

## Clean Water Council Meeting Agenda

Monday, November 18, 2024

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, Committee, and Council Staff update
  - Policy Committee Update
  - Budget and Outcomes Committee Update
  - Ad Hoc Outreach Group Update: **Progress on responses for Public Input**
  - Staff update
    - Legislative update
    - Story map and fact sheet update
    - Follow-up to Upper Mississippi Basin presentation
    - Process on hiring for new Administrator

### 9:45 **(ACTION ITEM)** Review and Possible Approval of Policy Statements from Policy Committee

- Drainage
- Review of technical change on Advanced Drinking Water Protection Policy Statement

### 10:30 BREAK

### 10:45 **(INFORMATION ITEM--Feedback Requested)** Draft Minnesota Drinking Water Plan

- Tannie Eshenaur, Minnesota Department of Health

### 12:00 Lunch

### 12:30 **(INFORMATION ITEM)** Understanding BWSR's WBIF Work Plans, Grant Review Panels, eLink System, and BWSR Board Approval Processes

### 1:45 Public Comment

### 2:00 Adjourn

**Steering Committee Meets Directly After Adjournment**

**Clean Water Council**  
October 21, 2024 Meeting Summary

**Members present:** John Barten (Chair), Steve Besser, Rich Biske (Vice Chair), Dick Brainerd, Gail Cederberg, Steve Christenson, Tannie Eshenaur, Warren Formo, Brad Gausman, Kelly Gribauval-Hite, Justin Hanson, Holly Hatlewick, Rep. Josh Heintzeman, Annie Knight, Trista Martinson, Sen. Nicole Mitchell, Jason Moeckel, Ole Olmanson, Jeff Peterson, Peter Schwagerl, Glenn Skuta, Dan Sparks, Marcie Weinandt, and Jessica Wilson.

**Members absent:** Peter Kjeseth, Rep. Kristi Pursell and Sen. Nathan Wesenberg.

**Others present:** Margaret Wagner (MDA), Brianna Frisch (MPCA), Paul Gardner (CWC), Frieda VanQualen (MDH), Jim Stark (Subcommittee on MN Water Policy), Sharon Doucette (BWSR), Annie Felix-Gerth (BWSR), Sophia Walsh (MDH), Jeff Hrubes (BWSR), Chris O'Brien (Freshwater), Trevor Russell (Friends of the Mississippi River), Sheila Vanney (MASWCD), Myra Kunas (MDH), Jamie Beyer (Bois de Sioux Watershed District), Alex Trunnell (MN Corn Growers), Jody Brenna (Scott County), Brad Jordahl-Redlin (MDA), Chris Meyer (Winona County), Gary Michael (DNR)

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
  - Motion to approve the October 21<sup>st</sup> meeting agenda by Dick Brainerd, seconded by Brad Gausman. Motion carries.
  - Motion to approve the September 16<sup>th</sup> meeting minutes by Dick Brainerd, seconded by Steve Besser. Motion carries.
  - Committee Updates:
    - Policy Committee Update
      - Marcie Weinandt was elected Vice Chair of the Policy Committee.
    - Budget and Outcomes Committee Update
    - Ad Hoc Outreach Group Update: Progress on responses for Public Input
      - They are still working on the responses.
  - Staff Update:
    - The Water Legacy Partners program RFP went out. Proposals are due in January.
    - Sales tax revenue was above estimates for last quarter of FY24 but down for first quarter of FY25.
    - There are three vacancies on the Council. The Governor's Office wants to make them all at once.
    - Proposed 2025 meeting calendar. Motion to approve the 2025 meeting dates by Dick Brainerd, seconded by Gail Cederberg. Motion carries.
    - Story map demonstration. This is part of the statutory responsibility to explain the outcomes of the Clean Water Funds (CWFs). Connect with Paul Gardner on any feedback.
- Comments:*
- Marcie Weinandt: This is useful and helps paint a picture of how we got here. We need to make sure it is mobile friendly. *Response:* We can have a QR code. We hope to be live by the end of the year.
  - Dick Brainerd: Great job. It is a good start and communication vehicle. It will be good to get this going, and we will need a communications person to highlight it. We need a plan to get this in front of the folks who need to read it in the next few years.
  - Annie Knight: We've gone back and forth on how much to show on the map. The Outdoor Heritage Fund map has a lot of dots. You can zoom in and click on projects and see financial details. This story map could do the same for the CWF. I like the write-ups, but people will not spend too much time on them. It would be a missed opportunity if we didn't have more of that impact.
  - Margaret Wagner, MDA: We could leverage We Are Water's voices and stories collection.
  - Steve Besser: If I was the average citizen and I looked at that map, I would be thinking "is that all they have done?" So, something needs to change there. Could we show the counties, and have it show the projects listed? Then, people can click on their counties to reveal the CWFs work.

- Glenn Skuta, Minnesota Pollution Control Agency (MPCA): Annie pointed out that people will only spend a few minutes on this webpage. I am almost panicked at having only a dozen dots on the map pointing out the CWF work. Most people will think that is it and will not process it. I appreciate the map Annie shared, because it sends a different message. Having a static visual would be good, to help show projects all over the state. Perhaps, take the maps we already have with links to show more. We need to show that things are happening all over the state.
- Gail Cederberg: Having a map that is densely populated is good.
- Paul Gardner, Clean Water Council Administrator, plans to transition out of his role by June. The position will be posted February 1<sup>st</sup> with a replacement starting May 1. Paul will overlap for a month.

#### **Review and Possible Approval of Policy Statements from Policy Committee (Webex 01:22:30)**

- There are a few policy statements for review and approval. They do not need to be approved at this meeting for them to make it into the final report. However, they would need to be approved soon.
- These policies come from members of the Council, but also from the feedback of stakeholders. We are listening to where there may be gaps.
- Advanced Drinking Water Protection. This is an update to previous versions that includes responses to the petition to EPA on private wells in southeastern Minnesota.
  - The State should ensure that private well users have safe, sufficient, and equitable access to drinking water. Priority contaminants are nitrate, bacteria, arsenic, manganese, lead, and pesticides.
  - These are recommendations to help direct funding, future funding, the state agencies, etc.
  - The state should promote model ordinances for testing private wells at the time a property is sold.
- Drainage: The state should identify more opportunities for multi-drainage management (MDH) and water storage that improve water quality and complement Watershed Restoration and Protection Strategies (WRAPS) and One Watershed One Plan (1W1P).
  - Request data to quantify the effectiveness of the multi-purpose drainage management relative to nutrient transport and hydrologic changes compared to traditional drainage systems and estimate of the hydrologic impact of drainage projects on downstream rivers and streams.
  - Support opportunities for training of drainage engineers, drainage commissioners, and other relevant professionals on the benefits of MDM and resources available, to encourage line-item estimates for conservation practices, and to encourage cost-benefit analysis of water storage and its resulting impact on drainage system and maintenance costs.
  - Develop a drainage endorsement for the Minnesota Agricultural Water Quality Certification Program (MAWQCP) with the input of the Drainage Work Group and other stakeholders.

