focus groups;
    - Do a better job of identifying roles and responsibilities
    - Do it without an extra job – locals have many things to do
    - Worthwhile to bring in a professional