

Clean Water Council Meeting Agenda

Monday, April 17, 2023

9:00 a.m. to 2 p.m.

IN PERSON with Webex Available (Hybrid Meeting)

9:00 Regular Clean Water Council Business

- **(INFORMATION ITEM)** Introductions
- **(ACTION ITEM)** Agenda - comments/additions and approve agenda
- **(ACTION ITEM)** Meeting Minutes - comments/additions and approve meeting minutes
- **(INFORMATION ITEM)** Chair and Council Staff update
 - Policy & Budget and Outcomes Committee Updates
 - Staff update

9:30 Legislative Summary

- Legacy Finance
 - **(ACTION ITEM):** Potential motion on additional House language
- Agriculture Finance
- Environment & Natural Resources Finance
- Tax bill

10:00 Water Legacy Partners (small grants) Update

- BWSR recommending on 4/26 3 tribal governments and 4 NGOs out of 22 applications

10:15 Recognition of Outgoing Members

10:30 **(ACTION ITEM)** Vice Chair Vacancy

10:45 BREAK

11:00 Strategic Planning

- Feedback on Revised Drinking Water & Groundwater Strategies

12:00 LUNCH

12:30 Strategic Planning

- Preparing for Future Discussion on Surface Water (Goal 3)

1:30 Adjourn

Immediately after: Steering Committee

Clean Water Council

January 23, 2023, Meeting Summary

Members present: John Barten (Chair), Steven Besser, Richard Biske, Richard Brainerd, Tannie Eshenaur, Justin Hanson, Kelly Gribauval-Hite, Frank Jewell, Jen Kader (Vice Chair), Peder Kjeseth, Holly Kovarik, Jason Moeckel, Jeff Peterson, Rep. Kristi Pursell, Victoria Reinhardt, Peter Schwagerl, Glenn Skuta, Phillip Sterner, and Marcie Weinandt.

Members absent: Gary Burdorf, Warren Formo, Rep. Josh Heintzeman, Sen. Jennifer McEwen, Raj Rajan, Todd Renville, Sen. Carrie Ruud, Patrick Shea, and Jordan Vandal.

To watch the WebEx video recording of this meeting, please go to <https://www.pca.state.mn.us/clean-water-council/meetings>, or contact [Brianna Frisch](#).

Regular Clean Water Council Business

- Introductions
- Approval of the February 27 meeting agenda and January 23 meeting summary, motion by Dick Brainerd, and seconded by Rep. Kristi Pursell. Motion carries.
- Chair and Council Staff update
 - Policy & Budget and Outcomes Committee updates
 - Staff update
 - Legislative update
 - There could be a change in per diem from \$55 to \$125.
 - Council appointments are expected in June. Seven members did not apply for reappointment, and there will be a recognition at the April 2023 meeting.
 - Jen Kader removed her name from the reappointments. As of April 24, she will no longer be working with Environmental Organizations. She will be working at the Metropolitan Council but plans to attend future Council meetings. Therefore, the Vice Chair position will be up for appointment, along with her spot on the Council. She would love to be back on the Council representing the Metropolitan Council, if selected.

Planning Exercise: Questions on Status Reports, Intro to Small Group Workshop, by Kim Behrens and Kari Cantero, Minnesota Pollution Control Agency (MPCA) Organizational Improvement Unit (*Webex 00:30:00*)

- Following the timeline, this meeting is about prioritization and review of strategies for goals 1-2. Last month was on status reports and next month will be working on goal 3 and reviewing strategies for goals 3-4.
- Today will include some questions on status reports and introduce the workshop. There will be time for small groups to get together. The meeting packet has the spreadsheet of the status reports. So, there is time for some review, especially looking at column labeled “status report.” Paul Gardner, Clean Water Council Administrator followed up with the state agencies to be up to date on the status.
- Questions/Comments on status updates from goals 3 and 4:
 - Frank Jewell: Regarding innovation, often it is new. However, the new item which are innovative, are the first things that are cut. Therefore, I like having a percentage for our recommendations.
 - Jen Kader: Regarding the portfolio mix, one of the comments is if we should have a strategy that is prioritizing outstanding resources. In reflection of the last meeting, does it make sense to have spending targets or a portfolio mix looking at an amount towards categories like “protection”, “restoration”, towards “research”. So, if that ties into the innovation question, are there others way to look at a portfolio mix for the way that we frame our strategies.
 - Tannie Eshenaur, Minnesota Department of Health (MDH): At the end of the last meeting, there was an emphasis on incorporating social science into activities in CWFs. I am not sure when the right time is for this, but perhaps we should build out our goals and objectives under goal number four to reflect it.
Response: For next month, we will talk about what strategies require changes. Also, what is missing. So, after the reviews we will turn towards that action.

