

Meeting Minutes
Clean Water Council Meeting
Monday, March 19, 2007
Freeman Building - Room B144, St. Paul

Council Members Present: David Bennett, Marilyn Bernhardson, Brian Davis, John Greer, Del Haag, Scott Hoese, David Jeronimus, Christopher Kolbert, Joe Martin, Steven Pedersen, Lee Pfannmuller, Gaylen Reetz, Louis Smith, Sarah Strommen, Deb Swackhamer, Doug Thomas, Paul Torkelson

Absent: Pamela Blixt, Earl Bukowski, Bill Moore, Gary Pedersen, tribal representative-(to be appointed)

Staff: Jeff Risberg (MPCA), Megan Pavek (MPCA), Mary Reilly (MPCA), Joan Heldt (MPCA), Faye Sleeper (MPCA), Paul Burns (MDA)

Guests: MPCA Commissioner Brad Moore, Senator Satveer Chaudhary, Mike Robertson and Marie Zellar (G-16 reps)

9:15 Overview of Day

Jeff Risberg introduced MPCA staff. Explained that the MPCA handles the administrative functions for the Agency. Outlined the day's activities, goals and outcomes.

9:30 Welcome and Introductions

MPCA Commissioner Brad Moore welcomed the Council and explained the purpose and background of the CWLA and the role of the Council. "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..."

The CWLA was signed by the Governor on June 2, 2006. Nearly \$25 million was appropriated for one year to increase monitoring and assessment, and start a number of new TMDL studies as well as several restoration and protection projects. For the 2008-09 biennial budget, the Governor has recommended \$40 million for these activities over two years.

The role of the Council is to advise us on the administration and implementation of the Clean Water Legacy Act (including recommendations related to an implementation plan for the Act and future spending priorities).

Commissioner Moore touched on the Senate confirmation process for Council members, and Open Meeting Law and Data Practices requirements of Council Meetings.

9:45 Council introductions: Council members introduced themselves, explained who they represent, why they wanted to serve, special personal notes (interests/hobbies, family, etc.)

10:30 Perspectives on the History and Future of the Clean Water Legacy Act:
Informal Panel Discussion, moderated by Commissioner Brad Moore

Panelists present:

- G-16 representatives Marie Zellar (representing environmental organizations) and Mike Robertson (representing the Chamber of Commerce)
- Senator Satveer Chaudhary, Chair of the Senate Environment and Natural Resources Committee

Panelists took turns sharing on the following topics:

History: What key issues and concerns do you think the Council should understand regarding the history of CWLA and the Council's role?

Outlook: What do you believe are major issues that will be discussed this session on future funding for CWLA?

Any other thoughts or suggestions you may want to share with the Council as it begins its work.

Senator Chaudhary: Thanked the new Council. He noted that this is a critical time for Minnesota's environment. CWLA requires us to clean up our water. It's good and bad - - good to clean up water, bad that we have to be told to do it and need a law.

He said that the legislature will turn to the Clean Water Council for advice. All the stakeholders are critical to the process and all have a great impact on the policies that are implemented in the legislature. Talking helps resolve issues and everyone's expertise is very important. He's interested in advice but also wants to get things done to reach long-term solutions. He doesn't want to get bogged down and wants the Clean Water Council to help the State move forward. He also said that the Council can consider and provide advice on non-Legacy Act programs that impact water quality, including game and fish issues, land policies that impact water issues, and other legislation.

Legacy funding for FY 08-09 and beyond. He said that the legislature is considering several options. He believes that the General Fund will not be adequate for the Clean Water Legacy Act and a sales tax dedication may not be collected soon enough to make a difference in the short term. Funding may be needed specifically for CWLA such as a new fee

Questions for Senator Chaudhary

Q: Deborah Swackhamer asked the Senator what is the Council's biggest obstacle.

A: Senator Chaudhary -- The group dynamic is the biggest obstacle -- getting people to work together. Need to talk about feelings, goals, and how to bring things to a resolution. Encouraged having a facilitator to keep them on track.

Q: Paul Torkelson inquired how the Council can impact legislation.

March 19, 2007 CWC Meeting Minutes- approved by Council 4/16/07

A: *Senator Chaudhary*: There is a lot of policy that the state agencies handle. The Council should be briefed on these policy decisions. The Council could provide advice or develop formal resolutions regarding policy decisions.

Q: *Louis Smith*: How optimistic about funding?

A: *Senator Chaudhary*: Positive. Ideas regarding a permanent funding mechanism have not been presented to the Legislature. We know the General Fund approach doesn't work. We need some sort of fee structure as a source of permanent funding.

Marie Zellar (G-16 representative): She noted that it has taken over 30 years to get to this point and the Clean Water Council represents a historic moment for Minnesota. Soon after the G-16 was convened, they realized that the impaired water issue was very complicated. By necessity, the G16 put much of the more complicated policy and programmatic issues in a "parking lot" so they could focus on the high level policy and funding issues needed to pass the Clean Water Legacy Act.

The G-16 process was successful because everyone put their agendas on the table and built a high degree of trust. They agreed to work things out at the table in a "no surprises" type of openness. They produced a policy framework for the impaired waters process: 1) monitor and assess, 2) getting TMDL studies done, and 3) implementation planning and cleanup.

Zellar recommended that the Council review the G16's policy framework and the lists of other programmatic and policy issues they considered. She advised that it is important for the Council to maintain connections across agencies and on a local level as well- to eliminate duplication and maximize effectiveness. She noted that change is not going to work if it is focused only at the State level. Change must be led locally by people using the TMDL plans. We must put the majority of the funds toward clean up (75 – 80 %) and get water off impaired waters list.

Zellar concluded by emphasizing that funding should be connected to the problem. Find consensus on ways to fund this program in a way that is sustainable. We're making up for 30 years of inaction.

Mike Robertson (G-16 Representative): Regarding the G16, he said that a good example of the success of this consensus-building process is that he "agrees with everything Marie said." This is testimony to the fact that the G-16 was able to effectively work together and come to a common understanding in terms of water policy in the state, despite their varying backgrounds.

Robertson added that 40 years ago, the Clean Water Act was focused only on discrete wastewater point sources. Today, 86 percent of the problem with impaired water is coming from non point sources. This demonstrates the complex behavioral issues that need to be addressed - - this is the challenge. A TMDL describes the limit regarding how much pollutant can go into a lake or stream. We have new challenges to meet that limit with point sources working with a nonpoint sources. He said that we should look seriously at trading as one tool to meet this need.

Robertson also noted that the greatest challenge for the Council is to effectively work together. Each member represents different organizations and interests. The Council will have to work together to process the information and reference the Statute to stay on task. He said that the Council is not here to run programs, the agencies must do that. The Council's role is advisory to the agencies. The agencies need to communicate outcomes.

Robertson emphasized that our ultimate outcome (clean water) is way out in the future. He recommended that we need to set and meet interim objectives that will allow the legislature to see progress.

Louis Smith: Moderator Commissioner Brad Moore also asked Louis Smith, a former G16 member and new Councilmember, to also add his perspectives on the challenges facing the Council.

Smith said he agreed with Zellar and Robertson -- collaboration is very difficult. He underscored the enormity of the task, "it's huge" and added that to date, the state has only assessed eight percent of rivers and 12 percent of lakes - about 40 percent of assessed waters are impaired. As assessment increases, the number of listing will increase. Smith concluded that we need creative funding solutions.

Additional questions for the panel:

Q: Steve Pedersen -- How do we get there quicker?

*A: Robertson and Senator Chaudhary --*Suggest having MEI come and present on the process and results

Zellar: The CWC will provide the focus hopefully needed to find some of these solutions.

Senator Chaudhary: You (the Council) have tough jobs- be wise, but be nimble. That's hard. Get as educated as possible on issues and history.

Q: Del Haag asked a question regarding viability of pollutant trading.

*A: Robertson --*We hope to have trading rules (MPCA) established by the time the Lake Pepin TMDL is completed in 2009. The objective is to formalize the process so that everyone works with the same rules. Lake Pepin and phosphorus is a huge issue. How can it be done? There will need to be a water trading mechanism in place to keep the system in balance. Minnesota needs a system that protects the environment and keeps the economy moving.

Q: Paul Torkelson asked about how farmers can address the issue at a local level.

A: Zellar -- Something is not working. We know the will is there, but where is the disconnect? She cited examples of Cannon River, Zumbro River- people wanting to build in these areas. The local Soil and Water Conservation Districts (SWCDs) and counties play an important role in technical assistance to make things happen on the ground.

Zellar concluded the panel presentation by giving one final piece of advice. She said that the name Clean Water Legacy indicates that this is a "legacy" and that this important work of improving the state's water quality will not happen all in our lifetimes- it is about our kids, future farmers, future businesses - it's a legacy not for us, but for our future.

The G-16 is here as a resource to the Council so please call on us at any time if you think we can help.

Robertson also noted that the G16 continues to help obtain long-term funding for the CWLA.

12:45 Overview of CWLA and the Clean Water Council's Roles and Responsibilities

Jeff Risberg conducted a PowerPoint presentation for this item and suggested that it may provide food for thought on planning items to follow, such as work products, deadlines and goals to get a sense of what steps they need to take in the early stages to reach these goals.

1:20 Planning (facilitated by Jeff Risberg and Megan Pavek)

- Brainstorming on future meetings: This was a Brainstorming session to generate Council ideas on the needs/vision for next few meetings.
**See attached document with list of ideas provided by Council members.*
- Set Future Meeting Dates: The Council decided to meet on the third Monday of the month for the next six consecutive months (they will reassess the meeting frequency following these meetings). The next meeting will be held on Monday, April 16. The meeting location will remain in St. Paul for the time being. It was also suggested that the Council visit TMDL or restoration sites or meet with local stakeholder groups in locations around the state, possibly as part of a two-day meeting to be planned in the future.
- Select Interim Co-Chairs: The Council elected Louis Smith, representing a lakes and streams non-profit organization, and Steven Pedersen, representing a business organization, to serve as interim co-chairs. As interim co-chairs, Steven and Louis will assist in planning and chairing meetings for the next six months, prior to Council selection of permanent chair.
- Per Diem and Expense Reimbursement: Megan Pavek discussed the per diem and expense reimbursement procedures. This information is included in Council resource books (provided at the meeting). Please contact Megan if you have any questions. Reimbursement forms should be submitted on a monthly basis, if possible.

2:50 Meeting adjourned. The next meeting will be held on Monday, April 16 in St. Paul (location to be determined).

Homework: Jeff Risberg suggested that the Council review their resource books, especially the draft bylaws prior to the next meeting.

AGENDA

Clean Water Council Meeting
Monday, April 16, 2007; 9:00 a.m. - 2:00 p.m.
Department of Revenue Building - Room 2040
600 Robert Street North, St. Paul

- 8:30-9:00** **Check-in, Coffee and Conversation**
- 9:00-9:05** **Call to Order and Approval of Minutes**
(Louis Smith, Interim Co-Chair)
- 9:05-9:20** **Open Meeting Law and Data Practices Act**
(Ann Cohen, Attorney General's Office)
- 9:20-10:00** **Planning and Procedural items**
1. Draft Work Plan and Tentative Council Schedule
 2. Draft Bylaws
 3. Meeting Procedures
 - Robert's Rules of Order
 - Universal Norms and other Ground Rules
 - Council Decisions, Record of Decisions (see Bylaws)
- 10:00-11:45** **Briefing on Water Quality Standards, Monitoring, Assessment and Listing Process**
(Greg Gross and Shannon Lotthammer, MPCA)
- 11:45-12:15** **Lunch**
- **Legislative Update**
(Paul Eger, MPCA)
- 12:15-2:00** **Briefing on Total Maximum Daily Load (TMDL) Process**
- **12:15-1:00 Overview of TMDL Development**
(Glenn Skuta, MPCA)
 - **1:00-2:00 TMDL Case Studies**
 - Lake Independence TMDL
(John Barten, Three Rivers Park District- Hennepin County)
 - Lake Pepin TMDL
(Norman Senjem, MPCA)
- 2:00** **Adjourn**

Meeting Minutes
Clean Water Council Meeting
Monday, April 16, 2007
Stassen Building (Department of Revenue) - Room 2040, St. Paul

Council Members Present: Marilyn Bernhardson, Pamela Blixt, Earl Bukowski, Brian Davis, John Greer, Del Haag, Scott Hoese, David Jeronimus, Christopher Kolbert, Joe Martin, Bill Moore, Gary Pedersen, Steven Pedersen, Lee Pfannmuller, Gaylen Reetz, Louis Smith, Deb Swackhamer, Doug Thomas, Paul Torkelson, Robert Vogel

Absent: David Bennett, Sarah Strommen, tribal representative- (to be appointed)

Staff: Jeff Risberg, Megan Pavek, Mary Reilly

Guest presenters: Ann Cohen (Attorney General's office), Shannon Lotthammer (MPCA), Greg Gross (MPCA), Glenn Skuta (MPCA), Paul Eger (MPCA), John Barten (Three Rivers Park District), Norman Senjem (MPCA)

9:00 Call to Order

Co-Chair Louis Smith called the meeting to order and led introductions of Council members, staff and audience.

Motion passed to approve Draft Meeting Minutes from March 19, 2007.

Louis explained that he and Steve Pedersen (co-chair) met with agency staff to plan today's agenda. The agenda is a reflection of suggestions made by Council members at the March 19, 2007 meeting. Gave an outline of the day's agenda.

9:10-9:30 Open Meeting Law and Data Practices Act (Ann Cohen)

Ann Cohen, from the Attorney General's Office, discussed MN Statutes Chapter 13: Open Meeting Law (13D), Government Data Practices Act, and the Official Records Act (section 15.17) as they apply to the Clean Water Council.

She explained that the Clean Water Council is a state-level public body. All meetings of the Clean Water Council are open to the public. The Minnesota Open Meeting Law requires every public body to give the public advance notice of its meetings. All notice requirements are satisfied if a person receives actual notice 24 hours before the meeting, regardless of how the notice was received. According to MN Statutes Chapter 13D.04, subd.1, the Clean Water Council must:

- Establish a schedule of regular meetings,
- Keep the schedule on file at the MPCA (posted on the Clean Water Council webpage), and
- Follow the special meeting notice requirements if the time or place of the meeting changes from the schedule.

Subcommittees of the Council must also announce meetings, particularly if decision making will occur at these meetings. The purpose of the Open Meeting Law is to ensure better decision making, by keeping the public informed and heard. A public body is not *legally* required to give the audience right to speak nor is legally required to have an agenda for meetings. However, it is the practice of most groups to allow audience members the opportunity to speak. The Chair may use his or her discretion on when and how long audience members may address the Council.

The MN Official Records Act requires that an official record of meeting minutes, resolutions, votes and copies of all relevant material are kept on file. The official record of material for the Clean Water Council will be on file at the MPCA.

Meeting by accident is not a violation of the Open Meeting law, where there is not a quorum present. Social settings, where Council business is not being conducted, are not subject to the Open Meeting law. However, “hallway” meetings should be avoided. Official business of the Council should be conducted only within formal Council meetings. In general, it is important to demonstrate discretion and the appearance of impropriety. Avoid e-mails to the entire Council that involve official Council business. Individual members may communicate via e-mail regarding discussion of Council topics.

Data Practices: Data is public unless non-public classification exists in law for the data. Draft documents are still public information, even if it is located on your private computer. Cohen emphasized that Council members should uphold a level of professionalism in all draft work, because it could be viewed by the public. If a constituent provides information that he/she wishes to be kept private, this request cannot be honored. Any information is considered to be part of the public record.

9:30-10:00 Planning and Procedural Items (Louis Smith, co-chair)

1. Draft Work Plan:

Steve Pedersen discussed the Draft Workplan and tentative schedule for the Council.

2. Draft Bylaws:

Louis Smith directed the Council’s attention to the Draft By-Laws to review.

Del Haag suggested an annual report, the first to be submitted December 2007. Brian Davis upheld the recommendation of an annual report. The Council by-laws will be revised to reflect the Council’s desire to submit an annual report versus a biennial report, as is required by the Clean Water Legacy Act (Minnesota Statutes Ch.114D).

Brian Davis asked about a provision for amending the by-laws. Louis Smith suggested having a majority of the members approve amendments and Jeff Risberg agreed that there be a specific provision written in the by-laws for any amendments to this document. A provision will be added requiring that any additions, deletions or revisions to the approved Council by-laws be submitted as an amendment in writing with a 30 day notice prior to approval by the Council.

Paul Torkelson asked about a formal mechanism for addressing the legislature. Pamela Blixt suggested that this be incorporated into a provision for subcommittees delegated to certain topics or tasks, like a legislative committee. Steve suggested that a provision titled “legislative input” be added under Council Procedures in the by-laws. Joe Martin suggested designating an official spokesperson. Paul Torkelson feels that communication with the legislature needs to be broader than just submittal of a formal report.

Scott Hoes would like to add a provision for speaking on behalf of the Council.

Dave Jeronimus suggested a procedure on public input being included in the by-laws.

All of the suggested provision will be added to the Draft By-Laws and an amended version will be provided at the next Council meeting for review.

3. Meeting Procedures:

Louis Smith reviewed meeting procedures.

- He suggested that Roberts Rules of Order, “modified by common sense”, be used by the Council. There was consensus on this point.
- Louis then directed the Council’s attention to the Ground Rules document (“Universal Meeting Norms”) and asked for any additions or amendments. No suggestions were offered by the Council.
- The Council discussed how record decisions should be recorded and supported the approach provided in the bylaws.
- Bob Vogel inquired about video or tape recording of meetings. There was a mix of those who supported this practice and some who raised questions, including cost issues, the practicality of taping meetings in certain locations, and whether taping may stifle discussion. Louis Smith asked the staff to investigate the logistics of tape or video recording Council meetings and report back to the Council at the next meeting.