#### **Goal of Protecting and Restoring 200,000 Acres in Upper Mississippi River Headwaters (Webex 01:35:00)**

- Pete Jacobson (DNR fisheries, retired), Dan Steward (BWSR retired), Melissa Barrick (Crow Wing SWCD district manager and TSA8 manager), and Mitch Brinks (TSA 8 GIS Specialist).
- They struggle to balance protection vs restoration. They need a science-based method to protect high value fisheries and forest resources. They found some solutions with working lands. They also sought a tipping point for watershed disturbance (intersection of quality and risk). About 25 percent of watershed disturbance can cause an increased phosphorus concentration in lakes. Therefore, we should protect 75 percent of the watershed to protect lakes. Forest cover is the goal. Conservation easements, public waters, public land, wetlands, and forest stewardship contracts define protection.
- The upper half of the Upper Mississippi River Basin was designed for protection due to sandy soils, low slope, numerous lakes/wetlands (water storage), forested landscape, intact hydrology, and high-quality habitat (aquatic and terrestrial). The light green area on the map represents lakes that have low levels of disturbance and good water quality, where they can protect the most habitat at the least expense.
- They focus on priority lake watersheds, forested areas, large tracts (20 or more acres), parcel-based outreach (riparian adjacency quality (RAQ) scores), partnership with the DNR PFM program, and watershed tracking.
- We have amazing partners: US Forest Service, Department of Defense (ACUB), the DNR, BWSR, Minnesota Department of Health (MDH), land departments, Mississippi Headwaters Board, Northern Waters Land Trust, MN Land Trust, The Conservation Fund, Trust for Public Lands, and The Nature Conservancy.

- We also need willing landowners. They have fifteen years of protection projects; they have been able to leverage over \$160 million in conservation easement acquisition.
- The Legislature has recognized that private forest lands well managed provide many public benefits. So, they have created an array of tools and incentives to encourage landowners to manage their forest land. They range from the lower costs and less permanent to the higher costs and more permanent.
- They have produced a guidance document with BWSR for landowners.
- There is a constant watershed tracking framework: 1W1P, priority watersheds, targeted parcels, landowner decision, to landscape stewardship plans (LSPs).
  - They go watershed by watershed. They provide technical data on the watersheds. They have the LSPs, WRAPS, and GRAPS. They use their RAQ scores too.
- Next, they are focusing on priority lakes. Out of a total of 4100 lakes, the 400-acre ones are good to focus on. They also want to include the 60 or so priority lakes in 1W1P.

*Questions/Comments:*

- Steve Christenson: What do you think of our 100,000-acre goal by 2034? How much have we protected and how much more do we need? *Answer:* We can work on that data.
- Glenn Skuta, MPCA: Do the 60 priority lakes have public access? *Answer:* I would assume a majority.
- Marcie Weinandt: How is the Watershed Based Implementation Funding (WBIF) used within your watershed? *Answer:* They help with outreach and the initial landowner contact. It is effective but time consuming.
- Annie Knight: Is the 100,000-acre goal a CWC thing or a collective goal of all Legacy funds?
- Steve Christenson: Regarding easement programs, we budget two separate line items (critical shoreline protection and wetland restoration easements), in terms of outcomes does it make a difference which one receives more funds? *Answer:* We do very few wetlands restoration easements but do use the critical shoreline (source water protection).
- Steve Besser: I think we have the wrong metric by stating 100,000 acres. I think percentage of riverbank or shoreline as a goal. It may be something to consider.
- Gail Cederberg: This really highlights prevention versus restoration in the cost. This hits all projects that we do as well. Prevention is more cost effective.
- Holly Hatlewick: A lot of this isn't just one funding source. It is not just easements or working lands. There are staff needs. There are many ways to get these things done, so we must be open to innovation.

**Review and Possible Approval of Policy Statements from Policy Committee (Webex 03:25:00)**

**Advanced Drinking Water Protection (new draft) (Webex 03:25:00)**

- The Policy Committee recommends inclusion in the Biennial Report.
- Marcie Weinandt: Motion to adopt the advanced drinking water policy statement, seconded by Dick Brainerd.

*Questions/Comments:*

- Steve Besser: We should emphasize that there are other resources besides the CWF.
- Steve Christenson: I also have concerns about language. The first sentence in particular, "The State of Minnesota *should ensure* [emphasis added] that private well users have safe, sufficient, and equitable access to drinking water." I have concerns on the use of these words, but I do feel like we should support and adopt this statement. However, it seems like a bold, dramatic approach.
- Jessica Wilson: Regarding the local government ordinances on well testing and disclosure, it is unnatural for the city to get involved with private sales of the testing at property transfer. Could it be taken off the list for this budget cycle? Or, as an option? *Response:* This was already a policy statement; this was meant to be more inclusive. If a county does not want to do it, local ordinances could step in as well.
- John Barten: We have had this conversation many times. We don't want families thinking the water is safe to drink because the previous owners drank the water, especially with infants and children moving in.
- Gail Cederberg: It is a statewide health issue. It affects people's value of the property, and if the water is found to be unhealthy the buyer would need to fix it. I think we need to go big on this issue.
- Margaret Wagner, MDA: The background statement should reflect recent appropriations language.
- John Barten: We could adopt the motion because small changes in the background won't change the policy.



- Dick Brainerd: In Mahtomedi, we have private wells. Property owners need to hook up to city water because they cannot sell their property. The wells are too close to septic systems. We should know how many private wells there are in the state.
- Brad Gausman: How do these policies impact program funding? Do state agencies review them and make modifications to the programs they are running? How will it affect our future work? *Response from Marcie Weinandt*: It gives MDH credibility to bring it back to leadership or the Legislature. Putting it on paper as a policy can spark change.
- Tannie Eshenaur: The Council recommended the MDH do a report on lead. It shifted to a change in how Minnesota serviced lead service lines (LSL). The Legislature then appropriated funding to replace LSLs. The Council's vision and policy recommendations laid the foundation. A legislator held out that report and talked about how much they loved it. Funding recommendations reflect your values or policies. Private wells is a place where equity is needed. The Council is being a voice for the voiceless.
- Warren Formo: A few thoughts. I agree with most of this draft, just concerns with how far and fast this goes. Especially since technical changes are needed. We should hold off until the next meeting. If it moves forward today, I plan to vote no.
- Reminder of motion: Adopt the policy statement as written, with the background statement modified to reflect the discussion today. Marcie Weinandt and Dick Brainerd support the amendment adjustment.
- Roll call vote: 9 ayes (Barten, Biske, Brainerd, Christianson, Gribauval-Hite, Knight, Olmanson, Weinandt, Wilson), 4 nays (Besser, Formo, Hatlewick, Schwagerl), 1 abstention (Gausman). motion approved.