- Jen Kader: Looking at Goal 3, line 5, climate impacts, we had talked about having an opportunity to talk with folks a part of Climate Action Framework, Natural Working Lands, or Resilient Communities.
Response: We can “parking lot” this item.
- Rich Biske: Not thinking about a specific program, but we should think about climate impact to items.
 - Steve Besser: I agree. It would be good to have a standardized set of criteria on climate change impact for every item. Perhaps a few questions to help identify it.
 - Jen Kader: It ties back to the theory of change and thinking about the more philosophical components to inform how we think about evaluation and priorities.
 - Paul Gardner: Note that the guiding values and requirements section of the plan does reference items that are required in statute for the Council. Climate is not included but does intersect.

Strategic Planning Exercise: Small Groups Workshop (Webex 01:11:15)

- As a reminder, a strategy review is the process in which organizations discuss the progress of their goals and objectives and make the necessary adjustment for the upcoming year. Looking at the strategy plan review parts, we will be looking at the details of the plan. This is a focus on review strategies, review of measures and targets, and review of effectiveness. Between goals one and two, there are twenty strategies. So, the small group workshop will focus on a few strategies assigned to them. Please assign roles (facilitator, scribe, and speaker). Determine the prioritization (high, medium, low was not going to cut it), so they are looking at three different levels (required to fund based on mandate, clean water funds are the only funding source, or clean water funds are the safest and fastest way to fund and could it be funded elsewhere). Then, reviewing and assessing the details of the plan. Follow the worksheet for each strategy, looking at the prioritization, followed by the external factors, measures and targets, and effectiveness.

Discussion following small group session:

- Debrief questions:
 - Which strategies have major shifts, and why?
 - Which strategies do you recommend deleting, and why?
 - Which strategies have new recommended metrics, and why?
 - What is missing?

Strategic Planning Exercise: Report Out

- Group 1: We did not have any major shifts. However, there were conversations about SSTS metrics, looking at concerns on the data in terms of level of compliance.
 - For 1.2, support widespread routine testing of private well water, we saw it as a “o” for “only” for prioritization because this is really the only source of funding (although other sources may assist). This is essentially a monitoring type program, so we want to ensure there is a database to capture all this information. There is a need for the information to be available for the well owners. It would be desirable as being publicly funded. There were no changes on the metrics.
 - For strategy 2.1, completing GRAPS. This was also an “o” as it is the only funding source. It is a straightforward metric. A third of the GRAPS are complete. No changes on this one.
 - For strategy 2.5, on SSTS. This is where we wanted to bump up the rates because they have been consistently above eighty percent, so we would recommend changing it to be above ninety percent, with the ultimate goal of one hundred percent. The Policy Committee recently had a presentation on this program, so it is a good area to request the change. There is a need for sound data but balancing the amount of funding. For prioritization, we would say it is an “s” because there are many different sources that fund septic system upgrades and such.
- Group 2:
 - For strategy 1.8, we recommend adding resilience language into the strategy. There is an opportunity to write in some equity language. For the change in metrics, the 150 million gallons was a goal. However, there was also discussion on climate migration. As more people are migrating to Minnesota, we are not accounting for that change on our resources.
 - For strategy 2.2, to complete Minnesota atlases for all of Minnesota counties by 2029. There were no major shifts. If the Environmental Trust Fund changes, there would be a large change here, because that is the main source of funding for this, with the CWFs as supplemental. Currently, the timeline for 2029 will

likely need to be adjusted. It is not practical due to staffing changes, there is not capacity to achieve this, so the timeline may shift. So, it would be to shift part A to 2034 and part B to 2038. Regarding county participation, the locals are needed, so they need to signal that they are interested in it. There are gaps regarding the Tribal Governments, and a need for those representations, because there are some trust issues to attend to for this.