10:00-10:30 Briefing on Water Quality Standards (Greg Gross, MPCA)

See Water Quality Standards handout.

Questions: Pamela Blixt asked about tiered aquatic life use standards (TALUS). Greg responded that the MPCA is still developing the tiers and they will continue to use the current standards for the time being. Pam asked for an example of a Class 1 waterbody. Greg provided as an example the Mississippi River from Anoka to the Twin Cities that is used for drinking water. Brian Davis asked about biological monitoring.

Doug Thomas asked about the implementation of TALUS. Would waters that have already been studied be re-classified as well as assessing additional waterbodies? Greg responded affirmative -- all waters would be classified according to the tiered standards.

Louis asked Greg to talk about shallow lakes and natural background. Greg explained that there is a big difference in biology between shallow and deep lakes and that it is not tied to human impact. Sunlight penetrates to the bottom of a shallow lake and therefore

solar energy is not a limiting factor for algal growth, as it is in a deep lake. Shallow lakes are also generally located in areas where run-off was naturally higher in nutrients even before European settlement.

Del Haag asked about applying non-degradation for nonpoint sources. Greg said that this was still theoretical, that nonpoint sources are difficult to trace and to regulate. Paul Torkelson asked if natural background was based on water conditions pre-European settlement. Greg said natural background is more practically applied as what a water can achieve given reasonable controls. Paul asked about the implications of climatic change on water quality standards. Greg said that addressing climate change is like hitting a moving target at this point -- that they will operate with the system in place until changes are profound enough that it is necessary to reassess standards.

10:30-11:15 Briefing on Monitoring, Assessment and Listing

(Shannon Lotthammer, MPCA)

See PowerPoint handout.

Questions and discussion:

Doug Thomas asked about a targeting or prioritization process for assessing streams. Shannon stated that the MPCA intends to move towards a watershed focus for monitoring, which would help in prioritization.

John Greer asked about the role of citizen stream monitoring. Shannon said that it was a very successful program, growing 6 percent last year. Citizen lake monitoring is growing as well. The monitoring strategy goal for assessment is up to 4,000 lakes and up to 3,400 streams. There is a staffing limitation on marketing citizen monitoring to get more of the public involved. Steve Pedersen asked about training volunteers.

Pamela Blixt asked how many watersheds, like the Snake River, the MPCA has been able to target. Shannon responded the Snake was a pilot project in 2006; this year they are working on the Pomme de Terre and the N. Fork Crow river watersheds.

Brian Davis suggested that the Council could support public participation in monitoring and assessment. Chris Kolbert asked about notices in newspapers or other advertising avenues. Doug Thomas talked about the role of local governments as an intermediary to help support volunteer monitoring. Shannon said that local government agencies and local groups serve in this capacity, and are a very important component of volunteer monitoring.

Steve Pedersen asked about the cost of Phase 1 assessment. Shannon referred to the slide on Clean Water Legacy funding and noted that it costs \$330,000 to \$400,000 for 3 biologists plus interns, sampling equipment and analytical expenses to cover approximately 100 sites. Gaylen Reetz pointed out that volunteer monitoring alone isn't sufficient. More complex chemical, physical and biological monitoring is better suited to agency technical staff. He explained that there is a place for both volunteer and professional assessment work, and to keep these in balance. Shannon agreed with

Gaylen, pointing out that there are critical times in the monitoring when it may not be possible for volunteers to collect the data needed and staff are required to ensure consistency and efficiency.

John Greer asked for a clarification that the 2007 Clean Water Legacy Act (CWLA) funding had already been allocated and that the 2008 CWLA budget had not yet been allocated. Shannon stated that this is correct. Steve inquired about base funding.

Bill Moore asked about the difference in numbers for the number of mercury impairments. Shannon confirmed with Marvin Hora (MPCA) that this was due to some lakes having multiple bays that were listed individually. Bill asked how many waterbodies have not been assessed to date. Shannon explained that the MPCA has data on about 16 percent of Minnesota lakes and that for about 4 percent of the lakes the data set is sufficient to complete an assessment of at least one designated use. Of the roughly 12 percent of lakes for which the MPCA has some data but not enough to complete an assessment, in many cases the data set is close to being complete to allow an assessment.

Lee Pfannmuller asked how public comment might change a proposed listing. Mike Sandusky (MPCA) said that there is a public process for reviewing the draft 303d list of impaired waters before it is submitted to EPA for final approval. Occasionally, data may be submitted after the call for data that identifies an impaired water, or a water body included on the draft list will be shown to meet standards and be subsequently removed from the draft list.

Gaylen pointed out that remote sensing or citizen monitoring can also be used to identify waters that are not impaired and do not need additional monitoring to complete a full assessment. Shannon noted that MPCA staff have discussed the potential for reducing the amount of data needed to identify a lake as not impaired, compared to the data needed to identify a lake as impaired.

Pamela Blixt asked whether each impairment is addressed separately. Shannon responded that impairments are required to be addressed separately, but noted that the monitoring and/or modeling needed to develop a TMDL for individual impairments could be linked or completed at the same time.

Bob Vogel asked who had authority in drafting the 303d list of impaired waters. Shannon stated that the MPCA drafts and submits the list to the federal Environmental Protection Agency (EPA) for final approval.

11:20-11:45 Overview of TMDL Development- Part 1 (Glenn Skuta)

Glenn began his TMDL overview presentation before lunch, since time allowed. See PowerPoint handout.

Questions: Del Haag asked if pollutant load percentages could be assigned to different categories of sources. Glenn stated that this is exactly what the TMDL study does in the formula. Doing scientifically rigorous studies is beneficial because it keeps the margin of

error down, so there is a greater percentage that can be allocated out to the pollutant sources. The reserve capacity also needs to be appropriate to the location based on the amount of anticipated growth: urban vs. rural, developing vs. non-developing.

Dave Jeronimus asked about a protocol for developing a margin of safety. Glenn explained that the MPCA has recently developed protocols for four types of TMDLs: turbidity, dissolved oxygen, excess nutrients and fecal coliform which provide guidance on developing, not only the margin of safety, but the other components of the TMDL study as well.

Bob Vogel asked about a primarily rural area and the percentage of nonpoint pollution. Glenn responded that not all waters can necessarily receive the same amount of a pollutant, that every watershed is different based on its geology, biology and the land use in the area. Doug Thomas asked under what conditions the load allocations are set. Glenn said that the TMDL accounts for seasonal variation. The federal Environmental Protection Agency (EPA) requires that a “daily” load is set (recently reaffirmed by court decisions), which is the total amount of a certain pollutant that the water body can receive daily and still meet standards. It is important to realize, however, that seasonal conditions may cause a waterbody to receive more or less of a pollutant from one day, or one season, to the next.

11:45-12:15 Lunch

Paul Eger (MPCA) provided a legislative update. The bigger question is not whether there will be funding for the Clean Water Legacy, it’s how much and for how long - one year funding, general fund, or a permanent source. Paul explained the different approaches of the House and Senate bills, as well as funding mechanisms.

Gaylen Reetz also emphasized that regardless of the amount of funding the Clean Water Legacy Act receives, he believes the Council can be most helpful assisting the state agencies in specific policy and program areas that need further development, particularly on prioritization issues.

12:15-1:00 Overview of TMDL Development- Part 2 (Glenn Skuta)

Glenn continued his presentation.

See PowerPoint handout.

Del inquired about the Annandale/Maple Lake Supreme Court decision. Glenn replied that the MPCA had appealed the case and that it is still at the Court awaiting a decision.

Bill Moore asked who creates the Implementation Plans and who approves them. Glenn told him that the MPCA approves them and the party who completed the TMDL study should also be working on the Implementation Plan in conjunction with the TMDL, as it needs to be submitted within 1 year of the TMDL approval by the EPA.

Chris Kolbert asked how one could access TMDL reports and Implementation Plans. Glenn informed him that Final TMDLs and Implementation Plans are available on the

MPCA website at: <http://www.pca.state.mn.us/water/tmdl/tmdl-final.html> . Draft TMDLs are also available on the web, along with a complete list of all TMDL projects.

1:00-1:30 Case Study- Lake Independence TMDL

(John Barten, Three Rivers Park District)

See PowerPoint handout.

John answered questions about livestock populations (cattle versus horses) and land use (agricultural, residential and hobby farms) in the Lake Independence watershed. He also addressed questions about private landowner costs for septic upgrades, since the majority of residences in the city of Medina and Independence are on septic systems. John responded to questions about manure hauling services- the horse owners are on a 5 year contract, hopefully they will continue this practice on their own once the grant runs out.

1:30-2:00 Case Study- Lake Pepin TMDL (Norman Senjem, MPCA)

See PowerPoint handout.

2:00 Adjourn

The next meeting will be held on May 21 at the Freeman Building (625 Robert Street North) in St. Paul.

ACTION ITEM TRACKING

Action Item	Work Plan Item supported	Responsible Person	Timeline	Status
Adjust Council By-Laws and Workplan to reflect suggestions from Council members	-Annual versus biennial report -Add provisions about amendments to the By-Laws, public input, legislative input, and Council procedure	MPCA staff	Due for approval by Council at May 21, 2007 meeting	Draft complete
Investigate logistics of tape or video recording Council meetings		MPCA Staff	Update on findings at May 21, 2007 meeting	Complete

AGENDA

Clean Water Council Meeting Monday, May 21, 2007; 9:00 a.m. - 2:00 p.m. Freeman Building – Room B144, 625 Robert Street North, St. Paul

8:30-9:00 Check-in, Coffee and Conversation

9:00-9:30 Call to Order and Chairperson's Report

(Louis Smith, Interim Co-Chair)

- Approval of Meeting Minutes
- Revisions to Council By-Laws
- Report back on tape recording Council meetings
- Lunchtime- Council input on working lunches

9:30-11:40 Minnesota Environmental Initiative (MEI)

(Steve Morse, former chair of G-16; other G-16 Representatives invited)

- Policy Framework
- Overview of G-16 "Parking Lot" Issues

(Break approximately 10:30-10:40)

11:40-12:10 Lunch

12:10-2:00 Implementation of Restoration Activities

- **12:10-12:20 Agency Coordination in Nonpoint Source Programs**
(Doug Thomas, Board of Water and Soil Resources)
- **12:20-1:55 Load Allocation- Nonpoint Source Restoration**
(approximately 20 minutes per presentation)
 - Board of Water and Soil Resources
 - Department of Agriculture
 - Department of Natural Resources
 - Pollution Control Agency

1:55-2:00 Check-in on "Parking Lot" Issues

2:00 Adjourn

Next Meeting: Monday, June 18, 2007, Freeman Building, St. Paul

Meeting Minutes
Clean Water Council Meeting
Monday, May 21, 2007
Freeman Building - Room B144, St. Paul

Council Members Present: David Bennett, Marilyn Bernhardson, Pamela Blixt, Earl Bukowski, Brian Davis, John Greer, Del Haag, David Jeronimus, Christopher Kolbert, Joe Martin, Bill Moore, Steven Pedersen, Lee Pfannmuller, Gaylen Reetz, Louis Smith, Sarah Strommen, Deb Swackhamer, Doug Thomas, Paul Torkelson, Robert Vogel

Absent: Scott Hoese, Gary Pedersen, tribal representative- (to be appointed)

Staff: Jeff Risberg, Megan Pavek, Mary Reilly

Guest presenters: Lisa Thorvig (MPCA), Mike Harley (MEI), Steve Morse (MEP), Matt Drewitz (BWSR), Jeff Hrubes (BWSR), Paul Burns (MDA), Tim Larson (MPCA) Paul Eger (MPCA)

9:00 Call to Order

Co-Chair Louis Smith called the meeting to order and led introduction of Council members, staff and audience. Louis gave a brief overview of the day. Motion passed to approve Draft Meeting Minutes from April 16, 2007.

Bylaw revisions: Louis pointed out the revisions and amendments to the Council By-Laws. Pamela Blixt asked about adding a provision addressing the creation of subcommittees. It was agreed that this is inherent in the charge and would not need to be specified in the By-Laws at this time. Joe Martin asked about the language regarding the “Clean Water Legacy Account”, which has not been created by the legislature. Steve Pedersen suggested that “other funding sources” be added to the language. The motion passed and the amendment was adopted. Louis checked in on the Work Plan. Changes to the Work Plan include the revision for an annual report and the tentative outline for upcoming meetings.

Tape recording meetings: Megan reported back on the cost of tape recording equipment. The MPCA does not currently have the necessary equipment and it would cost around \$500-\$600. Bill Moore said that he is satisfied with the current meeting minutes. Louis suggested that we keep with the written minutes for the time being. There were no dissenting opinions.

Other items: Louis asked the Council their preferences on having a working lunch or breaking for lunch. There was a majority vote that the Council keep working through lunch. Louis asked the Council if there were any other housekeeping items. Steve said that he will give a summary of the planning committee meetings at each Council meeting. Louis announced a report provided to the Council for their information from the Minnesota Seasonal Recreation Property Owners Association (MNSRPO) and a flyer announcing the Minnesota Association of Water Districts (MAWD) Summer Tour even scheduled June 28-30th.

9:20 Update on Annandale-Maple Lake Supreme Court Decision

Lisa Thorvig, Director of the Municipal Division at the MPCA, provided an update on the recent Minnesota State Supreme Court Decision on the Annandale-Maple Lake wastewater treatment plant.

She explained that there were 3 significant issues surrounding the Annandale-Maple Lake decision:

Issue 1: Deference - The Supreme Court reversed this ruling, stating that the MPCA has deference to interpret federal regulation if it is unambiguous;

Issue 2: The ability of the state to issue permits for offsets within a watershed if a TMDL has not been developed -- The court found in favor of the state -- as long as there are appropriate offsets. For future reference, Thorvig explained that the MPCA regards “offsets” and “trades” as equivalent terms.

Issue 3: Whether the specific permit for Annandale-Maple Lake was legitimate -- The court found that the MPCA's decision was valid and reasonable. The Litchfield offset reduction of 50,000 pounds of phosphorus was reasonable to account for the 2,200 pounds of additional phosphorus permitted for the new Annandale-Maple Lake joint facility.

Thorvig expressed that the decision is a win on all three issues. It is a win-win for the environment and for community growth. Stalling permits until completion of a TMDL study prevents environmental improvements associated with upgrades to Best Available Technologies (BATs) and linking unsewered communities to new treatment facilities. She noted that a pollutant trading rule is expected to be complete summer 2009 and guidance is currently being developed. Until the rule is completed, Thorvig emphasized that the MPCA will have a transparent process as the agency moves forward in the aftermath of the court decision.

Steve Pederson asked if the Council could work with the MPCA on the transparency issue surrounding pollutant trading. Lisa explained that there is a stakeholder group in place and is working with the MPCA on this matter. She welcomed the Council's input as well.

Dave Bennett asked if the new facility's phosphorus limit follows the same standard. Thorvig responded yes, that Litchfield has a 1 mg/liter effluent limit. The Annandale and Maple Lake were two existing facilities that are permitted to combine into one larger, upgraded facility. Dave asked why other permits were also on hold. She explained that this was because the Court banned permits to any new dischargers to an impaired waterbody until a TMDL was approved and allocations were set for the affected waterbody. Dave asked what the 1 mg/L standard was based on. Lisa said that it is a technology standard, it is achievable and available now.

Deb Swackhammer asked, regarding the 32 wastewater plants on hold, which will move forward. Thorvig responded that we are unsure at this point. The MPCA is currently communicating with these facilities.

Bill Moore clarified if these are 32 new discharges. Lisa said yes. Bill asked if there could be any recourse from the party that filed the lawsuit -- the Minnesota Center for Environmental Advocacy (MCEA). Lisa responded that the court decision could be appealed to the US Supreme Court. The response provided by the Minnesota Supreme Court cited United States

Supreme Court rulings in anticipation of an appeal to the higher court. The vote was 4 to 2 with 1 justice abstaining.

Louis Smith commented that there are a number of people in the environmental community opposed to offsets, who question whether they create a net benefit or detriment to the environment. There is a need for greater public education surrounding this issue. The Council and the MPCA need to define an effective trading system. The Council could provide support and input on a policy for offsets and trading.

Lisa Thorvig explained that the Annandale-Maple Lake case played an important role in getting the Clean Water Legacy Act (CWL A) passed. The lawsuit brought light to the need to address impaired waters. Placing development on hold provided the necessary impetus to move forward in addressing water quality in the state.

9:35 Minnesota Environmental Initiative (MEI) Policy Framework and Unresolved “Parking Lot” Issues

Mike Harley, Executive Director of MEI

Mike explained that he would discuss the G-16 stakeholder process, how they came to develop the policy framework that later became the CWL A legislation, and then get into the G-16’s unresolved issues as outlined in its 2004 legislative report.

Mike emphasized that MN’s approach to impaired waters needs to be about partnerships because:

1. The problem of impaired water has such a large scope, there needs to be a larger reach
2. There needs to be a vision for Clean Water -- not just a focus on completing TMDL studies, but an end goal of improving water quality
3. Substantial money is needed, so there needs to be buy-in among the public and the legislature

In 2003, the MPCA asked MEI to lead a stakeholder process to help build these needed partnerships. MEI is a non-profit organization with a mission to build partnerships among environment, government and business interests. Harley explained that the process was to recommend a design for the impaired waters program, to build future capacity for on-the-ground restoration and protection work.

It was a 3 tier process:

- 1) G-16 Policy Work Group- comprised mostly of lobbyists representing the major constituencies on this issue, including local government, business, environmental groups and agricultural organizations.
- 2) G-40 Partners Group – designed to include organizations who would be involved in implementing restoration in greater Minnesota.
- 3) Two Statewide Meetings: The first was held in June 2003 to kick off the process. The meeting was attended by the Governor and he announced his Clean Water Initiative. The second meeting, held in January 2004 at St. Cloud, was designed to build a wider circle of advocacy and support for the G-16’s recommendations.