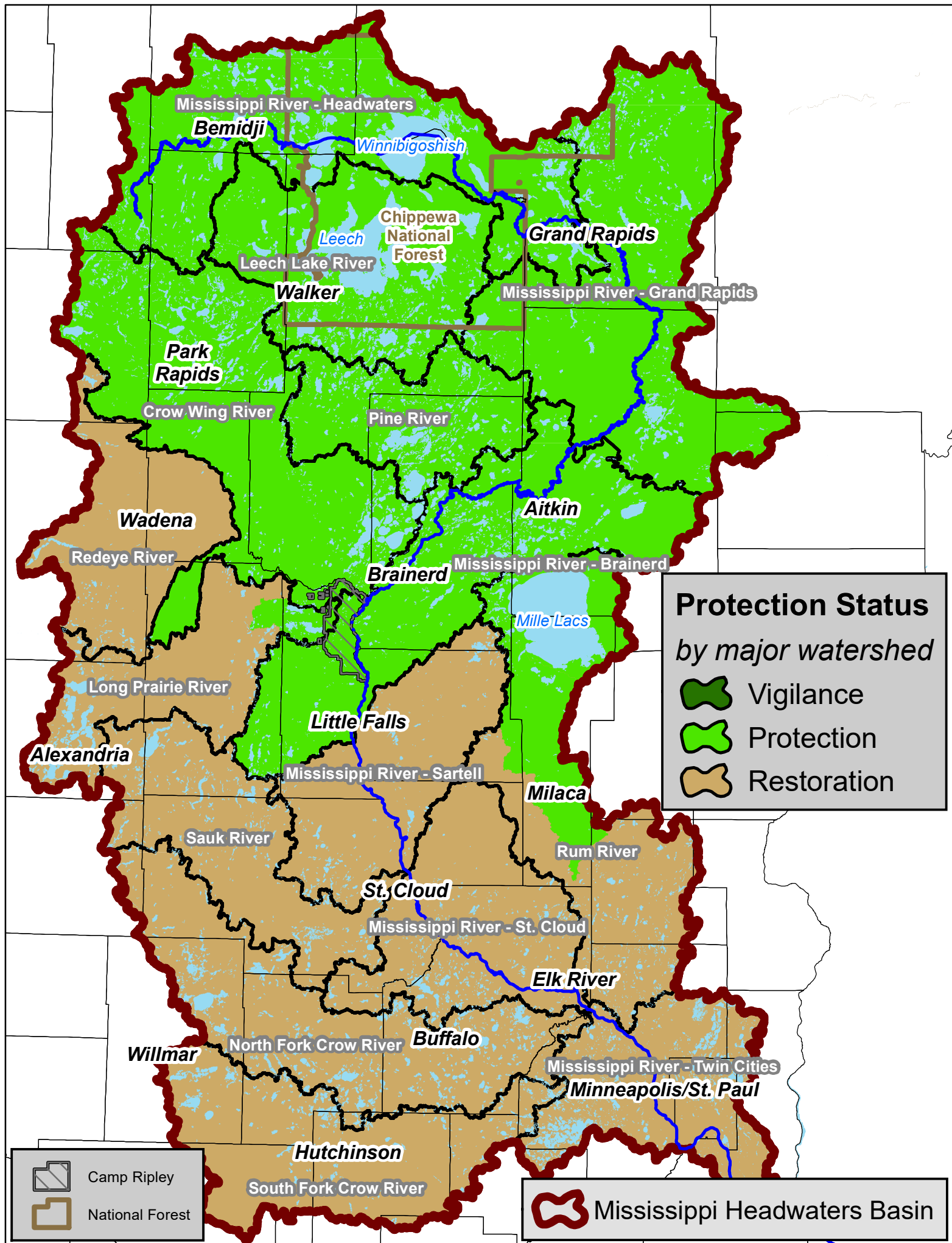
#### **Drainage Policy Statement (Webex 04:07:30)**

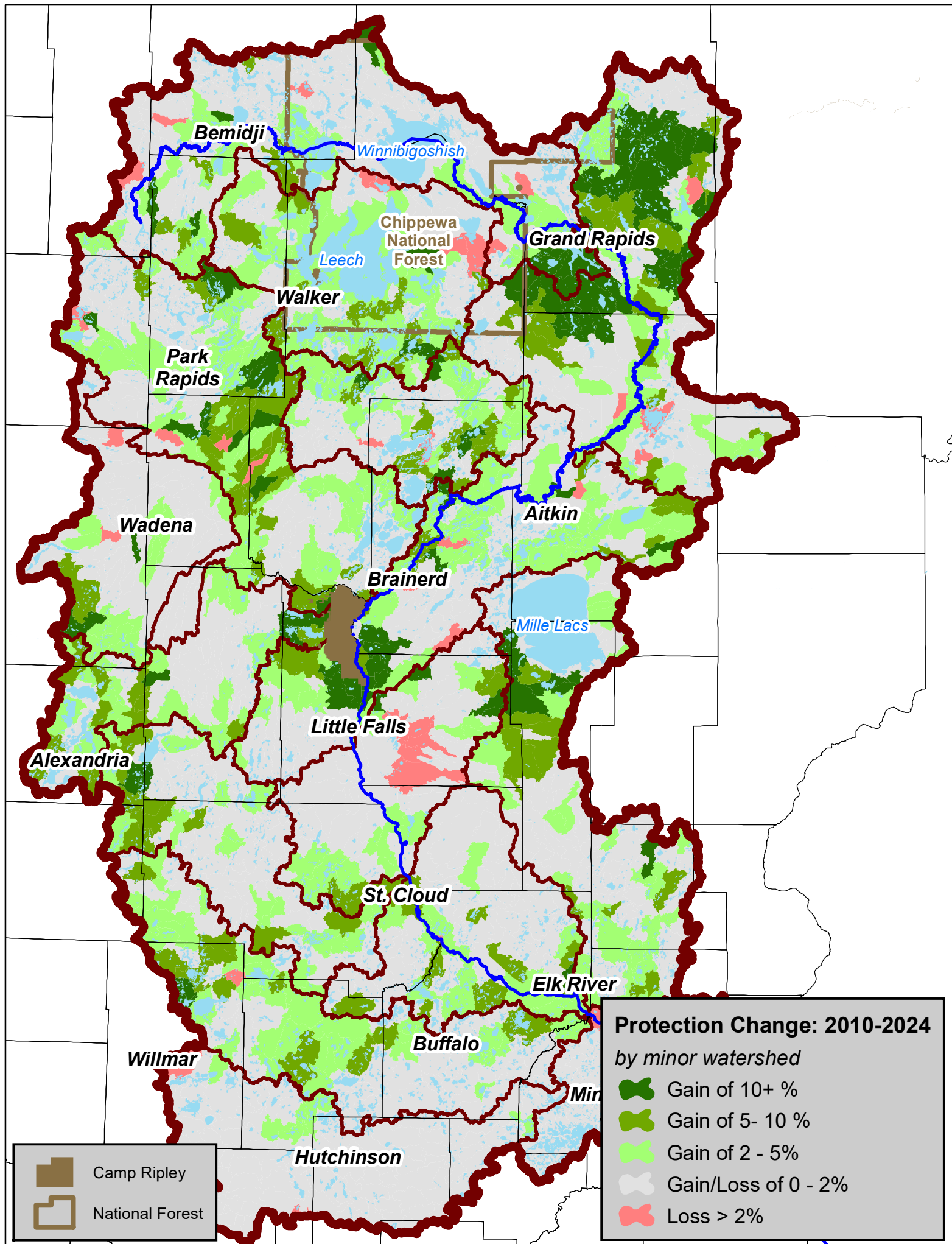
- This policy statement aims to give more opportunities for multi-purpose drainage management and water storage which improve water quality and complement the WRAPs and 1W1P work. There was a lot of input from drainage folks and members of the public on this item. We want to support training of drainage engineers, drainage commissioners, and other relevant professionals.