- For strategy 2.3, have no major shifts.
- For strategy 2.7, there were also no major shifts. Although, some items in the works include: a whitepaper in develop as well as staff retention issues.
- Comment from Jen Kader: We discussed more of the philosophical approach, if these programs fit these strategies, or what needs to change about the strategies to help the programs adapt into what we expect.
- Group 3:
 - For strategy 1.3 and 1.4, the major shift was to combine these two. They are similar and the strategy behind addressing nitrates in groundwater is the same as delivered through the groundwater protection rule and nitrogen fertilizer management plan. It is possible to combine those two, combining the titles. Also, it was noted that the metrics were not as well defined (percent of level 1 and 2 Drinking Water Supply Management Areas (DWSMAs), number of townships with elevated levels, and number of partnerships). Other measurable components: communities they are working in by 2034, with a goal of no additional community water supplies exceed the drinking water standard. Prioritization is required to meet that five percent of the drinking water requirement.
 - For strategy 2.6, adopting BMPs for water efficiency, water use reduction, water irrigation, and water management. Prioritization level is an “s” because it is not required, but CWFs are the fastest and biggest funding amounts for it. We noted that more appropriate measures could include the of number of BMPs established. Another strategy (1.8) was written well and could be used for this language.
- Group 4:
 - For strategy 1.6, there were multiple parts to source water protection planning. Implementation was delayed due to the pandemic but is back on track.
 - For strategy 1.7, is the financial assistance. There is a need for coordination of all the activities going on. For funding, the prioritization of what was mandated to the CWFs versus what was mandated statewide. There is also a need for a social science question, looking at the systems of what keeps people from getting these things done.
- Group 5:
 - For strategy 1.1, it was spending a minimum of five percent of the CWFs exclusively on drinking water, required in the state constitution. We have it as an “s” because we were not sure if it was mandated and there could be other funding sources for the strategies we reviewed. The impacts would be on the economic, environmental, political, and technology side, and need to tweak the strategy. Looking more at the decision measures, perhaps moving the percentage up from five percent to ten percent. It would be better to define the measurements of this strategy more.
 - For strategy 1.5, to protect the 400,000 acres of vulnerable land surrounding drinking water wellhead areas statewide by 2034. We viewed it as economic, environmental, and political (local level and neighborhood level too). Regarding the measurements, the work is still in progress so it will be hard to tell at this time, so we don’t know what may be missing.
 - For strategy 2.4, prioritize the sealing of unused wells that present a risk to drinking water by 2034. This is the one we had the longest discussion on. It impacts economic, environmental, and political. We thought there should be some tweaking in some places. There is a need to locate all of these wells first. It would be important for the progress of this item. The measures and targets, outputs, and outcomes, and there could be big shifts in what the targets should be! Therefore, more is needed for the metrics. Regarding well disclosure, testing the water at a point of sale would be for safety and health standpoints. It becomes very political regarding real-estate.

Further discussion:

- Rich Biske: If we have a goal of drinking water is safe for everyone, everywhere in Minnesota, if there is uncertainty about achieving the goals from the programs, a what point do we have a discussion on what programs are missing? There has been some expression on uncertainty to achieve these goals. Will we have

time to address this? *Answer:* With the time we have today we are looking at what is missing. Perhaps, at the May meeting we can look more into this idea of what's missing and fitting these together.

- Jen Kader: Are there opportunities for structured stakeholder input? There may be more information on what is missing, that as members we can't see.
 - *Response from Paul Gardner:* I think it is a great idea. We do want to make sure it is structured. We also want to grab the knowledge from everyone here first. It is also in the middle of a Legislative session, so after May would work better.
 - *Response from John Barten:* When we started the Strategic Plan, we can only do so much. So, we must bear that in mind. Certainly, take input and listen to all the ideas, but we can't have everything.

Groundwater Restoration and Protection Strategies (GRAPS) by Carrie Raber, Minnesota Department of Health, Interagency GRAPS Team (*Webex 01:43:30*)

- GRAPS is in interagency effort, and is coordinated by the MDH, but receive contributions from the Minnesota Department of Agriculture (MDA), MPCA, Minnesota Department of Natural Resources (DNR), Board of Water and Soil Resources (BWSR), and the Metropolitan Council. Each agency has a piece in managing groundwater. The GRAPS reports are developed at the same time as the One Watershed, One Plan (1W1P). The first-generation plans, to keep pace, has proven challenging to date. There are twenty-three completed, twelve in progress, and others in the second-generation plan that need a report. The goal is to make sure the local groups have the information when necessary.
- The GRAPS program encompasses multiple tools to build local capacity for groundwater. It also serves as an umbrella to bring in other programs to help in this area. It helps deliver information in a coordinated voice.
- GRAPS tools:
 - GRAPS reports
 - Groundwater data in the Watershed Health Assessment Framework (WHAF) tool. This tool has watershed-scale groundwater data including DWSMAs, aquifers, drinking water wells, and more.
 - Online groundwater modules (five are complete now, eventually the rest of the state will have these).
 - 3D geological watershed models, which help local planners understand groundwater flow within watershed and across county boundaries.
 - GRAPS Accelerated Implementation Grant, which focuses on collaborative projects that build local relationships and capacity. These prioritize regional-scale work that advances health equity.
 - Technical trainings
- Groundwater has unique challenges compared to surface water. It is a hidden resource. Groundwater issues can take years to resolve. Groundwater monitoring is more expensive and spatially limited. The work they are doing is meaningful and will have an impact.
- In conclusion, GRAPS serves an important role in the 1W1P. The GRAPS program encompasses multiple tools to build local capacity for groundwater. Groundwater has unique challenges compared to surface water in the 1W1P. The support of the Council is much appreciated!