The timeline featured 3 phases, each punctuated by a legislative session:

- 1) July 2003 to February 2004: focus on the funding source issue, a great deal of consensus was reached.
- 2) Fall 2004 to end of 2005 legislative session: the G16 revised framework and rethought funding source

3) Fall 2005 to end of 2006 legislative session: focus on a legislative campaign
The legislation (CWLA) was based on the G16's policy framework, as outlined in the group's 2004 report to the Legislature.

The process was independent of the state and centered on stakeholder ownership. Harley concluded his process overview by explaining that an important reason for the G16's success was a "no surprises" process in which members openly expressed their constituencies' issues and concerns at G16 meetings. The group achieved quick consensus on the policy framework and worked closely together during the legislative process.

Steve Morse, Executive Director of Minnesota Environmental Partnership (MEP) and former chair of G-16

Steve Morse discussed the principles of the framework and funding needs for impaired waters. He emphasized that long term, stable funding is needed. Morse said that the G16 advocated for \$100 million per year because we don't just want to test waters and get TMDL studies done; we want to clean up the water and actually see improved water quality throughout the state. We are concerned about the whole process: test, study, restore, protect.

Morse turned the Council's attention to Appendix B of the Policy Framework, the "Unresolved Issues" (parking lot issues). Of the 56 issues, he highlighted what he believed to be the most important issues for the Council's consideration. He explained that this is a laundry list of issues, not prioritized or organized in any particular manner. Most of the issues arose in the early part of the process, about 4 years ago. At the time, these issues were beyond the scope of the G16 and some of them may have since been addressed by environmental agencies.

Issue 1: Listing process: Do we have the right intended use for waters in the state? Is the fishable & swimmable standard applicable to all waters? Pam Blixt asked about consideration of the type of waterbody- wetlands, etc. Gaylen responded that the inclusion of wetlands in the listing process was discussed in the water quality standards presentation at the April 16 Council meeting. The tiered aquatic life use standards (TALUS), currently in development, are geared to solve this. Pam also asked if shallow lakes are identified in the tiering process. Gaylen responded yes. Shallow lakes were also discussed in the April 16 water quality standards presentation.

Issue 7: Public Scientific Review: Is there adequate buy-in from local watersheds, and opportunity for public engagement? Again, Morse explained that the work does not end with an approved TMDL plan, it ends with successful clean-up -- and this is where stakeholder involvement is crucial.

Issue 10: Third Party TMDLs: discussions with the G16 related to local government capacity-shared ownership, seeking a balance between the MPCA and other parties --where do we want to go, what is the vision? Gaylen provided: of the 78 TMDLs currently underway, 70 involve a local sponsor. The 8 projects that are MPCA-led are larger capacity (eg: Lake Pepin, Minnesota River turbidity, statewide Mercury TMDL), and involve a greater part of the state (multiple watersheds, basins, counties). There was a question about the phased TMDL process and how this is being used. Jeff Risberg responded that phased implementation may be better described as "adaptive management" which involves monitoring implementation activities and adapting them as needed to meet reductions set in the TMDL, rather than setting a phased TMDL target. Gaylen stated that we are still balancing implementation and effectiveness monitoring with questions of whether there is enough information, and to what scale.

Implementation & Restoration issues:

Steve Morse introduced this topic by explaining that the G16's conversations concerned how do we ensure successful outcome in nonpoint source reductions -- how do we measure these outcomes? If we have resources, how do we know they are being well spent? What are the responsibilities of the private side? Nonpoint sources are non-regulatory and rely on the behavior modifications of individuals. The G16 assumed that in the initial funding years, more money will be spent on point source issues (wastewater, permitted dischargers) and then we will need to transition to nonpoint source (land use, development, run-off). The biggest challenge is how to make a meaningful difference on the nonpoint side.

Issue 14: Land retirement and working lands: We can't retire enough land to restore our waters. How do we get water quality from working lands? We need new approaches.

Issue 13: Pollutant trading - What is the role within the watershed before and after the TMDL is developed.

Pam Blixt stressed the importance of ongoing maintenance of any restoration work (eg: stormwater ponds, infrastructure, BMPs, etc). She explained that if we don't maintain BMPs, the result will be a diminishing return on their environmental benefits.

Bob Vogel asked about investigating the economics to demonstrate that restoration work is economically viable and not just good for the environment. Steve Morse pointed out that they are two systems that interact -- the economy and the environment and that this is an issue that could be picked up by the Council. Bob clarified that he is interested in what motivates people on the micro and macro level to make behavior changes that will benefit the environment and their own personal interests. Mike Harley pointed out that this goes deeper than the Policy Framework, but that it is definitely an important area to further investigate. Gaylen highlighted the Lake Pepin TMDL, in which the MPCA has a contract with the U of M to conduct a full cost analysis: the cost of environmental impacts and the economic benefits of improving the water quality. Deb Swackhammer explained there is work being done at the University of MN on social indicators: understanding human behavior and what drives people to make decisions. She explained that the science around this is pretty new and work is being done on this locally and nationally.

Steve Morse highlighted the importance of being aware of local water plan management activities already in place - integrating TMDL work into local capacity.

Mike Harley highlighted the important relationship between land use and water quality.

Morse agreed that land use drives water quality work.

Issue 15: Gaylen Reetz said that the MPCA has been considering whether the CWP (Clean Water Partnership) should be amended to focus on a protection strategy- to protect the 60 percent of non-impaired waters in MN from becoming impaired. Make CWP a protection program, so that local interests could focus attention on protection of waters.

Issue 25: Protection- Steve Morse explained that this is about balancing protection and restoration. It may be important to develop a prioritization system to determine the appropriate balance between these two priorities. Will the clean-up dollars follow the same prioritization process?

Impaired Waters Program Structure -

Issue 22: Mike Harley explained that this issue is about whether state agencies should be doing more or less? The role of the Council is to help orchestrate partnerships among the state agencies and the public.

Programmatic Issues

Morse explained the general theme of these issues as: How to ensure we're getting done what really needs to be done. The point is to be clearer about this.

Issue 32: How do we ensure TMDL allocation plans, when implemented, return subject waterbodies to water quality standards?

How do we know a TMDL is sufficient to get the desired results? What is the appropriate level of rigor? Assess land use and what happens within the stream or lake. Will a certain reduction or land use change improve the water quality? Look at the efficacy of BMPs and their aggregate impact on a waterbody. We want to ensure that the money spent to clean up state waters result in meaningful water quality improvements. Steve Pedersen stressed that the Council should focus on the question of whether we are getting to where we want to go: prioritization, standards, directing funding to desired results. Steve Morse added that he feels it is good the Council will produce annual reports.

Issue 48: How does the program communicate outcomes? To whom?

Lee Pfannmuller: It is critical to take a stab at outcome measures in terms of our accountability. They may not be perfect to start with, but it is important to take this step sooner than later.

Steve Morse: We tend to fund programs all over the landscape, we need to rethink that. Show us a model that can clean up a stream. Activities may be good, but they may not get us to our goal.

Steve Pedersen: Protection can't be separate from this process. We need good policy and spending.

Brian Davis brought up the issue of groundwater protection -- as we proceed in dealing with surface water, have we acknowledged the connection between surface and groundwater? Should be cognizant about this relationship as we deal with the public? It's an important education item to include. Steve Morse replied that the focus of this process was on surface waters but this is certainly a legitimate concern. Harley noted that MEI has an upcoming presentation on Groundwater on June 20. He also said there has been discussion at the legislature about rolling ground water protection issues into this Council.

Issue 44: New science and technology- innovation and the role of technology in the local process.

Issue 51: Engage the local level. Need local ownership of the problem because they're the ones who will help solve it.

Issue 53 – Steve Pedersen noted that engaging agricultural producers as partners was also an important issue. Steve Morse agreed that farmers want to protect our waters. We may need to change the way we do business to ensure that they are successful. He stressed that the common value for all Minnesotans is to protect our water.

Issue 56: What is role for colleges & universities in addressing impaired waters? Establish a relationship to supporting the latest research, to have research match information needs. Steve Pedersen highlighted

(Break 10:30-10:40)

Further follow-up questions or discussion surrounding the MEI presentation:

Steve Morse- regarding the Senate and House bills: in the MEP recommendation the Clean Water Council was referenced as the group that would provide oversight for CWLA money.

Pam Blixt discussed changing people's behaviors and the role of public education.

Steve Morse replied that we will need a workable vision that includes education and incentives.

Mike Harley added that the Policy Framework mentions this, but it is an issue that needs future discussion. Louis Smith discussed the role of citizen monitoring as a venue for public education, behavioral changes, and involvement on the local level.

Del Haag asked about pollution coming from outside of MN (Mercury). Steve Morse distinguished between "conventional" pollutants and toxics like Mercury - they involve separate stakeholder issues. Mike Harley explained that there is a statewide Mercury TMDL in place and an implementation plan is being developed over the next 12 months. There is a stakeholder group in place that is helping to develop this and the process is being facilitated by MEI.

Steve Pedersen suggested linking up with the University Extension Waters Education program -- they just added two new people.

Deb asked Mike and Steve: If you had to do the process over again, what would you do differently? Mike responded that he would have expanded the involvement of the partners G40 group and would have been more thoughtful about the role of the state -- balancing the private and public sectors. Steve Morse responded that the G16 was comprised primarily of lobbyists -- so seeking funding at the legislature was the major focus of their work. MEI was responsible for developing the Policy Framework, not developing a legislative campaign. The transition of this report to campaigning at the legislature for funding did not work out very smoothly. He again stressed importance of "buy in" amongst the public and the legislators -- it will determine whether the plan actually works.

Deb highlighted what she understood to be the most important issues Morse and Harley discussed in their presentation: balancing restoration and protection, developing performance measures for accountability, addressing non-point source issues, and involving the public in this process.

Mike Harley noted: What evidence is there that the Clean Water Legacy will result in clean water? He stressed that the Clean Water Council can help serve as a bridge in communicating this and developing partnerships. Steve Morse stated that it is important to satisfy this for the public and the legislature to ensure that this effort is funded. Louis asked Steve and Mike, how the Council can provide this level of accountability when they meet only periodically? Steve Morse replied that the Council needs to be clear on objectives. The agencies will report on outcomes, it is important for the Council not to get too mired on details. Mike Harley highlighted the role that smaller work groups or focus groups might play in the Council's process.

Bob Vogel inquired about a mission/vision that was crafted for the process: if there was input from non-point source stakeholders to achieve total buy-in at the beginning and better strategies in the end. Mike Harley replied that there was involvement from the Farmers Union and the Farm Bureau in the process -- they wouldn't have been nearly as successful without their involvement.

Steve Pedersen asked how the Council should move forward. Del suggested looking at other states- what can we learn? How can we measure ourselves against them? Mike Harley pointed out that according to national experts that the G16 consulted with, no other state has tackled impaired waters with the same approach as Minnesota -- with a restoration focus. Gaylen pointed out that some other states may have completed more TMDL studies because they contract them out and don't involve stakeholders. He added that Minnesota is really on its own path, we have the state funding behind it. At this point, more people (other states) are watching us, to see how we will proceed. Similar technologies and BMPs have been done in other states, but in the overall approach to addressing impaired waters, MN is taking a different one.

Performance measures were emphasized again in the discussion. Mike Harley stressed that it is important to start thinking about this now -- we can't just measure progress by delistings, water quality improvements will take time. Pam Blixt brought up that MN has been in the water quality business for quite some time and that we should have some success stories and models that have worked or not worked that we can draw from. Steve Pedersen suggested that we move from a project oriented focus to a process focus and that is the perspective that the Council can offer.

Gaylen asked for some perspective on lessons learned from the G16's initial funding recommendation -- would it have been better received at the legislature had they offered options rather than selecting one specific funding source? Steve Morse replied that they didn't see how money from the General Fund could be sustainable and the fee system was their best idea of a long-term source of stable funding-- it was an iterative process. Mike explained that years 2 and 3 of the process had more of a legislative lobbying focus -- perhaps they could have been a bit more effective had they developed this focus in the first year also.

11:30-12:00 Agency Coordination- Nonpoint Source Programs (Doug Thomas, Board of Water and Soil Resources)

Doug shared on how the state agencies have coordinated effort on implementing the CWLA. He set the stage for the afternoon agency presentations: who the agencies are, what programs each agency is already involved in, and what the Clean Water Legacy adds to these existing programs. He explained that the role of the Clean Water Council is to provide input to the agencies on measures, collaborations and policy recommendations as requested.

12:00-12:10 Break- Working Lunch

12:10-2:05 Implementation of Restoration Activities: Load Allocation- Nonpoint Source Restoration

Jeff Risberg briefly explained that the agenda for this afternoon covers the load allocation (nonpoint source) portion of a TMDL, there will be another session at a future Council meeting on the wasteload allocation (point source).

(Handouts of the following Power Point presentations are available upon request)

12:10 Matt Drewitz presented on behalf of the Board of Water and Soil Resources (BWSR). Jeff Hrubes (BWSR) was also present.

12:45 Paul Burns presented on behalf of the Department of Agriculture

Dave Bennett inquired about the impact of increased corn production for ethanol on cold water fisheries. Paul highlighted the need to identify sensitive areas and install BMPS in these areas to mitigate such problems. A study conducted by Dave Hall found that 300 feet adjacent to each waterway is the most critical area to protect/manage. When farmers are given options, they participate willingly.

1:10 Lee Pfannmuller presented on behalf of the Department of Natural Resources

Steve Pedersen asked about rulemaking for high quality- (“Best of Rest”) waters. Lee described a pilot project in Cass County where alternative shoreland standards have been developed to delineate sensitive shorelines and provide strict regulations to these areas.

Lee discussed groundwater appropriation permits, new ways to fund groundwater assessment and the cumulative impacts of water withdrawal. Deb Swackhammer noted that there is a team at the University of MN that is currently studying water recharge rates in aquifers.

1:40 Tim Larson presented on behalf of the Pollution Control Agency

Lee asked about the amount of funds allocated to 319 projects. Gaylen responded that it worked out to be 43% for this past year- this wasn’t an assigned amount. CWP loans come from the State Revolving Fund and have a 10 year repayment period. Deb asked about progress made in addressing impaired waters in MN. Gaylen provided that a relatively small portion of the state’s water have been assessed at this point. There is still a lot of work to be done.

2:05-2:10 Brief Legislative Update- Environmental Agency Budget Bill (Paul Eger, MPCA)

2:10 Adjourn

Louis announced to turn in expense forms to Megan. The next meeting is scheduled Monday, June 18, 2007 in the same location: Freeman Building Room B144, St. Paul.

AGENDA

Clean Water Council Meeting Monday, June 18, 2007; 9:00 a.m. - 2:00 p.m. Freeman Building – Room B144, 625 Robert Street North, St. Paul

9:00-9:45 Call to Order and Chairperson's Report

(Louis Smith, Interim Co-Chair)

- Introductions of Council and audience
- Planning Meeting Report
- Council Field Outing
- Accomplishments Report

9:45-10:30 MN Forest Resources Council- Lessons Learned- Includes 15-20 minutes questions and discussion
(Dave Zumeta, MN Forest Resources Council)

(Break approximately 10:30-10:40)

10:40-2:00 Identifying & Moving Forward with Council Priorities
(Facilitated Discussion)

11:40-12:10 Setting Council Priority Areas

- Revisit Brainstorming List of Ideas (developed at first Council meeting) and G-16 list of "Parking Lot" Issues.
- Identify what issues will produce the greatest results.

11:40-12:10 Lunch and Conversation

12:10-1:10 Setting Council Priority Areas (continued)

1:10-2:00 Council Workplanning- Next Steps in Council Priority Areas

Considering the high priority issues:

- How does this priority issue affect operation of the Council as a large group?
- What structure do we want to carry the priority issue forward? (work groups, committees)
- How would you move this structure forward (who, when, what, where?)

2:00 Adjourn

Next Meeting: Monday, July 16, 2007, Freeman Building, St. Paul

Meeting Minutes
Clean Water Council Meeting
Monday, June 18, 2007
Freeman Building - Room B144, St. Paul

Council Members Present: David Bennett, Marilyn Bernhardson, Pamela Blixt, Earl Bukowski, Brian Davis, John Greer, Del Haag, Scott Hoese, David Jeronimus, Christopher Kolbert, Joe Martin, Bill Moore, Gary Pedersen, Steven Pedersen, Lee Pfannmuller, Gaylen Reetz, Louis Smith, Sarah Strommen, Deb Swackhamer, Doug Thomas, Paul Torkelson, Robert Vogel

Absent: Tribal representative- (to be appointed)

Staff: Megan Pavek, Mary Reilly

Guest presenters: Dave Zumeta (MNFRC), Kris Van Amber (MPCA)

9:00 Call to Order

Co-Chair Louis Smith called the meeting to order and asked for Council- and audience-members to introduce themselves. Steve Pedersen, Co-Chair, reported back on the Planning Committee Meeting, held on May 22. Louis commented that today's meeting represents a transition from information download to more of a discussion mode where we can interact and begin to shape our focus and direction as a Council. Louis made note of the Council field outing survey to determine the Council's preference of length, date, and location(s) of interest for a field outing in October. Steve reported on Council accomplishments to date- we have covered many training items and have drafted initial operational documents such as the Council By-laws. The Council continues to move forward.

Louis called the Council's attention to the Meeting Minutes from May 21, 2007. There was a change to the Meeting Minutes under the section titled: "**Update on Annandale-Maple Lake Supreme Court Decision**"- 22,000 pounds of phosphorus was changed to 2,200 pounds of phosphorus. Bill Moore asked if there was an appeal filed for this lawsuit- Gaylen responded that an appeal was filed by MCEA to the MN Supreme Court within a few days of the decision. It is not known if an appeal will be made to the US Supreme Court. A motion was passed to approve the Draft Meeting Minutes, as amended, for May 21, 2007.