#### **Questions/Comments:**

- Dick Brainerd: Who will do this training? *Answer*: BWSR has technical staff who can assist. There are also private sector options. I think it is a combination of private and public sector folks.
- Margaret Wagner, MDA: As an agency we are supportive of exploring that area. It is important to have the right people at the table for those endorsements.
- Brad Gausman: Regarding the example being used, could someone explain the causes of channel stabilization? Because when I read it, it is happening in nature with non-human hands having an impact. However, I think that destabilization is happening because water is reaching the river faster causing faster flow during rain events. That is precipitated by drainage systems that is moving water to create some ditches in the river itself, faster than would normally occur. So, as I read it, there is more responsibility behind what is being blamed by human impact than the river's impact on its own moving sediment. If we are going to place policy documents out into the world from learned people, we should be very pointed in our description of the problem.
  - *Response from Paul Gardner*: The first draft received a lot of feedback because it was more direct.
  - *Response from Glenn Skuta, MPCA*: I understand what you are saying. If you take it with the two sentences before, does it still work alright?
  - *Jason Moeckel, DNR*: Altered hydrology is a significant factor, but it is not the only one. There are a lot of things interacting. We have also been through the wettest thirty years on this landscape, a changing landscape. I understand your point. This policy is trying to get at some of those reasons.
- This policy statement will be reviewed at the next meeting.

#### **Adjournment (Webex 04:19:08)**





## Mississippi Headwaters Basin: Protection Summary by Watershed 2024

Watershed Name (based on 'One Watershed One Plan' boundaries)	% Protected Lands* (including SFIA)	% Max Protection**	% Land Disturbance	General Mgmt Status***
Leech Lake River	79.4	90.0%	7.7	Vigilance
Mississippi River - Grand Rapids	75.2	88.3	9.1	Vigilance
Mississippi River - Headwaters	72.5	84.8	12.2	Protection
Pine River	65.6	81.4	11.7	Protection
Mississippi River - Brainerd	52.2	69.3	28.6	Protection
Crow Wing River	46.6	67.1	28.0	Protection
Rum River	45.9	58.4	38.6	Protect/Restore
Long Prairie River	33.9	46.6	53.7	Restoration
Redeye River	31.3	45.1	52.5	Restoration
Mississippi River - St. Cloud	26.6	35.2	66.8	Restoration
Mississippi River - Sartell	26.5	38.3	62.5	Restoration
North Fork Crow River	26.5	30.4	75.3	Restoration
Mississippi River - Twin Cities	25.6	25.6	71.6	Restoration
Sauk River	21.8	27.5	77.3	Restoration
South Fork Crow River	13.6	14.0	87.7	Restoration

\*Protected Lands includes Public & Tribal Lands > 5 acres, Public Waters, Wetlands on Private Lands, Permanent Conservation Easements, & Land Enrollment in DNR's Sustainable Forest Incentive Program (SFIA)

\*\*Max Protection = Current Protection + Potential to Protect (forested, 20+ acre privately owned parcels)

\*\*\*General Management Status:

**Vigilance** = Watershed above 75% Protection Threshold, look for opportunities in areas less than 75%

**Protection** = Add Watershed Protection throughout watershed in pursuit of 75% goal (60% goal might be more achievable in some watersheds. Studies suggest that a 60% goal might be OK for stream-based watersheds)

**Protect/Restore** = Upper half of Rum R. Watershed has a Protection Status, while the lower half is restoration

**Restoration** = Limited Protection Opportunities Existing due to high land disturbance (ag/development)

Protected Lands Type	Acres Gained	Timeframe*
Public Lands	62,160	2008-2024
Public Waters**	0	2008-2024
Wetlands on private lands**	0	2008-2024
Non-gov't Conservation Entities	19,918	2008-2024
Easements (minus wetlands, includes DNR Forest Legacy/FFF)***	192,786	2010-2024
Easements (minus wetlands)	93,683	2010-2024
SFIA (minus wetlands)	35,635	2016-2024

\*Timeframe is based on data availability dates

\*\*Change is negligible, assumed to be 0 for calculation

\*\*\*DNR runs the Forest Legacy/Forests for the Future Easements Program. In the early years following the 2008 referendum, over 100,000 acres of UPM Blandin Lands were put into easements using LSOHC funding.