Questions/Comments:

- John Barten: Who represents the private well owners? *Answer:* Ultimately, our source water protection planners represent the private well owners in the 1W1P arena. There is limited representation.
- Justin Hanson, BWSR: It is so nice to hear the positive news. In my area, the private wells had been on the lower end of priority, and because the MDH staff invested in the planning process, it became the number one priority. It is a really important time, and there was a need to change that priority, for public health purposes. When we talk about partnerships, it means you are listening and meeting the locals where they are at. That approach will lead to a lot of success down the road.
- Dick Brainerd: You have tools to build the local groundwater capacity, but do you need anything else? *Answer:* Many partners would say data access is one of the biggest barriers across the state. They want to understand what is going on in their local groundwater to make informed decisions. Unfortunately, groundwater information is not captured at the same speed. It takes longer to interpret what is happening in the groundwater systems. The data informs the tools and drives implementation at the local level, and the data reveals what is happening. So, it is not a perfect system, but there is enough data necessary to make decisions. There's a lot of effort to improve that.

- Holly Kovarik: Where does the data align, so the local folks can focus the efforts. Ten years ago, we did not have some of these tools. The more tools the local partners have, the better informed the decisions.

Nonpoint Priority Funding Plan (NPPF), by Justin Hanson, Board of Water and Soil Resources (*Webex 02:22:00*)

- The NPPF was established with the Clean Water Accountability Act about ten years ago. It identified priorities for targeting CWF money for nonpoint restoration and protection activities. State agencies must use the NPPF when allocating money for CWFs.
- How should BWSR's NPPF fit into CWC's Strategic Plan?
 - The BWSR is moving funding from projects and practices exclusively to watershed-based funding. The locals have their plans developed with help from the state. Initially, BWSR needed to update the NPPF every few years. It makes a lot of sense to integrate the NPPF and the Council's strategic plan and align them. I'd like to see what kind of interest the Council has.
 - Regarding logistics, the Council is on a timeline to finish it by June. The NPPF would be by the end of 2023. Those revisions will take time. There will be more utility if these two align.

Questions/Comments:

- John Barten: Any idea on how to integrate these two? Answer: Part of talking about this topic today, is to see if there is support for doing this process. There may need to be some discussion with the MPCA staff to work together on this item. They could be done separate, but there may be more utility in working closely on it.
- Jen Kader: This is an opportunity to integrate the high-level priorities and criteria listed, when talking about the theory of change and principles when thinking about clean water. Aligning these conversations, and having them about the same time, will help keep things consistent. I support this suggestion.
- The BWSR will follow up with Paul on next steps on this project.

Integrating WRAPS and GRAPS into One Watershed One Plan

Zach Gutknecht, Beltrami SWCD (Upper/Lower Red River and Mississippi Headwaters 1W1Ps) (Webex 02:32:00)

- They are a small staff for a large county (1.5 FTE). There is a lot of work. They have found implementation success through partnerships. Some examples include: Clearwater/Beltrami SWCD shared services, Red Lake DNR, Blackduck Co-op, Birds Bess Butterfly's Bemidji/Headwaters Audubon Society, Upper Red Lake Area Association – Keep it Clean, City of Bemidji, Bemidji State University, and Turtle River Watershed Association.
- Every watershed has a story. In general, in their watersheds, they are all about protection.
 - Mississippi Headwater: They have the headwaters of the Mississippi River, 885 river miles, 180,375 acres of lakes, two of Minnesota's largest 10 lakes, forest and water make up 80 percent of the Watershed, and disturbed land use is increasing.
 - Upper/Lower Red Lake: The Upper/Lower Red Lake is the largest lake within Minnesota. It accounts for 25 percent of the Watershed. Wetlands cover 48 percent of the watershed. There are bacteria concentration concerns in ten streams. About a third of the watershed is within the Red Lake Nation.
- Some of the challenges with the 1W1P process: Multiple counties not familiar with the planning process, large planning group, counties wanted the plan written locally, concerns about losing local control, and Hubbard County had recently left a 1W1P. There was a lot of trust building. There are different approaches for protection (than restoration). Fixes can be less expensive, but it is hard to quantify them.
- Measuring the link between private forest management and water quality is important for them. Priority is at the intersection of value and risk. The forest protection concepts aim to reduce the potential for nutrient loading. Higher value is placed on lakes most sensitive to phosphorus. Risks are measured by current forest conversation and the potential for additional conversion. By protecting habitat with the forest lands, they will also be protecting water quality. The highest quality lakes are in the forested ecoregions.
- They want to keep forested lands forested because the forest cover provides ecological, economic, and social benefits. They want to keep forest lands working because forest production allows for productive forests too. They follow the risk, stack public benefits as best as they can, and they build in resilience to public lands. Large tracks of permanently protected forest land are important for future tourism and timber industries.
- Something to highlight is their website tracking. Their website is <https://headwatershed.org/>. They can do program versus project tracking, WBIF program management, program progress, collecting data, as well as tracking tools. They are trying to use this as a way to get everyone on the same page, working together, as

well as tracking to make it better in the future. They also have dashboards to see where they are at in their plan.