A packet was distributed from the Secretary of State's Office to confirm the accuracy of Council member contact information.

Louis gave a brief overview of the agenda. He explained that Steve, Megan, and he met with Dave Zumeta and other Minnesota Forest Resources Council (MNFRC) staff to discuss Dave's presentation for today's meeting. He was impressed with the MNFRC, how they worked with public and private interests and were able to achieve of consensus among Council members. Regarding working lunches, Louis explained that Dave Zumeta felt it was critical for a Council in the beginning stages such as ours, to allow time for interaction to help develop cohesion among the group and develop trust in one another. Having unstructured breaks during meetings

creates the space for this interaction to happen. This is why we scheduled a half hour break for lunch, rather than a working lunch (as previously discussed at the May meeting). Later this morning and into the afternoon, Kris Van Amber from the MPCA will conduct a facilitated discussion. As a Council, we'll seek to identify priority areas to move forward on at this point in our process.

Louis then asked each Council member to share what is happening in their areas of work related to water quality, beginning with Louis.

Louis Smith: Minnesota Waters has been seeking dedicated funding at the legislature. Its interest as an organization is how to engage citizens & educate people, to develop a new culture and create behavior change. The MNFRC has focused on private forestry practices, and has been able to move forward into industry-driven changes. It provides an intriguing model.

Steve Pedersen: He brings an industry perspective on water quality issues. As a part of the Stormwater Steering Committee, he has been involved in the development of an industrial stormwater permit, listening to a diverse group and developing a stormwater roadmap.

Brian Davis: Agrees with what Louis & Steve said about the importance of the Council moving forward as a group with a common vision. Groups afford a great opportunity to build consensus and create a new culture. On August 15 there will be a River Night sponsored by Minnesota Waters. He encourages everyone to join them.

Gary Pedersen: Last week, there was a township legislative meeting. He updated them on this legislative session. Gary anticipates the townships providing input to the Council.

Marilyn Bernhardson: The Redwood Soil and Water Conservation district applied for Clean Water Legacy dollars and is in the implementation and reporting phases now. This reporting is required to demonstrate they are implementing the dollars appropriately. They will apply for additional funds. She thinks being involved in the reporting process will be helpful in her role to this Council.

David Bennett: The Trout and Salmon stamp committee is concerned about forestry activities. Specifically, they are looking at drainage into the St. Louis River Basin. They are focused on streams and run-off concerns.

Sarah Strommen: MN Land Trust is a land protection organization. One of the focuses is protecting river, lake and stream shorelines. She wondered whether the Council's work could target land protection.

John Greer: The Stearns County planning commission developed a plan concerning agriculture and animal feedlots. Stearns County recognizes the importance of the dairy industry in their planning. The planning commission held meetings, which included heated debates surrounding the permitting process for feedlots and their impact on rivers and streams.

Bob Vogel: The Vermillion River watershed has been studying economic exchange values; in terms of development and preserving the land. Hopefully, an EPA study will be conducted on this later.

Gaylen Reetz: Last year was the first year the MPCA had money for volunteer monitoring efforts. The state provided additional money for assessment work. At next month's Council meeting, we can discuss the second year of monitoring efforts. Many people have ideas of what worked and what didn't. The Council needs to provide input on how to proceed.

Del Haag: The League of Minnesota cities has a conference in Duluth at the end of June and it is designed to educate elected officials on water issues. Various agencies are invited set-up booths to exchange information. More specifically, the City of Buffalo got involved in a program called "America in Bloom", a beautification program which is judged on a number of different areas. The City of Buffalo received an award for environmental awareness.

Scott Hoese: The Farmer's Union has been heavily involved in the Farm Bill. Scott discussed a minimum till program that involved carbon credits for not turning over the soil. Dave Bennett asked Scott about the carbon program. It is understood by some that tilling the soil releases carbon.

Pamela Blixt: She represents watershed districts. There are meetings coming up in the next few weeks. All watersheds operate fairly independently. Minnehaha watershed is in the process of changing over their regulatory process from a prescriptive to a goal-generated process. The watershed district works with cities and counties to help them achieve the goals stated in their water plans.

Earl Bukowski: He is currently involved in a project that works with farmers on varying the amount of fertilizer used in each field. The goal is to demonstrate how farmers can use less manure and still see the same benefits. So far, it has been effective. Elk River Watershed Management Organization, in Sherburne County, purchased a manure spreader which they rent out to farmers. Poultry waste (poultry farming is common in Sherburne) needs to be applied at a much lower rate and the spreader equipment allows farmers to do so.

Paul Torkelson: Continues to seek more agricultural involvement in the Impaired Waters program. Has been successful at the local level (streams/rivers adjacent to farm lands) however, Lake Pepin is more difficult to get involvement since it is so large. The agricultural sector offers a lot, increasing the level of communication and participation is important.

David Jeronimus: Represents businesses in the northern part of the state. There's lots of enthusiasm about the Clean Water Council. The biggest concern is point source pollution control -- can technologies meet new requirements and standards so that can continue to expand? There should be emphasis on creating a trading system that works.

Deb Swackhammer: The U of M is working with Community Resource (CR) Planning and Boonestro, two environmental consulting firms, on a Statewide conservation plan to manage the state resources: water, air, land, fish, wildlife, "other"- (recreation) for the next 50 years. This is an 18-month project. Legislative Citizen Committee for Minnesota Resources (LCCMR) has

developed a current status of state funding for each of these resources, with some gaps in the data, which will be available in the next few weeks.

Chris Kolbert: The hunting groups of the state are diverse. He would like to see hunting groups more involved in water quality work, particularly citizen monitoring.

Bill Moore: Metropolitan Council has been involved in an infiltration and inflow (I/I) reduction program. They have been working with the cities to come up with ways to set I/I goals for all communities served by the metropolitan disposal system, and require communities to reduce their I/I to meet design flow standards by 2012. It has been more difficult to work with private parties on this issue. The next five years have been designated for applying surcharges to sewer fees.

Lee Pfannmuller: DNR's primary priority at the moment is to implement the FY 08 budget. Clean water funding is a big piece of this, and they are determining what to implement. Five new Clean Water Coordinator positions are included in this, as well as specific appropriations for the expansion of shoreland rules, invasive species and biofuels.

Doug Thomas: June 25 is the first deadline for submission of bonding requests to the legislature. BWSR is involved in three activities: RIM Clean Energy program, RIM Strategic Plan update, and the emerging issue of protection. Over time, he would like involvement from the Council to help shape and focus the protection issue.

9:45-10:45 MN Forest Resources Council- Lessons Learned

Megan welcomed and introduced Dave Zumeta, Executive Director of the MN Forest Resource Council (MNFRC). She explained that Dave will share how the MNFRC has developed as a Council over the 12 years of its existence and provide some lessons that the Clean Water Council can gain from their experience.

Dave Zumeta explained that he was asked to come today because the MN Forest Resource Council and the Clean Water Council have similar advisory roles. Dave shared the history of the MNFRC, their work products, how they are organized and function, both as a whole Council and in committees. Dave shared some lessons learned: allowing for group cohesion- opportunities for relationship building among members. Dave highlighted the importance of remaining focused as a Council and avoiding "scope creep"- by sticking to statutory mandates specific to the Council and being clear on the Council's mission. Dave also highlighted potential collaboration between the MNFRC and the CWC as they seek to address more of an intermediate scale (smaller than an entire region of the state, but larger than just one site- more of a watershed approach) in their management activities/recommendations. It is at this level that forestry practices and water quality management activities are more clearly linked. See his PowerPoint presentation for more detail (handed out at 6/16 meeting and available upon request by contacting [Megan Pavek](#)).

Questions following Presentation:

Steve Pedersen asked Dave how they got "buy in" on the voluntary timber harvesting and forest management guidebook and how they used the results. (Referring to the "Guideline Review and

Revision” chapter in the 2006 MNFRC Annual Report to the Legislature handed out at meeting). Dave explained that they had a significant logger education program that helped in this. There is a parallel between the logging industry and forestry management to that of agriculture and water quality management, in that you are trying to educate and allow for cooperation from both sides in order to achieve desired results. Dave thought it might be beneficial to have representatives from the logging industry come and share on why/how they got involved.

Pam Blixt asked how the MNFRC delivers advice. Dave directed her to page one of the Annual Report. The Governor requested advice from the Council regarding roadless areas in MN’s national forests and also established a task force on issues facing the forest products industry.

Kris Van Amber (MPCA) asked how the MNFRC arrived at developing a mission for themselves. Dave explained that the mission is essentially outlined in the statute (Sustainable Forest Resources Act) that created the MNFRC. The Council strives to stay focused on the overarching mission. It took about five years for the MNFRC to develop the first set of guidelines.

Deb Swackhammer asked how the Council handles conflict resolution. Dave responded that they use Roberts Rules of Order during meetings and the calm facilitation skills of the chair have been key. He emphasized the role of facilitation and the need to have an alternate chair, too. Good behind-the-scenes staff work is also needed.

Doug Thomas asked about the purpose and effectiveness of the Regional landscape committees. Dave said that this is in the statute. There's no model like it in the country.

Bill Moore inquired how they do compliance monitoring and if people choose not to follow the guidelines. Dave explained that they used to have citizen teams that did audits. With the advent of third party audits, there was a major push to contract auditors, so they moved to this from citizen teams. There are advantages and disadvantages to both techniques. The guidelines have worked pretty well.

Bob Vogel asked how they prevent the “scope creep” that Dave had mentioned. Dave explained that he makes sure the staff is doing what they're supposed to be doing- being cautious that they don’t get involved in topics/areas that are outside the realm of the MNFRC. There is only so much time and limited resources to do what is actually required of the Council.

Steve Pedersen asked about staffing as the workgroups are chartered, and having agency representatives staff particular workgroups. Gaylen mentioned that the agencies will have to balance their role with the Council and the activities each agency is funded to carry out. If the Council’s focus areas do not lie within what the agencies are funded to do, it may be difficult to provide much staff support to the Council.

(Break 10:45-10:50)

10:50-11:40 Identifying & Moving Forward with Council Priorities

Goal: Identify the issues which addressed will produce the greatest results.

Process: Have members revisit Brainstorming List of Ideas (developed at first Council meeting) and G-16 list of “Parking Lot” Issues for 3-5 minutes and ask them to add issues they have to their table.

Kris Van Amber, MPCA staff, facilitated this discussion with assistance from Megan Pavek. Council members were asked to identify priority areas they believe the Council should focus on first. Drawing from their own ideas and referencing the table “Potential Council Priority Areas”, (which includes ideas generated by Council members at the first meeting in March, “parking lot” issues from the G-16, and statutory requirements of the Clean Water Legacy Act), Council members were asked to individually identify their top 5 issues.

Council members went around the table one at a time and shared one of their top issues, until all of the issues had been presented. Kris and Megan collected these issues from each member and grouped similar topics together.

11:40-12:10 Break for Lunch

12:10-1:45 Identifying Council Priority Areas (continued)

Kris Van Amber facilitated this discussion, following up on the morning’s identification of each Council member’s top 5 issues.

Process: Summarize the clusters of issues identified by Council members with a priority area title. Start with one of the clustered priority areas and identify the relationship with the other clusters by asking if there a cause/influence relationship, and if yes, which direction of cause/influence is stronger?

Because it was difficult to fit each of the issues/ideas identified by the Council members into specified categories, the Council decided to stop the activity and move forward in a different approach.

Lee suggested that they read through the Clean Water Legacy Act together in order to more clearly identify their statutory requirements. Steve read **Section 7 [114D.30] CLEAN WATER COUNCIL**, discussing the role and duties of the Council.

The deliverables for the CWC outlined in **Section 7 [114D.30]** include:

Subdivision 5- Implementation Plan- general procedures & timeframes and specific implementation work plan for the next fiscal biennium and a framework for setting priorities consistent with section 114D.20 sub. 2-7 (see below) for the next biennium.

Subdivision 6- Recommendation on appropriation of funds, ensuring outcomes

Subdivision 7: Biennial report to the legislature

Other areas of the statute that identify tasks for the CWC:

Sec. 8 [114D.35]:

Subdivision 1: Encourage public & stakeholder participation in the impaired waters process: including local citizens, landowners, managers, public and private organizations
Subdivision 2: Make use of expert scientific advice.
Subdivision 3: develop strategies for informing, educating, and encouraging participation of citizens, stakeholders, and others. Public agencies will be responsible for implementing these strategies.

Sec. 5 [114D.20]:

Subdivision 5- Recommend priorities for scheduling and preparing TMDLs
Subdivision 6- Recommend priorities for restoration of impaired waters
Subdivision 7- Recommend priorities for funding prevention actions

There were seven general priority areas that were identified through this afternoon's brainstorming exercise and they encompass the statutory requirements of the Council, as listed above. Council members were asked to individually rank their top priorities by assigning a point value (up to 3 points per item, 10 points total) among the seven priority areas. The results were then tallied and ranked:

<u>Rank order</u>	<u>Identified Priority Area</u>
<u>(1 - 7):</u>	
1 -	Item 7.) Council Operations
2 (tie)-	Item 1.) Funding Prioritization
2 (tie)-	Item 2.) Measures/Results System
3 -	Item 6.) Stakeholder Engagement
4 -	Item 4.) Develop Protection Strategy
5 -	Item 3.) Research Needs
6 -	Item 5.) Encourage Citizen/Volunteer Monitoring

Council Operations seems to be the number one priority at this point, as the Council continues to organize itself so that it can operate effectively. The priority areas of funding prioritization and developing a measures/results system tied as second priority. Steve asked the Council if the Planning Committee should bring a draft mission statement, related to the Council Operations priority area, to the next meeting for the Council's review, or if a work group should be delegated to do this. The planning committee will take these priority areas into consideration as the Council decides how to move forward and organize themselves.

2:00 Meeting is adjourned.

Please turn in expense forms to Megan, along with the surveys regarding the field outing.

The next meeting will be held from 9:00 a.m.-2:00 p.m. on July 16, 2007 in the Freeman Building.

AGENDA

Clean Water Council Meeting
Monday, July 16, 2007; 9:00 a.m. - 2:00 p.m.
Freeman Building – Room B144,
625 Robert Street North, St. Paul

9:00-10:00 Call to Order and Chairperson's Report

(Louis Smith, Interim Co-Chair)

- Introductions
- Approval of Meeting Minutes
- Planning Meeting Report

**10:00-11:00 Surface Water Assessment Grants, Volunteer Monitoring-
Information and Input to MN Pollution Control Agency**

(Shannon Lotthammer, MPCA)

(Break approximately 11:00-11:10)

11:10-12:10 TMDL Wasteload Allocations- Overview of Permitted Point Sources

(Lisa Thorvig, MPCA)

12:10-12:40 Lunch and Conversation

**12:40-2:00 TMDL Wasteload Allocations (continued)- Background on Public
Facilities Authority and Council Approval of Proposed Resolution**

(Terry Kuhlman & Jeff Freeman, PFA)

2:00 Adjourn

Next Meeting: Monday, August 20, 2007; Freeman Building, St. Paul

Meeting Minutes
Clean Water Council Meeting
Monday, July 16, 2007
Freeman Building - Room B144, St. Paul

Council Members Present: David Bennett, Marilyn Bernhardson, Pamela Blixt, Earl Bukowski, Brian Davis, John Greer, Scott Hoese, David Jeronimus, Christopher Kolbert, Joe Martin, Bill Moore, Gary Pedersen, Steven Pedersen, Lee Pfannmuller, Gaylen Reetz, Louis Smith, Sarah Strommen, Deb Swackhamer, Paul Torkelson, Robert Vogel

Absent: Del Haag, Doug Thomas, Tribal representative- (to be appointed)

Staff: Megan Pavek, Mary Reilly, Jeff Risberg

Guest presenters: Matt Drewitz (BWSR), Shannon Lotthammer (MPCA), Lisa Thorvig (MPCA), Terry Kuhlman (PFA), Jeff Freeman (PFA)

9:00 Call to Order & Chairperson's Report

Co-Chair Louis Smith called meeting to order. Council members, staff and audience introduced themselves. The Meeting Minutes from July 18, 2007 Council meeting were adopted, following three revisions highlighted by Sarah Strommen, Gaylen Reetz and Earl Bukowski. Steve reported back on the Planning Meeting and walked through the day's agenda. Steve introduced the proposal for a Council Work Group, he noted that it would be about a 5-10 hour commitment per month. He explained that the meetings are becoming more decision oriented. On the agenda in the afternoon, Public Facilities Authority (PFA) will present on their Capital Budget Request to seek Council input. One of the Council charges is to provide budgetary advice to the Governor on impaired waters spending.

Council Operations Work Group: Steve introduced the proposed Council Operations Work Group charge and walked through the different tasks identified in the charge. Louis sought questions or comments on the proposed work group. Brian Davis asked for clarification whether this work group was ongoing or if it would cease to function after a period of time. Louis clarified that the initial commitment for this work group is through November 2007. The work group will decide, as part of their charge, how the Council will structure itself and this may result in a permanent operations and planning committee.

Bob Vogel expressed that the Council needs to be process oriented. His concern is that the Council may get off track if we don't follow a process based around issues, and start with "tactics". The Council should be creating new things, partnering, and being innovative by following a process that gets into defining issues, rather than being driven by tactics. Louis responded that the Council should strive to keep this balance and that the Council needs to develop a strategic focus. Steve expressed agreement. The proposed Council Operations Work Group will be the strategic driver for the Council,

and at the same time the entire Council can address tactical requirements (resolutions & recommendations to state agencies on budget/policy issues) as they come up.