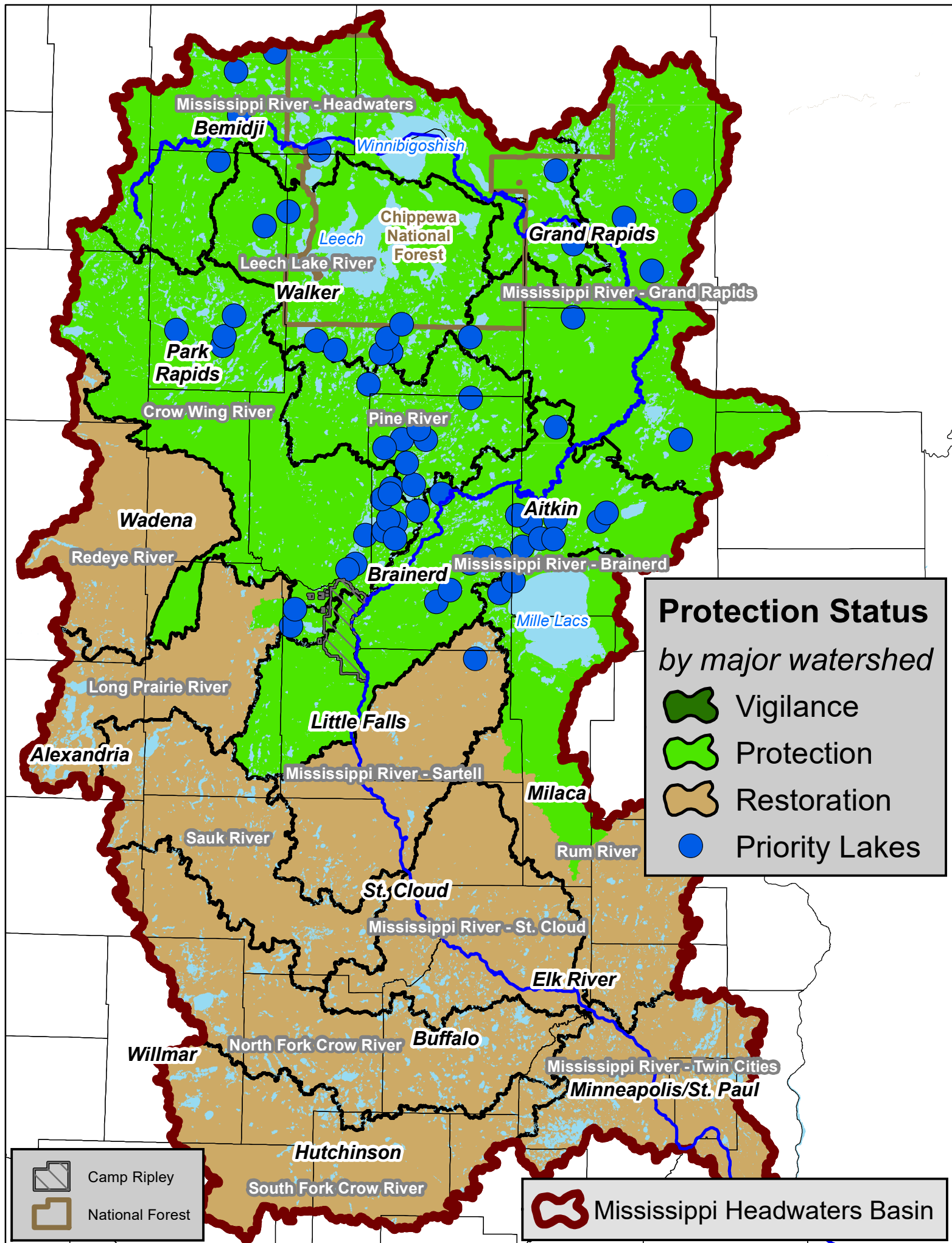
Large-Scale Protection Gains since 2008 Referendum:	Acres Gained
Forest Legacy (Blandin) Easements (Itasca County)	>100,000
Potlatch/Deltic to The Conservation Fund, then to local, state entities	>50,000
ACUB (RIM Easements)	>50,000
Other fee-title Acquisitions (local, state, federal)	>50,000
Other RIM & Federal (Fish & Wildlife Services) Easements	>40,000
SFIA	>35,000

**Table 9. Protection Projects in North-central Minnesota by Year and Funding Amount**

Project	# of Phases	Primary Geography	Protection Type	Project Start Year	Funding Source(s)	Total Funding Amount
Camp Ripley Sentinel Landscape ACUB Habitat Protection Program	12	Camp Ripley & vicinity	Easements	2010	OHF	\$23.2 Million
Camp Ripley ACUB Protection	2 cooperative agreements	Camp Ripley & vicinity	Easements	2006	DOD/NGB	\$47 Million
Wild Rice	8	10+ counties	Easements	2012	OHF	\$10.5 Million
Mississippi Headwaters Habitat Corridor Project	7	First 400 miles of Miss. R. ( <i>incl. headwaters lakes &amp; tributaries</i> )	Easements, Acquisition	2016	OHF, CWF	\$25.7 Million
Clean Water Critical Habitat ( <i>Northern Waters Land Trust, MLT</i> )	10	Cass, Hubbard, Crow Wing, Aitkin	Easements, Acquisition	2014	OHF	\$27.8 Million
Lakes of Biological Significance ( <i>Northern Waters Land Trust, MLT</i> )	3	Crow Wing, Cass, Hubbard, Wadena, Aitkin, Carlton, Itasca, Beltrami, Koochiching, St. Louis, Lake, Cook	Easements	2021	OHF	\$8.4 Million
RIM Critical Shorelands ( <i>multiple rivers</i> )	4	Pine R, Crow Wing R, Rum R.	Easements	2016	CWF, TNC	\$11 Million
Protecting North-Central Minnesota Lakes	1	Camp Ripley, Aitkin & Crow Wing Co.	Easements, BMPs	2017	ENRTF	\$0.75 Million
Targeted RIM Easement & Acquisition to the Parcel	3	Pine R. & Leech Lake R. Watersheds	Easements, Acquisition	2020	OHF	\$6.6 Million

ACUB = Army Compatible Use Buffer, BMPs = Best Management Practices, CWF = Clean Water Fund (part of 2008 Legacy Amendment), DOD/NGB = United States Department of Defense/National Guard Bureau, ENRTF = Environment and Natural Resources Trust Fund, MHB = Mississippi Headwaters Board, MLT = Minnesota Land Trust, NRCS = United States Department of Agriculture, Natural Resources Conservation Service OHF = Outdoor Heritage Fund (part of 2008 Legacy Amendment), RIM = Reinvest in Minnesota, TNC = The Nature Conservancy





# Clean Water Council

DRAFT FY24-25 Policy Statements as of 18 November 2024

## Advanced Drinking Water Protection [NEW DRAFT]

The State of Minnesota should ensure that private well users have safe, sufficient, and equitable access to drinking water. Priority contaminants are nitrate, bacteria, arsenic, manganese, lead, and pesticides. The Clean Water Fund combined with other funding sources (including fees), and appropriate policy should be used to support the following:

- completion of a private well inventory, starting in southeastern Minnesota, as well as timely updates to the Minnesota well index
- information to well users to reduce their risk, including well testing
- local and state capacity to manage testing, mapping, and education
- Stable, reliable funding of cost-effective strategies for private well users to mitigate wells that do not meet Minnesota health-based guidance for five contaminants, with a particular focus on low-income households
- publication of aggregate and anonymized well data
- land use compatible with private well protection (e.g., forage, continuous living cover, working lands easements, etc.), including the prioritization of areas draining to vulnerable private wells
- adequate technical and financial assistance for fertilizer and pesticide management, irrigation education, and manure storage and use
- development and adoption of local government ordinances that require well testing and a disclosure of the testing at the time a property is transferred
- financial support for regulation of feedlots and the land application of manure
- evaluation of current programs for efficacy in meeting drinking water source protection goals
- consider designating acreage that drains to the most vulnerable private wells for protective practices like Drinking Water Supply Management Areas (DWSMAs)

This policy statement supersedes the following policy statements included in previous biennial Council recommendations:

- Advanced Drinking Water Protection [FY24-25]
- Disclosure of Well Water Quality at Time of Sale [FY22-23]
- Advanced Drinking Water Protection [FY16-17]

### Problem

Currently, about 1.2 million Minnesotans get their drinking water from groundwater through a private well. While the State plays a role in protecting drinking water sources, testing and mitigating well water is generally treated as the responsibility of the property owner. The Minnesota Department of Health (MDH) recommends that it be done regularly (annually for **bacteria**; bi-annually for **nitrate**; at least once for **arsenic** and **lead**; and before a baby drinks the water for **manganese**). In limited cases, such as the Township Testing program of the Minnesota Department of Agriculture and a new initiative in southeastern Minnesota, the State provides the funding. However, many private well owners do not test their water. A 2016 Minnesota Department of Health (MDH) survey of private well owners found less than 20% of respondents had tested their well water at the frequency MDH recommends.