Doug Bos, Rock County SWCD (Missouri River 1W1P) (Webex 02:59:00)

- They are the Joint Powers between the SWCD and County district since 1996. The Missouri River Watershed has six SWCDs, six counties, and two watersheds.
- In 2014, they started collaborating across watersheds. They received funding from the MDA. They picked priority catchments to complete LiDAR and PTMapp type analysis to choose catchments. Then followed up with landowners.
- The challenges they ran into were capacity concerns. However, they were able to contract with former NRCS conservation staff to assist with field walkovers and estimates. Funding limitations were also a huge challenge. Funding is unpredictable. They were able to use some federal funds, as well as other state funds (BWSR Challenge Grants and CWFs). However, the funds were competitive too.
- The BWSR approved the first watershed plan in 2020, providing \$1.3 million for two years. The organizational structure involved the Joint Powers Board. They have made a strong effort as far as public input as well. They provided an opportunity to continue focused efforts, to gain public input, to plug in the WRAPs, GRAPS, plus TMDL data and goals.
- The stable funding they have received has provided time to build trust with the landowners, allows for continuation so good programs do not die, and has provided greater results. They had great technical committee, and worked together on previous efforts, which provided common goals and respect towards each other.
- They had successful implementation. There was a strong demand from earlier projects, they were able to continue outreach efforts, and then good projects promote more good projects.
- They had a comprehensive process involving a planning group of local staff, and took over two years to develop. They had 12 resource concerns, with 27 priority issues. In addition, they made stakeholder input a high priority. There was an advisory committee, which included state agencies. There were multiple public opportunities through online outreach and meetings.
- There was a lot of collaboration on the groundwater. They rely strongly on their rural water systems. Their wells are shallow (25 to 30 feet) and surrounded by expensive crop ground. They also have high nitrate levels. They worked to help farmers better manage their nitrate applications in the highly vulnerable wellhead areas, by providing incentives.
- Regarding ways to improve existing efforts on collaboration focus on field walkover and outreach, as well as the private partnerships (coops, suppliers, and agronomists).

Discussion/Questions/Comments:

- Rich Biske: Groundwater doesn't always follow the watershed boundary. In Rock County there are a lot of groundwater issues. How is groundwater factored into the watershed-based implementation funding if it is not within the same boundary? Answer: Within our scoring and ranking, groundwater was the highest priority.

Adjournment (*Webex 03:15:46*)

**Clean Water Council
Status of Relevant Legislation as of April 13, 2023**

	House	Senate
<p>Legacy Finance House: HF1999 Senate: SF168</p>	<ul style="list-style-type: none"> • Requires that all waters achieve designated uses by 2040 • Starting in FY26, would require annual instead of biennial recommendations from CWC, that recommendations go just to the Legislature and not the Governor, and that the CWC would prepare the appropriations bill language • Requires projects to indicate how funds reach diverse and low-income communities • Promotes Increasing Diversity in Environmental Careers (IDEC) opportunities • Added several contaminants for the Met Council to address as emerging threats to metro drinking water including PFAS, radium, manganese, and selenium • Non-legislative members on CWC would receive \$125 per day for per diem up from \$55 • Extends availability of two MDH appropriations from prior years on private wells and water reuse 	<ul style="list-style-type: none"> • Includes all CWF funding recommendations • Requires that \$163,000 per year go to River Watch program at Red River Watershed Management Board from MPCA monitoring program
<p>Environment & Natural Resources Finance House: HF2310 Senate: SF2438</p>	<ul style="list-style-type: none"> • Establishes BWSR Soil Health Practices Program but provides \$406,000 • Provides \$17 million for BWSR water quality and storage projects (plus funding for grasslands and peatlands easements) • Expands purposes for BWSR Reinvest in Minnesota (RIM) easements • \$5 million in one-time CRP state incentive • Defines plastics, microplastics, and nanoplastics and provides \$2 million for micro- and nano-plastics monitoring 	<ul style="list-style-type: none"> • Establishes BWSR Soil Health Practices Program at \$26,760,000 • Provides \$17 million for BWSR water quality and storage projects • Expands purposes for BWSR Reinvest in Minnesota (RIM) easements • Establishes BWSR RIM Working Lands Program • Defines plastics, microplastics, and nanoplastics and provides \$500,000 for micro- and nano-plastics monitoring