Gaylen explained the idea behind the Council Operations Work Group. Council members need to define the Council priority areas, identifying what is meant by the language and what each priority area encompasses. With priority areas defined, then the Council can assign work groups and layout specific work tasks to address them. Another task charged to this work group is to provide a recommendation on Council governance (Council chair/co-chairs). The Council had originally decided to readdress this issue after 6 months. There will be videoconference capabilities at the MPCA Regional offices for members outside the Twin Cities Metro area.

Louis asked for further comments/questions about the work group charge. Bob Vogel made a motion for the Council to approve the charge and Deb Swackhammer seconded the motion.

DECISION: The Council Operations Work Group charge was approved by the Council. Louis stated that we need to recruit 4 non-agency members (at least 2 members from outside the metro) to volunteer for this work group.

The Council Operations Work Group includes the following members, who volunteered to participate: Brian Davis, Bob Vogel, Dave Jeronimus, Chris Kolbert, Marilyn Bernhardson

Megan reported back on the results of the field outing survey passed out at the last Council meeting. In general, most people indicated that they would like to visit the Minnesota River Basin. Topics of most interest were agricultural practices and challenges, and TMDLs in progress. An area in the MN River Basin with a variety of sites and the least driving time is Nicollet County. Matt Drewitz (BWSR) developed two possible itineraries, these are just to provide a better idea of the timing and logistics involved in a one or a two-day field outing. This is not a final itinerary.

The timeframe is mid-October, around the regularly scheduled Council meeting date (Monday, October 15). Louis expressed interest in engaging agricultural producers. Paul Burns (MDA) suggested some possible conservation drainage sites near St. Peter, MN- Council members could talk with these agricultural producers. Paul Torkelson mentioned that this is a busy time of year for farmers, but that his farm is only about 20 miles from the St. Peter area. Scott Hoese offered that there is a large dairy operation in this area as well. Several members expressed interest in involving local stakeholders/public to join the Council at some point to offer their input and discussion of water management in the watershed. The Council voted on a one-day or two-day retreat.

Two-day retreat: **11 votes**

One-day retreat: **6 votes**

DECISION: The Council retreat/field outing will be two days, held on: Monday, October 15- Tuesday, October 16, 2007.

Louis prompted Council members to go around the table and report on any relevant updates. Scott Hoese has been focused primarily on the Farm Bill. Marilyn Bernhardson shared that she recently hosted the Legislative Citizen Committee for Minnesota Resources (LCCMR) in Redwood/Renville County area to promote the importance of conservations activities in that area such as Reinvest in Minnesota and conservation easements.

Gaylen Reetz shared that the MPCA staff are working on the TMDL project list for FY08 and that they will bring this to the Council in August. The 2008 Impaired Waters 303(d) list will be going on public notice in September.

Dave Bennett reported on the Trout and Salmon Stamp oversight committee.

Deb Swackhammer provided an update on the project between the U of M, Boonestro and Community Resource Planning (referenced at the 6/18 meeting), which will develop a statewide conservation plan to manage resources for the next 50 years. The preliminary report will be posted online tomorrow. This report demonstrates how protecting natural resources is integrated- protecting water is tied with the protection and management of other resources.

Pamela Blixt reported that she took a tour of the MN River by-way in Redwood and found it to be a worthwhile opportunity.

Lee Pfannmuller reported that the DNR is looking at their budget, accounting for what was spent in FY07 and beginning to set the FY08 budget.

Steve asked Deb if there was a role for the Council in her project at the U of M. Deb said that the initial 6 months of this 18 month project was for assessment. They will be moving forward to coordinate on policies, seeking was to strategically engage the public. The Clean Water Council is a good group to intersect actively as a stakeholder lead. She can continue to report back on the progress of this project.

Gaylen shared that staff from state agencies and the U of M discussed creating a symposium around research needs. One of the advisory roles of the Council is research needs within the Impaired Waters program. There may be an opportunity for the Council to be involved in this research symposium.

Louis reported that a member of MN Waters in Stillwater held a rain garden party. The watershed district offered a grant and provided the design for homeowners to install their own raingardens. There was good participation among homeowners. A significant amount of stormwater is now stored on site and has provided cost saving benefits for the city. This illustrates the power of word of mouth and the ability for change within a community.

10:00-11:00 Surface Water Assessment Grants, Volunteer Monitoring- Information and Input to the MPCA

Louis introduced Shannon Lotthammer, MPCA, who presented some general information on citizen monitoring, as well as goals and challenges of citizen monitoring for assessment purposes. Shannon gave an overview of the 2006 Surface Water Assessment Grants process and the proposed approach for the 2007 grant process. (See PowerPoint presentation.)

INPUT FROM COUNCIL: Shannon sought Council input on specific questions about Request for Proposal (RFP) criteria to help MPCA agency staff craft the 2007 RFP.

Council members asked questions throughout Shannon's presentation. Shannon stated that the goal of the Clean Water Legacy Act (CWLA) was to assess 10 percent of the state's waters each year, so that it could be completed in approximately 10 years. The CWLA identifies promoting citizen monitoring. The trend in citizen monitoring is that people are most interested in monitoring their local waterbody. The challenge is to involve more local governments, counties and other organizations so that there can be better statewide coverage of water resources. She would like Council input on how to promote this. Shannon clarified that by "monitoring/assessment" she is referring to condition monitoring- using specific methods so the MPCA can determine whether the waterbody is impaired for listing purposes.

Shannon explained that there is up to \$2.4 million available this year for grants. The approach for 2007 is to break the process up into two separate RFP's- one for training and assistance and one for funding lake and stream assessment monitoring. Louis inquired if there was equal funding for the two RFP's. Shannon said that they are choosing not to specify the exact amount in order to allow for the correct balance among the two, based on the amount of requests for each. Lee Pfannmuller later pointed out that applicants for the RFP's might appreciate knowing what amount of money is available for each RFP.

Dave Jeronimus asked why individuals were not eligible to apply. Shannon explained that it has to do with the contracting ability with the state, administratively, and also in terms of consistency and tracking. Bob Vogel asked about accountability controls. Shannon explained that the contract specifies a timeline for returning the data. These are two year grants. The second year of funding is only dispersed after the data from the first year is submitted. MPCA staff perform occasional site audits.

Shannon highlighted that here is an important balance between promoting citizen monitoring and also ensuring that the necessary data gaps are filled. Lee Pfannmuller pointed out that citizen monitoring is a means for the agency to meet the 10 percent assessment goal per year. The agency will ultimately be held responsible for meeting this goal. Louis supports the accountability of this assessment goal, keeping in mind that the underlying goal is cleaning up impaired waters. Citizen involvement and support is necessary to the long term improvement of Minnesota's water resources.

Shannon told Council members to direct any additional comments or concerns about the RFP process to her. The RFP will be published in September.

11:10-12:10 TMDL Wasteload Allocations- Overview of Permitted Point Sources

Lisa Thorvig, MPCA provided a broad overview of MPCA's point source programs. She walked through the TMDL equation, distinguishing between the load allocation (nonpoint sources) and the wasteload allocation (point sources). She went on to discuss wasteload allocation sources: wastewater- municipal and industrial, stormwater- municipal, industrial and construction, and feedlots. (See PowerPoint presentation.)

Dave Jeronimus asked about authority for eliminating failing septic. Lisa explained that there is legislation dealing with straight pipe septic. If a failing septic is found, by law, a homeowner is given 10 months to comply. The MPCA has enforcement authority to address straight pipe septic but we don't initiate enforcement unless the county makes a request. The local governments are the primary regulator of septic programs, the MPCA serves as support.

Bill Moore asked about the Lake Pepin TMDL, if every city upstream has a phosphorus limit. Lisa said that this is not the current situation but may happen as a result of the TMDL. Bill also asked about stormwater reductions. Lisa said that the stormwater reductions will be achieved through BMPs, not wastewater effluent limits.

Pam asked if there was a requirement for public education on stormwater reduction. Don Jakes, MPCA, explained that phase II municipal permittees are required to do public education. Bob Vogel asked about construction activities. Lisa responded that they are permitted through National Pollutant Discharge Elimination System (NPDES) general permits. Gary asked whether a construction project could be parceled into lots less than one acre, in order to avoid being permitted. Don Jakes explained that this is not possible, any land greater than one acre total will be permitted as a whole. Developers must provide a common plan of development that includes all of the land to be developed. Earl Bukowski asked if mining fell under construction permit requirements. Don responded affirmative.

12:10-12:40 Lunch and Conversation

12:40-2:00 TMDL Wasteload Allocations (continued)- Public Facilities Authority

Terry Kuhlman and Jeff Freeman provided an overview of Public Facilities Authority Financial Assistance Programs. Terry walked through the proposed capital budget request for fiscal year 2008.

Program	Priority	2008 Request (\$)
State Match Funds For USEPA Capitalization Grants	1	45,000,000
Wastewater Infrastructure Fund	2	15,300,000
Small Community Wastewater Treatment	3	2,000,000
Total Maximum Daily Load Grants	4	15,000,000
Phosphorus Reduction Grants	5	10,000,000
Phosphorus Reduction Grants – Reimb Projects	6	10,000,000
Water Conservation Through Wastewater Reuse	7	5,000,000

Louis asked for a clarification if the Council is supportive of this proposal for point source funding programs, how does this compare to nonpoint funding programs? Is there any trade-off or competition between funding sources? Gaylen clarified that the Capital Bonding Bill and the General Fund are dealt with separately and they are not competing with one another. The General Fund budget that was recently appropriated goes mostly toward nonpoint source program funding. Lisa Thorvig explained that the Clean Water Legacy Act only included \$200,000, of the \$31 million total, for point source funding through small community wastewater treatment technical assistance provided by the University of Minnesota Extension service. The bulk of the funding for point source activities comes through PFA's budget, which they are now requesting through the Bonding Bill. Terry Kuhlman clarified that the Bonding Bill can only be used to finance publicly owned infrastructure, which are point sources. Historically PFA receives about 5-8% of what is allocated in the Bonding Bill. Lisa emphasized that the cities are in support of PFA's request and that legislators are closely tied to their constituent cities. Historically, the legislature will include funding for wastewater, even if it is not included in the Governor's request.

Louis summarized that the resolution presented by PFA is for the Bonding Bill. This is the Council's opportunity to weigh in on the 2008 Bonding request, and this is not precluding the General Fund. Gaylen pointed out that PFA's request is for the 2008 session, but that the money will be disbursed in 2009 & 2010. In the big picture of Impaired Waters, TMDL studies are ramping up, due to the increased funding in the 08-09 CWLA. As a result, regulated facilities will be required to meet the new TMDL standards, and the needs for loans will ramp up dramatically as well. Scott Hoese asked who else endorses this bonding request. Terry responded that the PFA Board endorses their request. Typically, PFA does not seek resolutions from other groups, but felt it was appropriate for the Clean Water Council to support- as it relates to the overall goal of cleaning up MN's impaired waters.

DECISION: Bonding Recommendation and Vote on Resolution

The Council voted on supporting PFA's proposed resolution. Bill Moore abstained because his city is on the Project Priority List (PPL). Agency representatives also abstained, as they are non-voting members.

Vote: 12 - in favor

1 - not in favor

The motion carries and the resolution is adopted. Co-Chairs, Louis and Steve, will sign the resolution and it will be submitted to the Governor along with a cover letter expressing the Council's support of PFA's bonding request for FY2008.

2:00 Meeting is adjourned.

Next Meeting will be held: Monday, August 20, 2007; Freeman Building, St. Paul

AGENDA

Clean Water Council Meeting
Monday, August 20, 2007; 9:00 a.m. - 2:00 p.m.
Freeman Building – Room B144,
625 Robert Street North, St. Paul

- 9:00-9:45 Call to Order and Chairperson's Report**
(Louis Smith, Interim Co-Chair)
- Introductions and Council member updates
 - Approval of 7-16-07 Meeting Minutes
 - Council Operations Work Group Report
- 9:45-10:30 2008 Impaired Waters List**
(Howard Markus, MPCA)
- (Break approximately 10:30-10:45)*
- 10:45-11:00 Overview of Budget Process and Timeline**
(Paul Eger, MPCA)
- 11:00-11:45 2008 TMDL Project List**
(Pat Carey, MPCA)
- 11:45-12:15 Lunch and Conversation**
- 12:15-2:00 Clean Water Legacy Implementation Funding- Board of Water and Soil Resources** (Matt Drewitz & Jeff Hrubes, BWSR)
- FY2007 Clean Water Legacy Act Implementation Funds
 - o Case Studies: Local Government Units implementing Clean Water Legacy projects from first year allocation
 - Donna Rasmussen, Fillmore SWCD
 - Kitty Tepley, Todd SWCD
 - FY08-09 Clean Water Legacy Implementation
- 2:00 Adjourn**

Next Meeting: Monday, September 17, 2007; Freeman Building, St. Paul

Meeting Minutes
Clean Water Council Meeting
Monday, August 20, 2007
Freeman Building - Room B144, St. Paul

Council Members Present: David Bennett, Marilyn Bernhardson, Pamela Blixt, Earl Bukowski, Brian Davis, Del Haag, Scott Hoese, Christopher Kolbert, Joe Martin, Steven Pedersen, Lee Pfannmuller, Gaylen Reetz, Louis Smith, Sarah Strommen, Robert Vogel, Steve Woods- (BWSR representative, succeeding Doug Thomas)

Absent: John Greer, David Jeronimus, Bill Moore, Gary Pedersen, Deb Swackhamer, Paul Torkelson, Tribal representative- (to be appointed)

Staff: Megan Pavek, Mary Reilly, Jeff Risberg

Guest presenters: Pat Carey (MPCA), Matt Drewitz (BWSR), Paul Eger (MPCA), Jeff Hrubes (BWSR), Howard Markus (MPCA), Donna Rasmussen (Fillmore County SWCD), Kitty Tepley (Todd County SWCD), Dana Vanderbosch (DNR), Dwight Wilcox (MDA)

9:00 Call to Order & Chairperson's Report

Co-Chair Louis Smith called the meeting to order. Council members and audience introductions. Council members provided updates from their various areas. Steve Woods will be succeeding Doug Thomas as the appointed Board of Soil and Water Resources (BWSR) representative.

Because copies were not available at the meeting, the July 16, 2007 Meeting Minutes will be formally approved at the September Council meeting.

Megan provided a brief overview of the itinerary logistics for the October 15-16, 2007 field outing and asked Council members to fill out the questionnaire for the purpose of planning logistics.

The Council Operations Work Group members met twice since the July Council meeting to draft the mission statement and identify priority areas. These members include: Louis Smith, Steve Pedersen, Brian Davis, Marilyn Bernhardson, Chris Kolbert, Dave Jeronimus, Gaylen Reetz, Steve Woods, Lee Pfannmuller, Joe Martin. Louis provided an overview of their Draft "Mission, Authority and Organizing Principles" and identified particular issues for the Council to discuss.

The Council discussed using the language: "...facilitates coordination between all stakeholders..." or "...fosters coordination...", versus "...assure coordination" in the Mission statement. Some members of the work group felt the term "assure" could indicate a higher goal/challenge to strive toward than "foster/facilitate". Others felt that "facilitate" is a more accurate term, as the Council can encourage coordination but cannot force or assure that other parties will coordinate their efforts.

Scott Hoesle asked if there was specific reference to the Council's role in protecting waters that are not yet identified as impaired in the Mission statement. Louis suggested that perhaps these waters are included in the "prevention actions" (114D.20 sub.7). Marilyn pointed out that waters not yet assessed are not encapsulated in this, since the language addresses preventing clean waters from becoming impaired and improving the quality of waters that are listed as impaired but do not yet have a TMDL completed.

Jeff Risberg pointed out the statutory language defining the tasks of the Council in order to clarify its role in setting priorities. Section 5 [114D.20]: Subd. 4 states that the Pollution Control Agency is charged with setting priorities for identifying impaired waters. The Clean Water Council is charged specifically with recommending priorities for scheduling and preparing TMDLs, priorities for the restoration of impaired waters and priorities for funding prevention actions (Section 5 [114D.20]: Subd.5-7)

Bob Vogel feels it is important to make sure that priorities fit within a realistic budget- what is economically feasible. Where does clean water fit into the overall budget?

Louis moved onto the Vision/Organizing Principles, this will provide focus for the Council on identified priority areas. There was discussion around language in the Vision statement- using a more general term such as "water resources" or specifically identifying "lakes, rivers, and wetlands". The statement "sound watershed stewardship" identifies a watershed management approach. Some members expressed that including wetlands may not be necessary- as it is inherent in the watershed approach and also that wetlands are not held to the same standards as lakes and rivers. Sarah Strommen pointed out that the point of a vision statement is to be broad- and in this case, adding wetlands would be appropriate. Marilyn explained that wetlands are managed differently than other water resources and should thus be left out of this statement.

Louis asked for a vote on including the term wetlands: 4 were in favor of adding wetlands, 7 were opposed. Wetlands will not be included in the vision statement. The Council also voted on including the amended language "and all other surface waters": 3 were in favor, 8 were opposed.

Louis asked for comments on the list of Organizing Principles. Pamela asked where public education and awareness fit in. She pointed out that 1.) "Civic Engagement" is a tool for achieving education and awareness. Public education and awareness is broader than civic engagement. There was discussion about whether these principles were prioritized. Priorities imply an order, and perhaps "principles" is a more appropriate term given that priorities may change over time.

Regarding 2.) "Funding Priorities", Sarah Strommen, referenced Bob's earlier comment about realistic funding levels, making the point that current resources may be far shorter than what is actually needed. It may be necessary to ask for funding levels beyond what is currently available. The Council voted on adding the language "within the context of available and necessary resources" to #2: 10 in favor, 1 opposed.

10:20 2008 Impaired Waters List

Howard Markus (MPCA) provided an overview of the 2008 303(d) Impaired Waters list. He discussed additions and changes from the 2006 303(d)list and the schedule for approval of the 2008 list.