Once a well owner tests their water and gets the results, they are better able to know what steps they may need to take to ensure safe drinking water. However, currently owners are under no obligation to

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inform buyers of their property of any high contaminant levels in private drinking water supply system. Education is useful, but some mandates are necessary to increase testing, reporting, and protect the health of private well users. Minnesota Statutes 1031.235 requires sellers of real property to disclose the existence of a well but not water quality results.

Among the most widespread human-caused contaminants in water supply wells is nitrate. Its major source is commercial fertilizer followed by manure spread on farm fields as fertilizer. The state currently uses the Groundwater Protection Rule to protect drinking water supplies in dozens of communities that have high nitrate levels in public water supply wells. In addition, MDH has delineated areas around more than 835 public water supplies that use groundwater. These Drinking Water Supply Management Areas (DWSMAs) are the basis for Drinking Water Protection Plans that help those communities identify and avoid threats to drinking water, often with Clean Water Fund support. The Council's strategic plan requests that approximately 400,000 acres in vulnerable DWSMAs be protected by 2034. There is no equivalent regulation or designation for private wells.

The state also regulates feedlots and the use of their manure to reduce the risk of nitrate entering groundwater, but the time between feedlot inspections is long.

In addition, the University of Minnesota establishes optimal rates for fertilizer and manure application for different geographies, crops, and soil types, with some support from the Clean Water Fund. The Minnesota Agricultural Water Quality Certification Program (MAWQCP)—~~fully~~ funded by the Clean Water Fund—also has requirements for nitrogen application that match the University's guidelines on more than 1 million acres. The Council would like a monitoring strategy to confirm MAWQCP's modeling for these reductions.

In response to high nitrate levels in southeastern Minnesota, numerous environmental and community advocates petitioned the U.S. Environmental Protection Agency for stronger action. The EPA instructed MDH, the Minnesota Pollution Control Agency, and the Minnesota Department of Agriculture to take action in eight counties to address the situation. Several steps in that response are included below among other proposed solutions from the Council.

### Solutions

- Private well inventory and Minnesota Well Index

In eight counties of southeast Minnesota, MDH has begun inventorying private wells constructed before the 1974 Minnesota Well Code. MDH estimates these wells comprise 40 percent or 12,000 private wells. By incorporating this information into the Minnesota Well Index, MDH will be able to provide information to residents who likely have a poorly constructed well that is more vulnerable to contamination, especially for nitrate. The Council requests that this approach be expanded to the rest of the state by a date certain. In addition, the Council asks that MDH update its software for the Minnesota Well Index to ensure timely updates.

- Information to well users including well testing



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MDH is also educating private well users in the southeast with information about the well inventory, how to get private well water tested for free, and how to get mitigation assistance.

The Council's strategic plan requests that the state provide free well testing over ten years starting in FY24-25 for all private well users. MDH is on track to meet this goal and is focusing on the southeast first. When sending water analysis results, laboratories also include information about how the household can access mitigation if necessary.

- Local capacity

Two MDH pilot programs supported by the CWF built partnerships with local public health agencies in recent years. These partnerships administered grants to provide well testing in Stevens, Grant, and Traverse Counties (Horizon Public Health) and in Olmsted, Fillmore, Winona, Wabasha, and Goodhue Counties (Olmsted Soil and Water Conservation District). Having this local capacity for testing and education is critical for success and should be expanded statewide.

- Strategies for mitigation

Nonpartisan legislative staff have asserted that using the Clean Water Fund for private well mitigation is not consistent with the Legacy Amendment of the State Constitution. The Council argues that repair of pre-code wells should be eligible. In the meantime, state general funds have been made available in FY25 to support private well mitigation such as reverse osmosis systems for low-income households and households with infants or pregnant women and to (initially) establish and administer a mitigation program for contaminated wells in eight southeastern Minnesota counties. ~~the drilling of new wells for low-income households.~~ The Clean Water Fund can be used to educate residents on their options, however, once well testing results are available. The Clean Water Council requests the Legislature provide a stable long-term funding source administered by the Minnesota Department of Health to support private well mitigation. The Minnesota House passed legislation (which did not make it through conference committee) to increase the fee on fertilizer to support private well mitigation. The Council believes this is one option for long-term funding to address nitrate.

- Publication of data

The Council believes that public aggregate data on well testing results will assist in drinking water source protection efforts. An example has been the Township Testing program at the Minnesota Department of Agriculture that has identified townships most vulnerable to nitrate and pesticide contamination. Continued testing will indicate whether prevention efforts are succeeding. In addition to nitrate and pesticides, publication of township level data for other contaminants (bacteria, arsenic, manganese) would also be useful.

- Land use

Policies and incentives are in place to ensure landowners have options available to convert land use away from nitrogen-intensive crops in Drinking Water Supply Management Areas (DWSMAs) or acreage that drains to vulnerable private wells. The Clean Water Fund and other sources can support working lands easements, wellhead protection easements, continuous living cover, and forage such as hay. The Council suggests that the Board of Water and Soil Resources consider paying up to fair market value for

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permanent wellhead protection easements since commitments for this program are low, or otherwise accelerate enrollments in this or other programs.

- Technical and financial assistance

The Department of Agriculture and the Board of Water and Soil Resources provide many opportunities to farmers to reduce runoff or infiltration of nitrates. They include an irrigation extension staffer, field days, nitrogen application education, conservation equipment assistance, low-interest equipment loans, soil health grants and education, manure storage grants, administration of the Groundwater Protection Rule, and updated crediting ratios for manure application. This work would not be possible without the Clean Water Fund and should continue.

- Development and adoption of local government ordinances

The Council has advocated for the requirement that private wells should be tested for five contaminants and the results disclosed at the time a property is transferred. This proposal has not been successful at the Legislature. In the meantime, the Council asks that MDH develop model ordinances with contributions by the Metropolitan Council and promote adoption by local governments.

For example, since 1998, Dakota County Ordinance number 114 requires testing a private well for bacteria, nitrate, arsenic, and manganese (added in 2019) within in 12 months prior to a real estate transfer. The ordinance updates in 2019 also require that water quality issues are addressed through treatment or well replacement prior to sale.

Ordinances should require property owners to test and to inform any renters of their property of test results.

- Financial support of regulation of feedlots and the land application of manure

The MPCA issues State Disposal System (SDS) and National Pollution Discharge Elimination System (NPDES) permits for feedlots with more than 1,000 animal units. The Clean Water Council supports the MPCA's revisions proposed in late 2024 to these permits. Requirements include seasonal restrictions of manure on row crops and for cover crops for manure application (among others). The Council has asked the MPCA for information on how often these feedlots are inspected, either by counties with delegated authority to enforce permits with county feedlot officers or the state in other counties. The average inspection interval appears to be about ten years, but the MPCA inspects more frequently for feedlots in areas with higher risk to vulnerable groundwater. The Council supports additional general funds or fee revenue to increase inspection frequency.