	<ul style="list-style-type: none"> • Establishes MPCA Chloride Reduction Training in statute and allows MPCA to charge a fee • Prohibits sale of certain products with PFAS and provides funding for regulation • Requires creation of water quality standards for several PFAS compounds and amends health risk limit for PFOS • \$200,000 to U of M for 50-year Clean Water Plan Scope of Work report • Develops fish kill reporting protocol and provides \$393,000 • Requires creation of drainage registry • Allows “wanton waste” of common carp • Provides \$25 million in local government grants to prepare for PFAS solutions in public water treatment systems • Provides \$3 million for wetland easements • \$5 million for Met Council inflow and infiltration reduction • Requires DNR to convene a White Bear Lake Area Stakeholder Group • Reestablishes Legislative Water Commission • Regulates disposal of treated seed • Requires large animal feedlots to demonstrate financial assurance for closure costs and requires MPCA report on abandoned feedlots • Prohibits storing garbage or waste on ice • Includes DNR’s new sustainability standard for groundwater withdrawals • Increase fees for peak water use for groundwater and increases penalties for overpumping 	<ul style="list-style-type: none"> • Establishes MPCA Chloride Reduction Training in statute and allows MPCA to charge a fee • Prohibits sale of certain products with PFAS and provides funding for regulation • \$200,000 to U of M for 50-year Clean Water Plan Scope of Work report • Develops fish kill reporting protocol and provides \$393,000 • Requires DNR to convene a White Bear Lake Area Stakeholder Group
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Agriculture	<ul style="list-style-type: none"> • Establishes a soil health financial assistance program @ \$500,000 • \$1.38 for Forever Green program • \$1 million for commercial development of continuous living cover • \$2.85 million for AgBMP loans • \$1.65 million to upgrade MDA analytical lab • \$1 million for Forever Green equipment • \$1.688 million to regulate PFAS in pesticides (which would be banned) • \$100,000 to regulate pesticide-treated seed 	<ul style="list-style-type: none"> • Establishes a soil health financial assistance program @ \$2 million • \$1.95 million to Forever Green • \$1.5 million for commercial development of continuous living cover • \$2.85 million for AgBMP loans • \$1.65 million to upgrade MDA analytical lab • Extends the expiration date for the state healthy soil management plan.
Taxes	<ul style="list-style-type: none"> • Property Tax Division Report would provide \$16 million annually or \$32 million for the biennium to SWCDs in capacity funding 	<ul style="list-style-type: none"> • SWCD Aid proposal has received a hearing and is being considered for inclusion in the tax bill.



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Senator Foug Hawj
Senate Environment, Climate, and Legacy Committee
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Chair Hawj and members of the Environment, Climate, and Legacy Committee: April 4, 2023

As the Committee reviews the delete-all (A3) amendment to SF1682, which would create the Legacy Omnibus bill, we write to highlight our support for the A3 amendment and the efforts of the committee to advance the work of the Clean Water, Land & Legacy Amendment passed by Minnesota voters in 2008.

We especially thank you for including appropriation recommendations made to the legislature by the Lessard-Sams Outdoor Heritage Council as represented in Article 1, Outdoor Heritage Fund. We also thank you for including the appropriation recommendations of the Clean Water Council for the Clean Water Fund, contained in Article 2.

The work of each of these councils is unique, and important to helping ensure dollars from these two Legacy funds are spent in a way that achieves the purposes set in state's constitution: In regard to the Outdoor Heritage Fund "to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife" and for the Clean Water Fund "to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation...and drinking water sources." (*Minnesota Constitution Article XI, Section 15*)

The Lessard-Sams Outdoor Heritage Council, comprised of citizen experts and legislators, works over the course of a year to ensure that their recommendations are consistent with the constitution and several state conservation plans. They vet proposed projects through hearings, recipient tours, and ensuring accountability with past project appropriations. The Council deliberates thoroughly, and regularly reviews and updates application criteria for prospective recipients as circumstances require.

The Clean Water Council, made up of both citizen volunteers representing diverse stakeholders and legislators, spent the last two years gathering input from state agencies and a variety of constituencies from across the state to aid in the development of its recommendations for how the Clean Water Fund should be spent. The Council is a deliberative body who spends significant time and effort in making recommendations in line with their strategic plan, which the Council recently worked to update in 2020. The Council, state agencies and stakeholders have identified and recommended new programs to address clean water needs.

The Conservancy supports the recommendations of each of these councils and the thorough process each conducted to arrive at their recommendations now contained in the SF1682 A3 delete-all amendment.

Thank you for your work to continue the benefits of the Legacy funds for Minnesota.

Stephanie Pinkalla
Government Relations Director
The Nature Conservancy in Minnesota

Molly Jansen
Government Relations Specialist
The Nature Conservancy in Minnesota

FRESHWATER

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Freshwater Society is a nonprofit organization working to inspire and empower people to value and preserve our freshwater resources.

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April 3, 2023

Senator Foug Hawj
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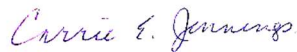
Dear Chair Hawj and Committee Members,

Thank you for the opportunity to provide comments on SF1682, the Senate Legacy Omnibus Bill.

Freshwater is very pleased to see that the bill accepts the recommendations put forward by the Clean Water Council. The Council engages in a very deliberative, nearly year-long process to develop their Clean Water Fund budget recommendations. This process has only grown to be more strategic and thoughtful over the past few budget cycles, considering programmatic alignment, tradeoffs, and impacts of funding decisions. At the same time, stakeholder involvement in and transparency of that process has also increased.

As you finalize your Legacy budget, we want to extend our appreciation for your support for the Clean Water Council's process and recommendations.