Lee Pfannmuller asked about the relationship between the mercury (Hg) listings in the approved TMDL and the new Hg listings. Howard explained that the mercury TMDL included 1,000/1,300 listings. Fish tissue concentrations in the listings not included in the TMDL were so high that they would not be able to set a reduction goal such that they would meet water quality standards.

In response to questions regarding pharmaceuticals and acetochlor, Angela Preimesberger (MPCA Water Quality Standards Emerging Issues) explained that they are based on fish tissue for the narrative standard of fish consumption. Studies have been conducted on the human health impacts of pharmaceuticals in fish tissue. At this time, they have not been found to be bioaccumulative and are thus not determined to be a human health concern. The MPCA is also in the process of adopting new water quality standards for acetochlor and metolachlor, two commonly used corn herbicides. A question was asked about perfluorochemicals (PFCs). The 2 most common perfluorochemicals (PFCs) found in the environment in Minnesota are: perfluorooctane sulfate (PFOS), and perfluorooctanic acid (PFOA). Their chemical structures make them resistant to breakdown in the environment and they are bioaccumulative. The MPCA has developed surface water quality standards for these compounds.

10:40 (10 minute break)

10:55-11:25 Overview of Budget Process and Timeline

Paul Eger provided an overview of the Operational Budget process. The bonding budget is separate from the operational budget, and occurs on alternating years. The Capitol Bonding Bill is used for public facilities and infrastructure. Clean Water Legacy (CWL) activities funding through bonding include stormwater and wastewater infrastructure needs. Whereas the operational budget funds cover CWL grants for everything else: assessment/monitoring, TMDL development, nonpoint source protection/restoration.

Paul highlighted the opportunities for input from the Clean Water Council into the “odd year” operational budget process. The Council can provide input to the state agencies on priorities, needs, stakeholder input, and strategic direction prior to July. In July, the agencies enter into an iterative process of budget direction with the Department of Finance. Finance then provides their recommendations to the Governor. The period between July and when the Governor provides recommendations (approximately January) is a closed period, in which the agencies cannot discuss the budget. The Council’s legislative report, submitted in December, is another opportunity for CWC

input directly to the Legislature. The legislative session runs from January to May. (See handout for “Operating Budget Overview” diagram).

Chris Kolbert asked Paul how he recommends the Council approaches making these recommendations from a strategic standpoint. Paul responded that he recommends focusing on prioritizing categories of activities- key items for the legislature to consider in structuring the budget, rather than focusing on specific budgetary allocations since there is not a defined account for Clean Water Legacy activities with a bottom line.

11:25-11:50 2008 TMDL Project List

Pat Carey presented the 2008 TMDL project ranking and selection process.

11:50-12:20 Lunch

12:25 Clean Water Legacy Implementation Funding

Dana Vanderbosch introduced the Clean Water Legacy Work Team, which consists of staff from DNR, MDA, BWSR, and MPCA working together to coordinate implementation activities. The Clean Water Legacy Work Team was created in June 2006.

Dwight Zellmer presented on what has been accomplished to date from the FY2007 Clean Water Legacy implementation funding, followed by Matt Drewitz who presented on the FY2008-09 implementation funding program changes and schedule.

The speakers emphasized that the Clean Water Legacy did not create new programs. It uses existing programs with processes that have already been defined by the agencies. The Council can play a meaningful role in how to integrate within the defined process. Lee Pfannmuller brought up Paul Eger’s suggestion about prioritizing broad categories of activity and providing advice to the Legislature on balancing funding among the different levels of activities.

1:10 Donna Rasmussen presented an update on Clean Water Legacy funded projects underway in the Fillmore County Soil and Water Conservation District (SWCD).

1:35 Kitty Tepley, with the Todd County Soil and Water Conservation District (SWCD), presented on the Clean Water Legacy implementation projects in the Long Prairie River Watershed.

2:10 Steve Pedersen thanked the speakers and adjourned the meeting.

The next meeting will be held on Monday, September 17

AGENDA

Clean Water Council Meeting

Monday, September 17, 2007; 9:00 a.m. - 2:00 p.m.

**Freeman Building – Room B145,
625 Robert Street North, St. Paul**

9:00-9:45 **Call to Order** (Steve Pedersen, Interim Co-Chair)

1. Introductions and Council member updates
2. Approval of 7-16-07 Meeting Minutes
3. Approval of 8-20-07 Meeting Minutes
4. Field Outing Itinerary

9:45-10:15 **Cannon River Watershed Partnership-** Efforts to Protect and Improve Water Resources of the Cannon River watershed
(Dave Legvold, Executive Director CRWP)

10:15-10:30 *BREAK*

10:30-12:00 **Council Work Planning**
The Council Operations Work Group will present the draft workplan and open up to Council discussion.

12:00-12:30 *Lunch and Conversation*

12:30-2:00 **Council Work Planning (continued)**

12:30-1:30 Small Group discussion

1:30-2:00 Report back to large group

2:00 Adjourn

Change of room location for September 17, November 19, & December 17 2007
Council meetings: Please note that they will be held in **Room B145**, adjacent to B144 where Council meetings have been held in the past.

Meeting Minutes
Clean Water Council Meeting
Monday, September 17, 2007
Freeman Building - Room B145, St. Paul

Council Members Present: Marilyn Bernhardson, Pamela Blixt, Earl Bukowski, Brian Davis, Del Haag, Scott Hoese, Christopher Kolbert, Joe Martin, Steven Pedersen, Lee Pfannmuller, Gaylen Reetz, Sarah Strommen, Paul Torkelson, Robert Vogel, Steve Woods

Absent: David Bennett, John Greer, David Jeronimus, Bill Moore, Gary Pedersen, Louis Smith, Deb Swackhamer, Tribal representative- (to be appointed)

Staff: Megan Pavek, Mary Reilly, Jeff Risberg

9:00-9:45 am Steve Pedersen, Interim Co-Chair, called the meeting to order. Council members introduced themselves and provided relevant updates from their areas of work.

Flooding in Southeast MN: Gaylen Reetz provided an update of the MPCA's flood response related to wastewater treatment plants. Last week there was a proposal in the Legislature to use \$2 million of MPCA's Clean Water Legacy Act (CWLA) funds for flood repairs and clean-up. The Legislature decided to keep these CWLA funds in tact and not apply this money to flood needs. Steve Woods also commended the Department of Agriculture (MDA) for their response to the flood relief. MDA is offering \$1 million in RIM and \$3 million in cost-share to help cover the costs.

Gaylen Reetz provided a summary of the Court of Appeals decision on Alexandria Lakes Area Sanitary District (ALASD) NPDES permit for expanded discharge of treated water to Lake Winona. Reetz also noted that public meetings on the Impaired Waters List are being held through out the state beginning September 27 through the month of October. See the News Release for information on meeting dates and location: <http://www.pca.state.mn.us/news/data/newsRelease.cfm?NR=277258&type=2>. For more information on the Draft 2008 list, see the Impaired Waters webpage: <http://www.pca.state.mn.us/water/tmdl/tmdl-303dlist.html>.

The Council approved the July 16, 2007 and August 20, 2007 Meeting Minutes. The approved minutes will be posted on the Clean Water Council webpage at: <http://www.pca.state.mn.us/water/cleanwatercouncil/cwc-meetings.html>. Megan discussed the October 15-16 field outing itinerary and logistics.

Steve Pederson recommended that the first legislative report from the Council be submitted in 2008, rather than 2007. He explained that given the short period that the Council has been in existence, it is not ready to provide any formal recommendations in 2007. In addition, the Legacy Act does not required the first formal report is until December, 2008. The Council supported this recommendation.

10:00– 10:35 am Cannon River Watershed Partnership

Megan Pavek introduced Dave Legvold and Aaron Wills of the Cannon River Watershed Partnership (CRWP). She explained that Dave (Executive Director CRWP) was invited to participate in the Council's October field tour but is now unable to attend, so instead, we are taking this opportunity to hear from CRWP to learn about some of the work taking place on-the-ground in their watershed. This presentation will also provide examples of some of the projects we will see on the field tour next month.

Dave stressed that CRWP is truly about *partnerships* and expressed their desire to partner with the Clean Water Council. CRWP is a mission-driven and citizen-based organization. Their presentation focused on three activities underway in the Cannon River watershed: monitoring work, wastewater issues, and agricultural best management practices.

10:35-10:45 *BREAK*

10:45-12:00 Council Work Planning

Jeff Risberg introduced the morning and afternoon Council Work planning discussions to take place.

Members of the Council Operations Work Group – Brian Davis, Marilyn Bernhardson, Steve Pedersen, Lee Pfannmuller, and Chris Kolbert – walked through sections of the draft work plan to explain their process in developing each particular item.

12:00-12:30 *Lunch and Conversation*

12:30-2:00 Council Work Planning (continued)

12:30-1:30 Small Group discussion

Council members self-selected to be a part of a small group discussion surrounding a particular priority area in the Draft work plan. Participants in each of the small groups were as follows:

Civic Engagement:

Gary Pedersen

Bob Vogel

Earl Bukowski

Del Haag

Facilitator: Jeff Risberg

Research:

Chris Kolbert

Paul Torkelson

Cliff Aichinger

Facilitator: Becky Balk

Measures/Outcomes:

Marilyn Bernhardson

Bill Moore

Gaylen Reetz

Steve Woods

Brian Davis

Facilitator: Paul Burns

Priorities:

Steve Pedersen

Joe Martin

Protection:

Sarah Strommen

Lee Pfannmuller

Pam Blixt

Facilitator: Megan Pavek

1:30-2:00 Report back to large group

One spokesperson from each small group reported back about suggested changes/additions and discussion around their designated Organizing Principle.

A note taker from each small group documented the discussion and any proposed revisions or additions to the work plan item. These notes will be incorporated into another draft of the work plan to be presented to the Council at the November meeting.

Gaylen announced the upcoming Minnesota Water Resources Conference on October 23-24, 2007. There will be pre-conference workshops on “Exploring TMDL Case Studies” and “Watershed Assessment & River Stability for Sediment Supply”. Go to the website for further information and registration: <http://wrc.umn.edu/waterconf/>.

2:00 The meeting was adjourned.

Clean Water Council Field Tour

October 15-16, 2007

Day 1: Monday, October 15, 2007

- **8:30 am- 8:50 am:** Load Bus at MPCA St. Paul office (520 Lafayette Rd. N)
- 9:00 am: Bus departs St. Paul
 - Professor Carrie Jennings (University of MN, Department of Geology) will describe the geologic history of the MN River Basin and its impacts on present day water quality
- 11:00 am: Bus Arrives in St. Peter
- 11:00 am to 12:00 pm: **St. Peter Wastewater Treatment Facility**
 - Speakers: Pete Moulton (Water Utilities Superintendent), Jeff Knutson (Wastewater Foreman), Amy Kamm (Stormwater Foreman)
 - Topic: Wastewater and stormwater upgrades to meet the 1mg/liter phosphorus effluent limit for the MN River TMDL; tour of the wastewater plant. See Handout: *Saint Peter Municipal Wastewater Treatment Facility*
- 12:30-4:45 pm: **Seven Mile Creek Watershed**
 - See brochure: *Seven Mile Creek Park Nicollet County*
 - 12:30-1:00 pm: Lunch
 - 1:00-2:00 pm: **Physical & Biological Monitoring**
 - Speakers: Joe Magner (MPCA), Jeff Jasperson (MPCA), Joel Chirhart (MPCA)
 - Topics: Physical restoration in stream channel; ravine and bank erosion and restoration. Biological monitoring as an indicator of water quality.
 - 2:00-3:30 pm: **Seven Mile Creek Tour**
 - Speakers: Scott MacLean (MPCA and recently with Brown-Nicollet-Cottonwood Water Quality Board), Jack Bovee & Ed Hohenstein (Brown-Nicollet-Cottonwood Water Quality Board), Kevin Ostermann (Nicollet County), Gary Sands (U of M), Paul Burns (MDA), Bruce Montgomery (MDA)
 - **Stop 1: Chemical Monitoring-** Seven Mile Cr. Park monitoring station. Seven Mile Creek is a minor watershed within the Minnesota River Basin and is one of the highest nutrient loading systems acre-for-acre in the state. Water quality and quantity have been monitored at three locations in the watershed since 1996.

- **Drive-by 2: Example of ravine erosion**
- **Drive-by 3: Example of Open-Intake**

- **Stop 4: Restored Wetland**

This project is a collaborative effort with funding provided by the McKnight Foundation and Clean Water Partnership. The primary focus is to reduce nitrate concentrations to the MN River, and subsequently to the Gulf of Mexico, by modifying subsurface drainage systems to drain into restored wetlands. Since 2003, 20 wetlands were restored through this project. Effectiveness monitoring is being conducted to document hydrologic and water quality changes.

See brochure: *Wetland Restorations for Water Quality, Habitat and Drainage Management*

See Handout: *Agriculture's Contribution to Habitat and Conservation*

- **Drive-by 5: Red Top Farm**

The Red Top Farm Water Quality Demonstration Site was established in the mid-1990s for the purpose of evaluating BMPs on a field scale. The Red Top site demonstrates the numerous water quality benefits of perennial cropping systems.

See one-page handout: *Red Top Farm- Field Scale Water Quality Demonstration*

- **Stop 6: Wenner Farm: Conservation Drainage Demonstration**

This demonstration farm was created in Spring 2006. This stop will discuss some of the features of the farm including a woodchip bioreactor and the concept of “conservation drainage” which uses a series of controlled drainage structures.

See brochure: *Conservation Drainage: Designing and Managing Agricultural Drainage*

See graph: *Mower County- Cumulative Rain and Tile Drainage Flow*

See Handout: *Agriculture's Contribution to Wetland Restoration*

- 3:45-4:45 pm: **Tour of Northern Plains Dairy**

Speaker: Al Larson (Northern Plains Dairy)

Northern Plains Dairy is a state-of-the-art dairy facility located within the Seven Mile Creek Watershed. Northern Plains Dairy has 3,000 Jersey cows and heifers and produces 15,000 gallons milk/day. This facility features an anaerobic digester and a 64-stall rotary milking parlor.

See brochure: *Northern Plains Dairy LLP*

- 5:15 pm: Check-in at Hotel, Mankato
 - Break until dinner
- 6:00-7:00 pm: **Dinner**

- 7:00-9:00 pm: **Conversation on Collaboration and Civic Engagement:**
Raising the Bar in the Minnesota River Basin
Facilitators: Bill Kell (MPCA), Larry Gunderson (MPCA)
See Report: *Progress on a Long Voyage: Decades of Effort Show Improvement in MN River Water Quality*
See Brochure: *State of MN River Water Quality Summary 2000-2005*
-

Day 2: Tuesday, October 16, 2007

- 6:45 am – 7:50 am: Breakfast
- 7:50 am: Load Bus
- 8:00 am: Bus departs
- 8:30 am – 9:15 am: **Lake Crystal**
Speaker: Pat Baskfield (MPCA), Sara Duda (Crystal Loon Mills Clean Water Partnership Coordinator, and Water Resources Center at MSU, Mankato)
 - Topics: Excess nutrients and blue-green algae, other nonpoint source pollutants affecting shallow lakes
See and one-page handout “*Problem: Blue green algae blooms*” and Factsheet: “*What you should know about blue-green algae*”
- 10:00 am-1:00 pm: **Paul Torkelson’s Farm (St. James, Watonwan County)**
 - 10:00 am-11:00 am: Tour farm
 - 11:00 am – 11:30 am: Lunch
 - 11:30 am - 1:00pm: **Panel discussion:** *Protecting and Restoring Water Quality in the Agricultural Sector*
 - Introduction: Chris Radatz (MN Farm Bureau and former G-16 member)
 - Moderator: Louis Smith (Council Member)
 - Panelists: Dave Ward (Corn Growers Association), Paul Torkelson (Council Member, MN Farm Bureau), Scott Hoese (Council Member, MN Farmers Union), Dr. Gyles Randall (University of MN)
- 1:00-4:00 pm: Travel to St. Paul
 - Drop off in St. Peter approximately 2:30 pm
- 4:00 pm: Arrive in St. Paul

Clean Water Council Meeting Agenda
Monday, November 19, 2007; 9:00 a.m. - 2:00 p.m.
Freeman Building – Room B145,
625 Robert Street North, St. Paul

- 9:00-10:00 am** **Call to Order** (Louis Smith, Interim Co-Chair)
1. Approval of 9-17-07 Meeting Minutes
 2. December 17, 2007 Meeting
 3. Introductions and Council member updates
 4. Debrief on Field Outing
 - Summary of evaluations, further input for future field outings
- 10:00-10:20 am** **Information Item: Research Symposium**
(Faye Sleeper, Water Resources Center- University of Minnesota)
- 10:20-10:30 am** **Break**
- 10:30 am-12:00 pm** **Recommendations from Council Operations Work Group**
1. Revised “Mission, Vision, and Organizing Principles” & Work Plan- for Council approval
 2. Draft Legislative Update- to be submitted December 2007
 3. Council Organization- Work Groups
 4. Vote on Council Governance Structure-
A “Steering/Executive Committee” is recommended which will be comprised of one of the following options:
 - a. Option recommended by Operations Work Group:
Chair & Vice-Chair (2 year terms), 4 Work Group Chairs
 - b. Chair & Vice-Chair- (1 year term, reelection possible with maximum of 2 years), 4 Work Group Chairs
 - c. One Chairperson (2 year term), 4 Work Group Chairs
 - d. Chair & 4 Vice-Chairs- (chairs of the 4 Work Groups)The Steering Committee will also include the 4 non-voting agency representatives and agency staff.
- Note: Leadership positions will be selected by Council at December meeting.**
5. Recommendations on Meeting Frequency for 2008
 6. Sign up for work group

- | | |
|-----------------------|---|
| 12:00-12:45 pm | Lunch and Conversation |
| 12:45-1:35 pm | Work groups meet to discuss draft Work Group charters-
(Rooms B144 & B145) <ol style="list-style-type: none">1. Discuss draft Work Group Charter<ul style="list-style-type: none">▪ Team Processes and Procedures- meeting location, frequency/schedule, other procedures |
| 1:35-2:00 pm | Work groups report back to full Council |
| 2:00 pm | Adjourn |

Clean Water Council Meeting Minutes
Monday, November 19, 2007
Freeman Building - Room B145, St. Paul

Council Members Present: David Bennett, Marilyn Bernhardson, Earl Bukowski, Brian Davis, Del Haag, John Greer, Scott Hoese, Joe Martin, Bill Moore, Gary Pedersen, Steven Pedersen, Gaylen Reetz, Louis Smith, Deb Swackhamer, Robert Vogel, Steve Woods

Absent: Pamela Blixt, David Jeronimus (resigned), Christopher Kolbert, Lee Pfannmuller, Sarah Strommen, Paul Torkelson, tribal representative- (to be appointed)

Staff: Megan Pavek, Mary Reilly, Jeff Risberg

9:00 am: Louis Smith, interim co-chair, called the meeting to order.
The Council approved the September 17, 2007 meeting minutes.