- Evaluation

The Council seeks data from agencies on the efficacy on all the programs listed above that describe actual and modeled nitrate and contaminant reduction, durability of reductions, and cost effectiveness. As the Legacy Amendment expiration date of June 2034 looms, the Council would like to focus investments where they will provide the most rapid progress. Program dashboards would be the most useful in the next biennial Clean Water Fund biennial report.

- Designation of private well areas

## Clean Water Council

DRAFT FY24-25 Policy Statements as of 18 November 2024

The Council suggests a dialogue with state agencies on the feasibility of creating a DWSMA-like tool for townships with high nitrate levels. The purpose would be to explore a regulatory approach like the Groundwater Protection Rule but for private wells.

# Clean Water Council

DRAFT FY24-25 Policy Statements as of 18 November 2024

## Drainage Policy Statement [approved by Policy Committee, awaiting full Council approval]

The State of Minnesota should:

1. **Identify more opportunities** for multi-purpose drainage management (MDH) and water storage that improve water quality and complement Watershed Restoration and Protection Strategies (WRAPS) and One Watershed One Plan (1W1P).
2. Request data to **quantify the effectiveness of Multi-Purpose Drainage Management** relative to nutrient transport and hydrologic changes compared to traditional drainage systems, and an **estimate of the hydrologic impact** of drainage projects on downstream rivers and streams.
3. **Support opportunities for training of drainage engineers, drainage ~~commissioners~~ authorities, and other relevant professionals** on the benefits of MDM and resources available, to encourage line-item estimates for conservation practices, and to encourage cost-benefit analysis of water storage and its resulting impact on drainage system and maintenance costs.
4. Develop a **drainage endorsement** for the Minnesota Agricultural Water Quality Certification Program (MAWQCP) with the input of the Drainage Work Group and other stakeholders.

## Background

There are almost 20,000 miles of open agricultural drainage ditches and countless miles of subsurface agricultural drain tile in Minnesota. These drainage systems have benefits to landowners, and in many circumstances can improve water quality compared to using conventional farming practices without drainage.

Drainage systems—especially older systems than can be more than 100 years old—can also alter downstream hydrology considerably. This altered hydrology is among the factors resulting in higher peak flows in rivers and streams, leading to higher erosion and channel destabilization. Channel destabilization in the Minnesota River basin, for example, is responsible for the majority of sediment and nutrient transport downstream into Lake Pepin. In addition, drain tile can transport nitrogen/nitrate and dissolved phosphorus directly to ditches, lakes, rivers, and streams without the benefit of treatment. Improving water quality from drainage systems must be part of our water management framework to meet water quality goals.

New drainage and drainage improvements represent an opportunity to design and install systems in ways that help reduce nutrient losses to surface water and positively affect the timing and flows of drainage water into surface waters. These efforts combined with wetland restoration and water retention can have positive impacts upon water quality in agricultural landscapes.

For reference, several statutes govern drainage in Minnesota:

- Minnesota Drainage Law in [Minn. Stat. 103E](#)
  - [Changes in 2014](#) to the statute require drainage authorities to consider a proposed project's impacts on water quality, peak flows, sedimentation, etc., explore different funding and technical assistance sources that could address these impacts, and use early coordination among stakeholders to bring about these changes.
- Minnesota Watershed Law in [Minn. Stat. 103D](#).

## Clean Water Council

DRAFT FY24-25 Policy Statements as of 18 November 2024

There are several entities that discuss drainage regularly and provide oversight and technical assistance.

- **Board of Water and Soil Resources (BWSR):** According to Minn. Stat. 103D, engineer reports must be filed with the board for examination and for an advisory report.
- **[Drainage Work Group](#) (DWG):** The Drainage Work Group's purpose is to: 1) to foster science-based mutual understanding about drainage topics and issues and 2) to develop consensus recommendations for drainage system management and related water management, including recommendations for updating Minn. Stat. Chapter 103E drainage and related provisions.
- **Drainage Authorities:** Drainage Authorities (counties or watershed districts) “act as the drainage system’s governing body – administer proceedings and procedures; approve petitions; hold hearings; make findings; issue orders; appoint engineer(s), viewers, and inspector(s); engage or retain attorney(s); apportion costs; etc.”
- The **[Local Government Water Roundtable](#)** is an affiliation of three local government associations, the Association of Minnesota Counties, Minnesota Association of Soil and Water Conservation Districts, and Minnesota Watersheds. The roundtable helped develop the 1W1P program and advises state agencies on other watershed funding and related management issues.
- **[Minnesota Department of Natural Resources \(DNR\)](#):** The DNR must receive the following from drainage authorities: 1) repair and maintenance-related documents that affect public waters; 2) redetermination of benefits affecting DNR lands; 3) reestablishment of records; 4) technical guidance documents; 5) project and improvement-related documents; and 5) assessments. According to Minn. Stat. 103D and 103E, engineer’s reports must be filed with the commissioner for examination and for an advisory report.
- **Minnesota Department of Agriculture (MDA):** The MDA implements the **[Minnesota Agricultural Water Quality Certification Program \(MAWQCP\)](#)**, a comprehensive partnership that includes federal, state, and local public sector entities, as well as private sector collaborations, providing certification services to Minnesota’s farms.
- **[Drainage Management Team \(DMT\)](#):** According to BWSR, the DMT is an interagency team comprised of staff members from state and federal agencies as well as academic institutions that meet regularly to coordinate and network regarding agricultural drainage topics.

Finally, drainage authorities report that they also seek guidance from several other resources.

- **[Minnesota Public Drainage Manual](#) (MPDM):** According to BWSR, “The MPDM is a detailed reference document about Minnesota Statutes, Chapter 103E Drainage, for drainage authorities, their advisors (attorneys, engineers, county auditors, watershed district secretaries, viewers, drainage inspectors), and others involved with state drainage law.”
- University of Minnesota **[Guide to Agricultural Drainage](#)**
- **[Iowa Drainage Guide](#)**
- **[Impacts of Subsurface Agricultural Drainage on Watershed Peak Flows – Briefing Paper #1](#)**
- **[Water Management Options for Subsurface Drainage – Briefing Paper #2](#)**
- **[Water Management Options for Surface Drainage – Briefing Paper #3](#)**
  - **[Briefing Paper #3 PowerPoint Presentation](#)**

## Clean Water Council

DRAFT FY24-25 Policy Statements as of 18 November 2024

In addition, the Legislature makes appropriations for conservation drainage management and assistance from the General Fund, as shown in this 2023 appropriation:

*Conservation Drainage Management and Assistance (\$2 million).* BWSR will provide funding for Minnesota drainage authorities under M.S. 103E to plan and construct drainage water quality management practices into drainage system projects. This program is a continuation from FY2022-2023 and provides for financial and technical assistance to Minnesota's Public Drainage Authorities and Soil and Water Conservation Districts to facilitate planning, design, and installation of conservation practices on drainage systems that will result in water quality improvements.

### Specifics on Policy Recommendations

Identify more opportunities for multi-purpose drainage management (MDH) and water storage

The Council recommends a systematic approach in identifying drainage system reaches and drained parcels that would provide the greatest water quality improvement opportunities. State statute has recommended "early coordination" in the past, but this was before the creation of the One Watershed One Plan approach.