Sincerely,



Carrie Jennings, Research and Policy Director,
Jen Kader, Director for Engagement and Systems Change





April 4, 2023

Dear Chair Hawj and Members of the Senate Environment, Climate, and Legacy Committee:

Metro Cities, representing the shared interests of cities across the metropolitan area, appreciates the opportunity to comment on SF 1682 (Hawj), as amended by the A3 Amendment. Metro Cities supports several key provisions.

Clean Water Fund: Article 2 – Metro Cities supports the \$8.5 million in each year for the Board of Water and Soil Resources to make grants to local governments to protect, restore, and enhance surface water, ground water, and drinking water. Metro Cities also supports the \$1.125 million each year directed to the Metropolitan Council to implement projects that address emerging threats to the drinking water supply especially those that leverage interjurisdictional coordination and support local implementation of water supply reliability projects. Finally, Metro Cities supports the \$1.5 million for water demand reduction grants to assist municipalities in the metropolitan area with implementing water demand reduction measures to ensure the reliability and projection of drinking water.

Parks and Trails Fund: Article 3 – In the seven-county metropolitan area, regional parks essentially serve as state parks, and the state should continue to provide capital funding for the acquisition, development, and improvement of these parks in a manner that is equitable with funding for state parks. Metro Cities supports state funding for regional parks and trails that is fair, creates a balance of investment across the state, and meets the needs of the region. Metro Cities appreciates and supports the \$28.5 million in FY 2024 and \$25.5 million in FY 2025 for the metropolitan regional parks system.

Thank you for your consideration of this letter. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Michael Lund'. The signature is fluid and cursive.

Mike Lund
Government Relations Specialist
Metro Cities

Draft Revision to Clean Water Council Strategic Planning on Drinking Water

14 April 2023

Drinking Water Source Protection Vision

Drinking water is safe for everyone, everywhere in Minnesota

Goal 1: Public Water Systems

Ensure that users of public water systems have safe, sufficient, and equitable drinking water

- **Strategy 1.1: Identify sources of risks to public drinking water sources.**
 - **Action 1.1.1. Delineate Drinking Water Supply Management Areas (DWSMAs)**
 - Performance Measure: All DWSMA delineation complete.
 - **Action 1.1.2. Coordinate among agencies to identify threats using geologic and groundwater atlases, groundwater assessments, etc.**
 - Performance Measure: Ongoing?
- **Strategy 1.2: Reduce risks to drinking water sources by investing in technical training, planning, coordination, and source water protection grants.**
 - **Action 1.2.1. Assist public water suppliers in completing Drinking Water Source Protection Plans and supporting implementation projects listed in the plans.**
 - Performance Measure: All first-generation DWSP plans for the 500 vulnerable systems are complete. Fifty plans will be updated annually.
 - Performance Measure: For 420 non-vulnerable systems, 306 first-generation plans are complete with 114 remaining.
 - Performance Measure: Eight source water assessments out of 23 surface water systems should be revised by 2023, with all completed by 2027.
 - Performance Measure: Five source water intake protection plans out of 23 surface water systems should be complete by mid-2023, with the remaining 18 complete by 2029.
 - Performance Measure: Complete pilot source water protection planning for non-community public water systems.
 - Performance Measure: MDH plans to fund half of budget requests for DWSP grants.
 - **Action 1.2.2. Integrate drinking water source protection with surface water planning**
 - Performance Measure: Complete a statewide drinking water plan by INSERT YEAR.
 - Performance Measure: Include drinking water source protection as part of all comprehensive watershed management plans (One Watershed One Plan)

- **Strategy 1.3: Prioritize implementation funding that supports the Ground Water Protection Rule (GPR).**
 - **Action 1.3.1 Fully implement actions to reduce nitrate in DWSMAs that are Level 1 and Level 2 under the GPR**
 - Performance Measure: Agricultural practices in DWSMAs that are Level 2 under the GPR are assessed, local advisory teams formed, and recommended practices are published. (There are 21 Level 2 DWSMAs currently. Level 2 indicates nitrate-nitrogen levels >8 mg/L at any time in last ten years or projected to exceed 10 mg/L in next ten years.)
 - Performance Measure: In Level 2 DWSMAs, MDA recommended practices or approved alternative practices are adopted on 80 percent of row crop acres, excluding soybean, or regulatory actions are taken.
 - Performance Measure: Agricultural practices in DWSMAs that are Level 1 under the GPR are assessed, local advisory teams formed, and recommended practices are published. (There are eight Level 1 DWSMAs currently. Level 1 indicates nitrate-nitrogen levels between 5.4 and 8 mg/L.)
 - Performance Measure: In Level 1 DWSMAs, MDA recommended practices or approved alternative practices are adopted on 80% of row crop acres excluding soybean.
 - Performance Measure: No additional existing municipal water supply wells exceed the drinking water standard for nitrate.
- **Strategy 1.4: Support prevention efforts to protect groundwater in DWSMAs.**
 - **Action 1.4.1. Fund protective actions.**
 - Performance Measure: Protect approximately 400,000 acres of vulnerable land surrounding drinking water wellhead areas statewide by 2034.
 - Performance Measure: Increase landowner adoption of soil health practices for drinking water protection through technical assistance, conservation equipment support, financial assistance, easements, drinking water protection/restoration grants, targeted wellhead protection grants, continuous living cover, soil health grants, etc.
- **Strategy 1.5: Support prevention and management of newly identified contaminant risks.**
 - **Action 1.5.1. Fund Contaminants of Emerging Concern (CEC) program.**
 - Performance Measure: The CEC program will screen at least 20 chemicals each biennium to determine if they are an exposure of actual or potential concern to Minnesotans
 - **Action 1.5.2. Fund adequate monitoring and assessment activities to examine emerging risks.**
 - Performance Measure: Support river and lake monitoring assessment, ambient groundwater monitoring, and ambient drinking water monitoring, with enough contingency for rapid response.
- **Strategy 1.6: Identify policy options that will accelerate progress to achieving federal safe drinking water standards.**
 - **Action 1.6.1. Clean Water Council Policy Committee will make annual policy recommendations.**