Louis announced the resignations of two Council members: David Jeronimus, representative of business organizations and Bob Vogel, representative of metro area counties. There are currently three vacancies on the Council, including the tribal representative.

Louis reported that the Operations Work Group suggests the Council hold its regularly scheduled meeting on December 17, 2007. Louis explained this would be a timely meeting for two purposes: 1) to finalize the proposed Council governance and make necessary decisions on leadership prior to 2008 and 2) to meet with G-16 members to provide them with an update of the Clean Water Council's activities in 2007, as well as update the Council on the upcoming session and legislative proposals regarding funding for the Clean Water Legacy Act.

The Operations Work Group suggested submitting a brief legislative update yet this year. Megan presented the two-page draft that outlines Council membership and activities over the last year. The update will be submitted to the Legislature upon its completion within the next month.

Introductions and Council Member Updates:

Dave Bennett shared that the Trout and Salmon Stamp Committee is preparing to go before the Budget Oversight Committee in January 2008. He will continue to relay information from the Clean Water Council to the Trout and Salmon Committee as well as bringing information to the Council regarding this Committee's activities.

Bob Vogel shared that Scott County is considering public value credits in the Vermillion River watershed to provide economic incentives for developers to add buffer strips adjacent to streams in order to protect water quality. Property rights are an issue, but the economics of trading may provide incentive for land owners and developers to participate. This may be an issue the Council would like to pursue further in the future.

Steve Woods shared that the proposal period for Board of Soil and Water Resources (BWSR) Clean Water Legacy Act (CWLA) funding is now closed. There was \$5 million available and \$26 million in requests in the form of 135 different proposals (95 for protection grants and 40 for

restoration grants), showing a great need. By the next Council meeting in December, he will have a good idea of the proposal received and the grants to be allocated.

Earl Bukowski shared that the Association of Minnesota Counties holds its annual meeting in December. Earl recently discussed Lake Crystal, which the Council visited as part of the October field outing, with the Blue Earth County Commissioner, who felt that restoration efforts within the watershed have already resulted in some improvement in water quality.

Gary Pedersen, representing townships, recently provided an update on the creation of the Clean Water Council, its activities to date and where the Council is headed at a conference with other township officers. Township officers around the state understand the importance of water quality.

The Annual Water Resource Conference held last week was a success, Deb Swackhamer shared. The University of Minnesota is currently accepting proposals for competitive water-related research grants. They will make decisions on the research grants in January.

Brian Davis provided an update about Minnesota Environmental Initiative's (MEI) continuous improvement process. Brian teaches environmental law at St Thomas and has seen increasing interest in environmental issues among students- this is encouraging as education is an important part of civic engagement.

Scott Hoes shared that the Farmers Union recently held a conference discussing agricultural policy. Water quality was part of this discussion. Many democratic politicians were in attendance.

Gaylen had three items: 1) On November 7, he provided an update to the Finance Committee on CWLA progress, he included an update on the Clean Water Council. The only question that arose concerning the Council was from Karen Clark who asked if there was any representation of minorities on the Council. She encouraged the Council to recruit members that reflect the full population of the state. Gaylen added that the tribal position remains unfilled. 2) The Upper Mississippi River Basin Association, which represents the 5 states of the Upper Mississippi River, developed a 4-page Water Quality Program Report, which was distributed to Council members at the meeting. 3) A report and briefing from the National Academy of Sciences which reviews progress, challenges and opportunities for improving water quality in the Mississippi River. This report was also distributed to Council members at the meeting.

Bill Moore, with Metropolitan Council, discussed reuse of treated wastewater for industrial water use. This method is becoming more competitive, particularly in southern arid states but there are still some issues with initiating this in Minnesota. He provided a report titled "Recycling Treated Municipal Wastewater for Industrial Use", distributed to Council members at the meeting.

Joe Martin reported that the MN Department of Agriculture (MDA) still has \$1 million in research funds to allocate. After reviewing research funded last year, and following the upcoming Research Workshop to be held at the University of Minnesota in February, MDA will have a better idea of where to allocate these funds.

John Greer announced that the city of Albany had some groundwater contamination issues with arsenic. The city recently spent \$6 million to upgrade their water treatment plant and the plant went online a couple weeks ago. This is a major accomplishment for a small community.

Del Haag reported that he recently attended a National League of Cities meeting in New Orleans. Topics discussed included the future needs of cities, especially upgrading aging infrastructure. The League of Minnesota Cities Insurance Trust will be looking at the issue of sewer back-ups and providing training/education to cities on how to mitigate these back-ups.

Marilyn Bernhardson, Redwood Soil and Water Conservation District, shared that they just submitted their application for CWLA grant funding to BWSR. They received funding from the Legislative-Citizen Commission on Minnesota Resources (LCCMR) for rock-outcrop easements. They were only able to fund 4 applications from this grant, but plan to seek additional funding from LCCMR.

Steve Pedersen, MN Chamber of Commerce, shared that the water issues are key on the Chamber's legislative agenda. The Stormwater Steering Committee has been working on an implementation permit to allow for additional protection and monitoring. This committee has been working closely with the MN Pollution Control Agency (MPCA). The Chamber is considering candidates to replace Dave Jeronimus' vacancy on the Council.

Louis Smith, Minnesota Waters- a nonprofit organization active in protecting lake and stream resources, reported that the Executive Director of MN Waters announced his resignation and they will be looking to fill this position.

Megan Pavek presented a photo slideshow of the October 15-16, 2007 Council field outing in south-central Minnesota, summarized feedback received from Council members and asked for further suggestions and comments from Council members:

- Steve Pedersen thought it would be good for a future outing to look at forestry practices as they relate to water quality, especially in northern MN. Brian Davis added we should also look at mining in northern MN.
- Del thinks that there are a number of cities we can look at in terms of storm water management.
- Gary Pedersen thinks that visiting an ethanol plant would be very timely. Del added that it would be helpful to have a presentation on ethanol prior to visiting a plant. Joe Martin thinks that we should look at the broader issue of rural water needs when discussing ethanol production.
- Louis shared that it was valuable for him to realize the economic risk involved in farming operations. Secondly, he appreciated that farmers must be a steward of every inch – to maximize production and conserve resources. The technology involved in agriculture today is very sophisticated. He was also impressed with the role of the local Soil and

Water Conservation Districts (SWCDs) in partnering with the local producers. This is a key alliance.

- Bill Moore was surprised by the extent of drain tiling and the challenge of managing nutrient run-off with such a large volume of water.
- Del Haag said that we saw a lot of positive examples of point and non-point source water management. How do we get facilities and producers who do not already have these practices in place up to the same level?
- Deb Swackhamer felt the two-day outing also provided the opportunity to get to know each other better and to learn from one other.
- Earl Bukowski appreciated seeing the use of manure as fertilizer and the localized hog farm that provided manure for the neighboring fields. Scott added how it was impressive that Northern Plains Dairy pumped manure 6 miles down the road to the appropriate fields. He will look for a video on combine operation to share with the Council.

10:00-10:20 am – Information Item: Research Symposium

Faye Sleeper, Co-Director of the Water Resources Center (WRC) at the University of Minnesota, explained the role of the WRC. The WRC focuses on research, outreach and education.

Faye also announced a current contract that the WRC has with the MPCA that will seek to develop an “Effectiveness Tracking and Reporting Strategy” for implementing the CWLA. This strategy will seek to address the challenge of reporting the effectiveness of restoration and protection funds beyond just dollars spent; to measure actual improvements to ensure that the CWLA is a legacy of cleaning up MN’s waters.

The Impaired Waters Research Workshop will be held on February 22-23 on the U of M St. Paul campus. The audience will consist of approximately 150 participants representing: researchers, decision makers, active implementers and practitioners, representatives of scientifically oriented non-governmental organizations. Participation of 2-3 Clean Water Council members is included. The idea is to lay out a research agenda for the next couple years, to help inform researchers of what is relevant to Minnesotans, to seek to identify gaps in research, and to prevent overlap in research efforts.

Del Haag asked about overlap in terms of agency research. Faye said that we avoid overlap because agency researchers are often tapped by the U of M. The research symposium has the potential to minimize this.

Steve Pedersen presented the idea of a research “clearinghouse” to centralize information on past and current research in order for researchers to identify gaps. Faye responded that they are already discussing this among the agencies and the U of M’s Institute on the Environment. Steve asked about the role of the Clean Water Council with the research symposium. Faye replied that the conference planning is going along and that they definitely would like participation from a few Council members at the workshop. The longer-term planning has not been determined yet.

Deb inquired whether they plan to incorporate the outcomes of this research workshop into the long-term plan of Minnesota State Colleges and Universities.

Joe Martin stated that, in terms of a long-term vision for research, it should be addressing a particular question that can then be implemented. Research outcomes should come back to the Council for policy decisions to ensure that they are acted upon.

Scott Hoese inquired if research currently underway will factor into the workshop. Faye responded researchers in attendance will serve to identify current research.

Steve Pedersen asked if prevention is incorporated in research activities. Faye replied that it is not called out specifically in the categories of research, but that protection and prevention are relevant to the discussion of state priorities. The results of the Research Workshop will be incorporated into an Environmental Quality Report (EQB) to the legislature on priority water research needs.

10:20-10:30 am Break

10:30 am-12:00 pm Recommendations from Council Operations Work Group

Steve Pedersen, interim co-chair, resumed the meeting. Council members reviewed a revised draft of the “Mission, Vision, and Organizing Principles” document, produced by the Operations Work Group. Changes to the Mission document included: organizing principle #6- “Protection” was replaced with “Prevention” and organizing principle #8- “Citizen Monitoring” was broadened to “Monitoring”. The Council agreed on changing the language on organizing principle #7- “Strategic Research” to “recommend” as opposed to “facilitate”. The Council decided that since the Organizing Principles are not in any priority order, that they should be lettered as opposed to a numbered list. A motion was passed to approve the revised “Mission, Vision and Organizing Principles” with the above changes.

The Council reviewed the revised “Work Plan”. The eight Organizing Principles from the Mission were combined to form four work groups by the Operations Work Group as seemed logical. The four work groups are: 1) Civic Engagement & Local Partnerships, 2) Prioritization & Integration, 3) Measurable Outcomes & Research, and 4) Prevention & Monitoring.

A few members of the Operations Work Group: Brain Davis, Steve Pedersen, Steve Woods and Marilyn Bernhardson walked through the four work groups identified in the Work Plan. Joe Martin, MDA, raised a concern that the Prioritization & Integration work group encompasses the activities of the entire Council and perhaps it would be best suited for the Steering Committee. Gaylen Reetz pointed out the importance of keeping in context the role of these work groups. Work groups are not independent of the Council- they are meant to take assigned tasks to bring back to the full Council. Deb further emphasized that we should explicitly state in the Work Plan that the tasks of the work groups are “on behalf of the Council”. There was further discussion of the Prioritization & Integration work group- whether it should be titled “Finance” or “Prioritization & Integration of Funding”. Steve made a motion to approve the Work Plan, Deb seconded the motion. Discussion: Gary Pedersen, regarding the Prioritization & Integration

work group, was concerned that the entire Council needs to be a part of funding decisions and that it should not be developed by one work group. Deb suggested that this particular work group is different than the other three since it deals with funding and it should be specified that this group does more information and research gathering- to provide a research synthesis to the Council rather than providing specific recommendations. The Council placed the decision to approve the Work Plan on hold.

Jeff Risberg walked through options developed by the Operations Work Group for leadership on the Council's Steering Committee. A "Steering/Executive Committee" is recommended which will be comprised of one of the following options:

- a. Option recommended by Operations Work Group: Chair & Vice-Chair (2 year terms), 4 Work Group Chairs
- b. Chair & Vice-Chair- (1 year term, reelection possible with maximum of 2 years), 4 Work Group Chairs
- c. One Chairperson (2 year term), 4 Work Group Chairs
- d. Chair & 4 Vice-Chairs- (chairs of the 4 Work Groups)

The Steering Committee will also include the 4 non-voting agency representatives and agency staff. Leadership positions will be selected by an election process at the December Council meeting. Dave Bennett asked about term lengths for members with a two-year appointment. The initial term length for Chairs will be one year: beginning December 2007 and ending December 2008. Thereafter, term lengths will be two years. Council members may seek reappointment and all Council members will have four-year appointments (see Minnesota Statutes 15.059) after the initial two-year staggered appointments.

The recommended meeting frequency for 2008 was six bi-monthly full Council meetings, beginning in January and six bi-monthly work group meetings beginning in February. Dave Bennett suggested that the Council continue to meet on a monthly basis with half of the meeting time devoted to the full Council and half devoted to breaking out into work group meetings. Gaylen suggested that in order to have sufficient time for both, that the meetings should be scheduled to adjourn at 4:00 pm.

Steve brought the decision to approve the Work Plan back to the table. A motion was made to accept the Work Plan as written. All were in favor, motion passed.

Steve brought forth the decision to meet as a full Council and as work groups on a monthly basis, extending the meeting until 4:00 pm. Scott Hoes made a motion and Bill Moore seconded the motion. Motion was amended to specify that the January 2008 Council meeting would be slightly longer and include time for both the full Council and the work groups to meet, the timing of future meetings will be adjusted as needed. All were in favor, motion passed.

Regarding the Council leadership decision, Del made a motion for governance **option a**. Chair and Vice-Chair with 2-year terms. Marilyn seconded the motion. Gary wanted to further discuss term limits. Steve decided to bring this back to the table following lunch.

12:15-12:45 pm Lunch and Conversation

During the lunch period, Council members indicated interest in work groups, by writing their names under the four work groups as indicated below:

Prevention and Monitoring:

John Greer
Del Haag
Brian Davis (2nd choice)

Civic Engagement and Local Partnerships:

Marilyn Bernhardson
Earl Bukowski
Gary Pedersen
Scott Hoese

Prioritization and Integration:

Bill Moore
Steve Woods
Gaylen Reetz (2nd choice)
Brian Davis (1st choice)

Measurable Outcomes and Research:

Dave Bennett
Steve Pedersen
Joe Martin
Gaylen Reetz (1st choice)
Deb Swackhamer

Absent members (still to indicate work group interest): Paul Torkelson, Chris Kolbert, Louis Smith, Sarah Strommen, Lee Pfannmuller, Pam Blixt. Megan will contact these members to seek their preferences.

12:45-1:55 pm Further discussion: Chair terms, election process and Work Groups

Motion for governance **option a** was amended by Gary Pedersen to specify one, two-year term. The initial term for the elected Chair and Vice-Chair will be one year: January 1, 2008- January 1, 2009 (coterminous with the two-year Council appointees). Thereafter, terms for successive Chairs/Vice-Chairs will be two years. Scott Hoese seconded the motion. Vote: 11 in favor, 1 opposed (Del Haag). There will not be a defined term limit for Work Group chairs. Gary specified that within governance **option a**, Work Groups will self-select a chair and voting Council members will be able to vote within the work groups. Unanimous vote: all in favor. Work Groups meetings are subject to Open Meeting Law. Work Groups will have assigned staff from the various agencies to serve as support and resources as necessary.

The Council discussed the process of selecting chair and vice-chair. According to Roberts Rules or Order for election, there can be no self-selections; one must be nominated by another Council member. Interested parties should seek nomination from another Council member and anyone who chooses to nominate another Council member should inform them of this beforehand. Council members are to send nominations for Chair and Vice-Chair to Megan by noon on Monday, December 10, 2007. Megan will send out a slate of nominees with short bios the afternoon of Monday, December 10, 2007. Staff will research Roberts Rules of Order election process and Open Meeting Law guidelines prior to the December meeting in order to follow the correct procedure.

The January and February Council meeting dates fall on holidays. The Council decided that when the 3rd Monday of the month falls on a holiday, the Council meeting will be moved to the 4th Monday of the month. The Council will meet on Monday, January 28th, 2008 and Monday, February 25th, 2008.

1:55 pm The meeting was adjourned.

Clean Water Council Meeting Agenda
Monday, December 17, 2007; 9:00 a.m. - 2:00 p.m.
Freeman Building – Room B145,
625 Robert Street North, St. Paul

- | | |
|-------------------|---|
| 9:00-10:00 am | Call to Order (Louis Smith, Interim Co-Chair) <ol style="list-style-type: none">1. Approval of 11-19-07 Meeting Minutes2. Introductions and Council member updates3. Draft Legislative Update- for Council approval4. Meeting schedule for 2008 |
| 10:00-10:15 am | <i>Break</i> |
| 10:15-11:45 am | Discussion with G-16 Members <ol style="list-style-type: none">1. Update from Clean Water Council2. Legislative Update from G-16 on proposed funding for CWLA |
| 11:45 am-12:30 pm | Lunch and Conversation
<i>Guests from G-16 are invited to join Council for lunch.</i> |
| 12:30-2:00 pm | Council Operation <ol style="list-style-type: none">1. By-Law Revisions
(30 day notice- to be approved at January Council meeting)2. Work Group Follow-up from 11/19/07 meeting<ul style="list-style-type: none">▪ Work Group responsibilities in making funding recommendations – decision on options▪ Membership3. Elect Chair and Vice-Chair |
| 2:00 pm | Adjourn |

See you in the New Year!

Clean Water Council Meeting Minutes
Monday, December 17, 2007
Freeman Building - Room B145, St. Paul

Council Members Present: David Bennett, Marilyn Bernhardson, Pamela Blixt, Earl Bukowski, Brian Davis, Del Haag, John Greer, Scott Hoese, Joe Martin, Bill Moore, Gary Pedersen, Gaylen Reetz, Louis Smith, Sarah Strommen, Paul Torkelson, Steve Woods

Absent: Christopher Kolbert, Steven Pedersen, Lee Pfannmuller, Deb Swackhamer
tribal representative- (to be appointed)

Staff: Megan Pavek, Mary Reilly, Jeff Risberg

9:00-10:00 am Call to Order and Chairperson's Report

Louis Smith, interim co-chair, called the meeting to order.

Approval of Minutes: The Council approved the November 19, 2007 meeting minutes with two revisions. Council members introduced themselves and provided updates from their respective areas.

Member updates:

Sara Strommen: The Minnesota Land Trust recently reached an exciting milestone: 30,000 acres preserved in easements. The organization also updated its easement criteria to include impaired waters and TMDLs.

Gaylen Reetz, MPCA, announced that the Effectiveness Tracking Strategy (measurable outcomes) contract with the University of Minnesota is now in place, so the project will be moving forward. Three meetings are planned to take place early in 2008 of a multi-stakeholder group led by the U of M which will develop a framework for Council consideration.

Marilyn Bernhardson reported on The Minnesota Association of Soil & Water Conservation Districts upcoming annual meeting.

Steve Woods, BWSR, discussed new BWSR staffing funded through the Clean Water Legacy Act.

Joe Martin, MDA, announced an upcoming meeting on research needs with University of Minnesota researchers this coming Thursday, December 20 from 9:00 a.m.-noon.

Del Haag reported that the League of Cities will hold their annual conference in Rochester in June of 2008 with a session devoted to water issues.

John Greer shared a story published in the Star Tribune about the Minnehaha Creek Watershed-- a good example of creating incentives in a community to protect local water resources.

Brian Davis shared that Minnesota Environmental Initiative (MEI) is in the process of strategic planning and is interested in the future funding of the Clean Water Legacy Act (CWLA). Brian recently joined the Board of Directors of both the Minnesota Environmental Fund and the Alliance for Sustainability.

Paul Torkelson reported that the Environmental Protection Agency recently shared the federal perspective on the CWLA with the MN Crop Production Retailers Association.

Gary Pedersen reported that the Minnesota Associations of Townships recently held their state conference in St. Cloud. There was a morning session devoted to water issues.

Dave Bennett - the Trout and Salmon Stamp Committee discussed water quality impacts from the floods in southeast Minnesota. Concerns were also raised about increased ethanol production and subsequently, increased corn production, resulting in a decrease in land conservation and buffering. Another issue of concern Dave raised was ATV usage -- damage to trails causing severe erosion and higher suspended solids (contributing to turbidity) in nearby streams. Members of the Trout and Salmon Stamp Committee were interested in the Clean Water Council and some may attend future meetings.

Louis Smith shared that impaired waters and water quality issues were hot topics at the Minnesota Association of Watersheds conference. Louis encouraged Council members to report back to their respective organizations on water quality updates and developments of the Clean Water Council.

Louis also asked for an update on the Farm Bill and comments from Council members. Scott Hoese replied that the changes to the Farm Bill are always unpredictable. Marilyn Bernhardson explained that conservation is still a priority in both bills, and that they anticipate many changes in conference. Joe Martin explained that the new Farm Bill devotes at least as much, if not more, money to conservation than in the past. Paul Torkelson talked about how spending caps affect the state of Minnesota. He added that the purpose of the Farm Bill is to serve as a safety net for farmers in order to stabilize food production since the economics of farming tend to ebb and flow.

Earl Bukowski reported on the Association of Minnesota Counties conference. He discussed a revision to the Wetland Conservation Act.

Pam Blixt shared that the State Association of Watershed Districts held their annual meeting and passed their legislative agenda.

Audience members introduced themselves. Paul Burns announced that he will be leaving the Minnesota Department of Agriculture for a position with Met Council in their Livable Communities Program.

Review of Legislative Update

Louis asked Council members to review the Draft Legislative Update which will be submitted to the Legislature within the next month. Council members provided suggestions on formatting and

content. Staff noted these suggestions and will revise a second draft of the update to be sent out for review by the full Council via e-mail. Further suggestions from Council members on this second draft should be submitted electronically, and the Steering committee will do a final review of the update prior to submission to the Legislature in January 2008.

Meeting Schedule for 2008

Louis turned the Council's attention to the "Meeting schedule for 2008" document, included in the meeting packet, which lists meeting dates January, 2008, through December, 2008, and meeting room locations. The Council accepted this meeting schedule.

Revisions to By-Laws

Louis suggested that the Council move to reviewing the By-Law revision in the time remaining prior to the scheduled break. Since the By-Laws specify a 30-day notice for any revisions, they will not officially be approved until the January 28, 2008 Council meeting.

The Council walked through revisions and additions to the By-Laws. Dave Bennett asked if the "terms of removal" were specified. Louis responded that these are addressed in Statute 15.059. Staff will confer with this section of the Statute and add the specifications to the By-Laws.

The Council discussed the "Election Process" section. Louis asked for a general opinion from the Council as to whether they prefer a specific procedure for election outlined in the By-Laws. The Council generally responded affirmative, that this would prevent differing interpretations of Robert's Rules and the need to rule on consistencies of the procedure.

The Council discussed the "Council Organization" section.

- Gary Pedersen asked if work groups would be reorganized at any time. Louis clarified whether Gary was suggesting we set a one-year term for the work groups. Gaylen offered revising the text to read that "The Council will organize itself into work groups, as consistent with the Council's annual Work Plan". Then the Council can evaluate work groups on a yearly basis.
- Paul Torkelson clarified that the Council will create work groups. John Greer pointed out an inconsistency with this under the "Powers and Duties of Chair" #3- that the Chair would assign work groups. Louis made note that this should be deleted from the "Duties of Chair" section.
- Sarah Strommen commented that there should be voting Council members on each of the work groups.

There was consensus on the above points and changes made accordingly to the by-laws.

Joe Martin asked about the Chair being the spokesperson for the Council. Louis responded that the Chair's powers are within the specifications in the By-Laws described under "Speaking on behalf of the Council".

Following a 30-day review period, as required in the by-laws, the Council will vote on approval of the revised by-laws at the January meeting.

10:05-10:15 am *Break*

10:15-11:45 am Discussion with G-16 Members

Louis explained the idea behind this agenda item: to provide G-16 members with an overview of the Council's progress to date, and for the Council to receive an update from present G-16 members about legislative issues and future funding for the CWLA.

Louis introduced the guests: Steve Morse- Minnesota Environmental Partnership (MEP), chair of the G-16; Paul Aasen- Minnesota Center for Environmental Advocacy (MCEA); John Curry- Campaign for Conservation; Annalee Garletz- Association of Minnesota Counties (AMC); Thom Petersen- Minnesota Farmers Union; Keith Carlson- Minnesota Inter-County Association (MICA); and LeAnn Buck- Minnesota Association of Soil & Water Conservation Districts (MASWCD).

Council members introduced themselves to the guests.

Louis provided an update on the Council's activities and development over the past year. The Council held its first meeting March 2007. Louis remarked that the Council is a group of individuals with a lot of experience and various expertise. Council members have learned about various impaired waters programs and issues and took a field tour to the Minnesota River Basin in the Mankato area to further understand management and restoration efforts underway in a rural setting. The Council has also focused recently on organizing themselves strategically. The Council has identified the following Organizing Principles: civic engagement, priority recommendations, work integration, local partnerships, measurable outcomes, prevention, strategic research, and monitoring. The Council is currently organizing into work groups charged with carrying out tasks associated with these principles.

Louis asked the guests to provide their insights on the coming legislative session and specifically, potential on-going funding solutions for the Clean Water Legacy Act.

Steve Morse: MEP has been concerned with seeking permanent funding for the Clean Water Legacy Act the last three sessions. The appropriation of \$54 million last year was a success. He shared about MEP's current campaign for dedicated funding titled "The Great Outdoors & Heritage Amendment", representing a broad coalition including parks and the cultural and art heritage campaign. The session ended before the Conference Committee Report was passed.

Paul Aasen, MCEA, discussed the Conference Committee Report. He cited H.F. 2285's first committee engrossment. Discussion and debate has primarily concerned wildlife and habitat preservation. There has not been a real focus on water quality. He pointed out that \$100 million has been added to state funding for water quality. It is important to maintain a focus on the process of assessment, TMDL development, implementation- this is what it takes to accomplish water quality improvement. This Council can help maintain that constant focus.

John Curry, Campaign for Conservation, thanked members for their commitment to the Clean Water Council and the work of water quality. He shared that the G-16 spent many years dreaming of the day an advisory group such as this would exist. He clarified three coalitions tied into the "Great Outdoors & Heritage Amendment": Campaign for Conservation, Great Outdoors

MN, and Heritage '08. John shared that the Campaign for Conservation recognizes the need to shift the dynamic in Minnesota of decreasing conservation and increasing population through three methods: educating Minnesotans on the need for conservation, developing a long-term vision for the state, and having funding in place to implement conservation practices.

LeAnn Buck (MASWCD) focused on the need for statewide and local integration- how the state interacts in its funding, governance & authorities. The state needs to make a tighter package clarifying a statewide clean water strategy and to coordinate with local entities. It is important to better coordinate in order to prevent reallocation of funds away from existing programs, and to provide a schedule so communities can prepare for TMDLs coming to their neighborhood. LeAnn stressed utilizing existing systems and programs and the need for an increased facilitated process at the regional level. The Council can provide guidance on statewide coordination among the existing local entities of the state.

Thom Petersen, MN Farmers Union, talked about changes in policy making concerning agriculture, for example: testing on pesticides (acetochlor). He sees an increase in participation among farmers in the TMDL process and suggests that there be more publicity on Legacy funding delivered to local areas. He also expressed concern that Legacy funds may be vulnerable to other funding needs.

Annalee, AMC, shared that local governmental units have a lot of water quality efforts underway and that a focus needs to be clarified. Having a TMDL schedule developed, as LeAnn mentioned, and utilizing local partnerships are crucial to successfully coordinating these efforts. She is looking forward to hearing the Council's recommendations.

Paul Aasen encouraged the Council to work over the next several months on clarifying clean water priorities- to be able to tie this into the agencies funding recommendations for the next biennium regardless of the outcome for permanent funding. The Council's clean water priorities should be packaged according to various funding scenarios - what you can get done with different levels of funding.

G-16 members discussed further the "Great Outdoors & Heritage" Constitutional Amendment. Marilyn Bernhardson asked how to respond to the perception of voters that the lottery should be sufficient to meet environmental needs. She added that a portion of the lottery's proceeds go to the environment, but it is not sufficient and this is something that needs to come through in the campaign. LeAnn confirmed that currently 1-2% of the General Fund goes to the environment. John Curry added that the lottery primarily funds the lottery, only 5-6 cents per dollar goes toward the environment. Paul Aasen stressed that the focus should be on conveying actual funding needs for water quality improvement and protection in MN when seeking additional funding. For example, only a small percentage of the state's waters have been assessed at this point and an even smaller percentage addressed in TMDLs, the state's population is increasing and the need for water quality work is only going to increase.

Pam Blixt asked about the likelihood of voter approval and Steve Morse responded that polling results of 800 respondents indicate that the odds of passage looks good but a strong, strategic campaign is needed. He added that it would be helpful to have the Council make

recommendations on how the additional funding will be allocated to give voters better information on how funding will be used.

Brian Davis asked why arts and broadcasting were included in the bill. John Curry noted that arts and broadcasting were essential to build the broad support needed to pass the bill.

Joe Martin asked Thom Petersen about land preservation and establishing stronger incentives for reserving farmland. Thom said it's something to explore further, it has been a priority for the Farmer's Union for a number of years. Land prices are currently skyrocketing. There are some minor programs in the state but they haven't achieved very much. This may be an opportunity for future funding.

Steve Morse brought up measurable outcomes- how the state can strategically address water quality activities to meet desired statewide and watershed goals. Preserving agricultural lands alone doesn't make any sense- it needs to be strategically positioned on the landscape in order to lead to water quality improvement in an identified priority watershed.

Gaylen reiterated the advice of the G-16 members that in this coming year, the Clean Water Council should focus their energy on identifying needs and priorities for clean water in the state, rather than a funding source. Steve Morse agreed, stating that the role of the Council is to represent the broad interests of Minnesotans and help clarify state priorities. He added that the Council should aim for \$91 million annually in their budget recommendations (should the amendment pass).

Paul Torkelson asked about the Council's role in making recommendations on groundwater protection. LeAnn feels that groundwater is a hot topic but that the role of the Council is to remain focused on the mission of the Clean Water Legacy Act, which concentrates on surface water.

Steve Morse expressed the importance of one body making a comprehensive set of recommendations and that the Council should get input from groundwater and health organizations. LeAnn said the agencies should be able to provide data that quantifies what dollars would buy us in terms of on-the-ground water activities.

Keith Carlson, MICA, commented that prioritization is very important role of the Council. There has been concern among counties about fragmenting the delivery of services among various local governmental units. The Council could address more efficient implementation and better coordination. Establishing partnerships is crucial to success, and requires coordinating with the agencies responsible for implementation so that funding accompanies program efforts.

Louis asked for any parting words or comments the guests have on the Council's progress in its first year. John commented on the opportunity to integrate land, habitat & wildlife environmental efforts with that of water quality programs in Minnesota. Paul Aasen stressed the importance of the Council taking the time to self promote, and inform the public and legislators what they are doing. Thom added that it would be beneficial for the Council to provide an update to the Environment Committee at the Legislature on their role and activities.

LeAnn shared about the time she took the G-16 to become established and make progress, commenting that the Council is building upon this base and within one year the Council has made progress. She also commented on focusing the Council's communication to the appropriate audiences- policy makers and implementers- that the general public doesn't understand the role of the Clean Water Council. Annalee stressed again local partnerships, facilitating ease of communication and delivery of services. Keith Carlson added that the Council should have a clear consistent vision as to what they are about and that communication is essential. He also encouraged contact with the Legislature.

11:55 am-12:40 pm Lunch and Conversation

Guests from G-16 were invited to join the Council for lunch.

12:40-2:00 pm Council Operation

The Council discussed work group responsibilities in making funding recommendations, pertaining to the role/existence of the proposed "Prioritization & Integration" work group. John Greer offered that prioritization is a function of the entire Council and that the work group should act only as a facilitator of the discussion for the entire Council to make recommendations. Brian Davis expressed concern about the amount of work involved in the tasks associated with prioritization and the need for a group of people dedicated to focusing on these issues. Gary made a motion to pass Option 1 below, and Scott seconded the motion.

Option 1.) Remove the specific funding tasks from the Prioritization and Integration Work Group and have them only focus on criteria development for prioritizing TMDL, restoration and protection funding. Any specific funding needs identified by work groups would be reviewed by the Steering Committee and reconciled as needed. And, to be clear about what the Work Group's role is, revise its name to "Prioritization of Criteria and Integration" work group.

Louis added an amendment to the motion for Option 1 to add the language: "Any specific funding needs identified by work groups would be brought to the entire Council for action". Joe Martin suggested renaming this work group "TMDL Development and Implementation". Marilyn seconded the two amendments to Option 1, the Council voted on the motion. Majority in favor, 1 opposed (Brian Davis). Motion passed.

Council members finalized membership among the four work groups, as shown:

Prevention and Monitoring:

John Greer
Del Haag
Brian Davis
Lee Pfanmuller
Sarah Strommen

Civic Engagement & Local Partnerships:

Marilyn Bernhardson
Earl Bukowski
Gary Pedersen
Scott Hoese
Pam Blixt

TMDL Development & Implementation

(formerly “Prioritization & Integration”):

Bill Moore
Steve Woods
Gaylen Reetz
Louis Smith
Paul Torkelson

Measurable Outcomes & Research:

Dave Bennett
Steve Pedersen
Joe Martin
Deb Swackhamer
Chris Kolbert

Louis turned over the facilitation of election of Chair to John Greer. Megan announced nominations for Chair to date. Louis Smith was nominated for the position of Chair. John Greer called for any further nominations. Motion to close nominations- Gary moved, Scott seconded – and the motion was passed. Council proceeded to vote and elected Louis Smith as Chair for a 1-year period beginning January 2008.

Louis called for nominations for the position of Vice-Chair. Megan announced nominations to date: Marilyn Bernhardson and Steve Pedersen. Call for any further nominations. Motion to close nominations- Scott moved, Gary seconded, and the motion passed. Council proceeded to vote. Marilyn was elected as Vice-Chair for a 1-year period beginning January 2008.

With the remaining time, Louis suggested work groups meeting briefly to discuss selecting a Chair and Vice-Chair in preparation for work group break-outs the afternoon of January 28, 2008, following the full Council meeting.

2:00 pm

Meeting was adjourned.