Goal 2: Private Water Supply Wells

Ensure that private well users have safe, sufficient, and equitable drinking water.

- **Strategy 2.1 Identify risks to private well users.**
 - **Action 2.1.1. Identify naturally occurring contaminants and provide notification to private well users.**
 - Performance Measure: Complete geologic and groundwater atlases for all counties by 2034.

- Performance Measure: Support adequate groundwater monitoring through ambient groundwater wells. [How many/year?]
 - Performance Measure: Support outreach to private well users through private well initiative. [MDH looking at how to measure]
 - Action 2.1.2. Detect, analyze, and assess risk from pesticides that can appear in private wells.
 - Performance Measure: Support research lab and staff capacity to detect and analyze pesticides and their degradates at 650 samples/year.
 - Action 2.1.3. Update science needed to understand impacts of nitrogen application.
 - Performance Measure: Support an update to state manure crediting guidelines through the University of Minnesota.
 - Performance Measure: Support updates to University of Minnesota nitrogen application guidelines.
 - Performance Measure: Support research, evaluation, and demonstration of perennial crops, cover crops, and other protective vegetative cover practices.
- Strategy 2.2: Fund testing of private well water by well users.
 - Action 2.2.1. Support free well testing in the most vulnerable areas of the state for nitrates and pesticides.
 - Performance Measure: Township testing has tested 77,000 private wells for nitrate; 6,100 have been tested so far for pesticides. [Testing continues to evaluate potential impacts from pesticides. Nitrate is also tested.]
 - Action 2.2.2. Fund a ten-year effort to give every private well user the opportunity to test for five major contaminants.
 - Performance Measure: Beginning in 2024 and ending in 2033, MDH will provide private well testing opportunities for 10 percent of private well users each year.
- Strategy 2.3: Encourage mitigation activities, including funding for low-income households.
 - Action 2.3.1. Provide assistance to qualifying low-income households to replace individual subsurface sewage treatment systems (SSTS).
 - Performance Measure: MPCA currently supports XXXX systems per year and has a goal of XXXX systems.
 - Action 2.3.2. Provide assistance to qualifying low-income households to replace private wells or install water treatment system
 - Performance Measure: Develop a proposal for future CWF recommendations to meet the need.
- Strategy 2.4: Implement the Nitrogen Fertilizer Management Plan (MFMP) in townships with vulnerable groundwater.
 - Action 2.4.1. Implement the NFMP in priority townships with vulnerable groundwater. (Currently there are 44 townships in which ten percent or more of tested wells exceed 100 mg/L for nitrate.)
 - Performance Measure: Agricultural practices in townships are assessed, local advisory teams formed, and recommended practices are published.
 - Performance Measure: MDA recommended practices or approved alternative practices are adopted on 80% of row crop acres excluding soybean.
 - Action 2.4.2. Implement the NFMP in all remaining townships with vulnerable groundwater.
 - Performance Measure: Agricultural practices in townships are assessed, local advisory teams formed, and recommended practices are published.
 - Performance Measure: MDA recommended practices or approved alternative practices are adopted on 80% of row crop acres excluding soybean.

- Action 2.4.3. Promote recommended BMPs, soil health practices, and vegetative cover in all areas with vulnerable groundwater across Minnesota.
 - Performance Measure: Outreach and demonstration projects
 - Performance Measure: Nutrient Management Initiative (NMI) demonstration sites
 - Performance Measure: Other demonstration sites and actions
- Strategy 2.5: Identify policy options that will accelerate the reduction in the number of unsafe private wells.
 - Action 2.5.1. Clean Water Council Policy Committee will make annual policy recommendations.