In 2014, the Legislature made changes (Minn. Stat. 103E.015 Subd. 1a.) in the drainage law to encourage more collaboration that would result in more conservation drainage projects.

When planning a drainage project or a repair under section 103E.715, and prior to making an order on the engineer's preliminary survey report for a drainage project or the engineer's report for a repair, the drainage authority shall investigate the potential use of **external sources of funding** to facilitate the purposes indicated in section 103E.011, subdivision 5, and alternative measures in subdivision 1, clause (2). This investigation shall include **early coordination** with applicable soil and water conservation district and county and watershed district water planning authorities about potential external sources of funding and technical assistance for these purposes and alternative measures. The drainage authority may request additional information about potential funding or technical assistance for these purposes and alternative measures from the executive director of the Board of Water and Soil Resources.

Since that time, there have been many examples of collaboration among soil and water conservation districts (SWCDs), watershed districts (WDs), the state, drainage authorities, and landowners. The Red River Basin appears to be further ahead than other parts of the state in this area, with plans for 100,000 acre feet of storage including more than 11,000 wetland restorations. The Board of Water and Soil Resources (BWSR) makes regular grants through the Multi-Purpose Drainage Management (MDM) program, competitive grant opportunities, and Watershed Based Implementation Funding (WBIF) that improve water quality in drainage systems. The DNR is adding a Drainage Coordinator position in FY24 to better assist with early coordination work.

The Clean Water Fund has also supported MDM and water storage. Examples include:

- BWSR Wetland restoration easements (\$10 million appropriated for FY24-25)
- BWSR Watershed Based Implementation Funding (\$79 million) with some funds for restoration

## Clean Water Council

DRAFT FY24-25 Policy Statements as of 18 November 2024

- DNR Nonpoint Source Restoration and Protection Activities (\$3.2 million)
- DNR Water Storage (\$1 million)

It should be noted that several Clean Water Fund appropriations support improved water quality from drained parcels that are working lands. For example, several of these programs support on-farm practices such as alternative tile intakes.

- MDA Minnesota Agricultural Water Quality Certification Program (\$7 million and see below)
- BWSR Watershed Based Implementation Funding (\$79 million) for on-field practices
- MDA Conservation Drainage Management and Assistance (\$2 million)
- BWSR Working Land and Floodplain Easements (\$5 million)
- MDA Agricultural Best Management Practices Loan Program (\$9.598 million)

After noting that landowners could not wait for its annual MDM grant opportunities, BWSR is now making quarterly grants to increase the number of applications. The RFP for MDM also explicitly states that eligible activities in grant proposals must include improvement of downstream water quality. Both developments are welcome.

Despite all these positive developments and projects, the Council believes that many more opportunities exist for conservation drainage.

BWSR and watershed managers have quantified water storage goals in comprehensive watershed management plans (One Watershed One Plan). Drainage systems could provide opportunities for temporarily storing water to reduce peak flows or installing BMPs for water quality. With some exceptions, the plans usually do not identify specific segments of those drainage systems that collectively add up to the volume needed to meet a watershed's water storage or water quality goals.

The Clean Water Fund could be used to fund soil and water conservation districts, counties, and watershed districts to identify specific opportunities for drainage authorities, who could then apply for follow-up funding for MDM, water storage, restoration, Watershed Based Implementation Funding, etc. This effort would look at a drainage system as a whole and would in effect serve as a sub-watershed analysis but for the system's ditches.

### Quantify Effectiveness of Multi-Purpose Drainage Management

The Council would like BWSR to provide evidence of MDM's effectiveness for water quality compared to traditional drainage systems, especially regarding nutrient transport and hydrologic changes. This would allow for an evaluation of MDM compared to other water quality appropriations from the Clean Water Fund.

The Clean Water Fund also supports the DNR's streamflow monitoring network. As part of comprehensive planning, the network could confirm and update hydrological models used for drainage improvement projects.

## Clean Water Council

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### Train Drainage Engineers and Drainage Authorities

Undoubtedly, there are skilled professionals and drainage authorities with the right experience, but there does not appear to be any dedicated training available for drainage engineers focused solely on improvement of water quality in drainage systems. Since engineers are the ones who suggest designs to landowners—and drainage ~~commissioners~~authorities approve them—having these professionals aware of opportunities for technical assistance and funding as well as the watershed-based approach to improving water quality would be useful. The MPCA Smart Salting certification program would be a possible model.

### Drainage Endorsement at MAWQCP

The Minnesota Agricultural Water Quality Certification Program (MAWQCP) is completely funded by the Clean Water Fund. More than 1200 farms and more than 900,000 acres are certified as of July 2023. The MAWQCP appropriation also includes grants to producers for specific practices.

There are already certain drainage practices that must be used to receive certification. For example, a farm with drain tile cannot be certified without installing [alternative tile intakes](#) that reduce the flow of nutrients and sediment into surface waters. MAWQCP has documented 504 cases of improved drain tile practices in the process of certification, and 41 farms received MAWQCP grant funding to install them for a total of \$101,507. The Council supports this and future water storage criteria that would resolve any downstream channel destabilization before receiving certification.

Overall, the program includes farms with saturated buffers and wetlands that receive and filter tile water. In addition, some farms (but not many) have drainage water management systems with gates to open and close at different heights to hold water in the field.

MAWQCP also includes endorsements for several categories where farmers are going beyond certification requirements in a certain area: integrated pest management; climate smart farm; soil health; irrigation management, and wildlife. The Council recommends the development of a conservation drainage endorsement.

A drainage endorsement would reward farmers that go beyond the drainage requirements for certification, including restoration of drained lands. MAWQCP staff indicate that they are open to the idea but require cooperation from all stakeholders involved to develop the criteria. Drainage-endorsed farms could qualify for 90 percent cost-share grants from the program instead of the current 75 percent maximum.



# Minnesota's Drinking Water Action Plan

Tannie Eshenaur | Manager  
Frieda von Qualen | Planning Director  
**Water Policy Center**

“...develop public health policies and an action plan to address threats to safe drinking water, including development of a statewide plan for protecting drinking water based on recommendations from the *Future of Drinking Water* report”

*2021 Minnesota Session Law Chapter 1, Article 1, Section 7 (d)*



# Minnesota Drinking Water Action Plan

An actionable 10-year plan to ensure that everyone, everywhere in Minnesota has equitable access to safe and sufficient drinking water.

Serve every Minnesotan.

Be the State's commitment to protect against existing and emerging threats.

Incorporates expertise and robust feedback from diverse perspectives.



# Drinking water sources in Minnesota



**Private  
Groundwater  
1.1 Million**

**Public  
Surface  
Water  
1.4 Million**



**Public Groundwater  
3.1 Million**



**75% from groundwater  
25% from surface water**

FY 2024

# Drinking water continuum

More regulation

Less regulation

Cities and towns



731

Apartments and assisted living facilities



238

Schools, offices, factories



466

Campgrounds, restaurants, resorts



5,154

Private or home wells



>460,000

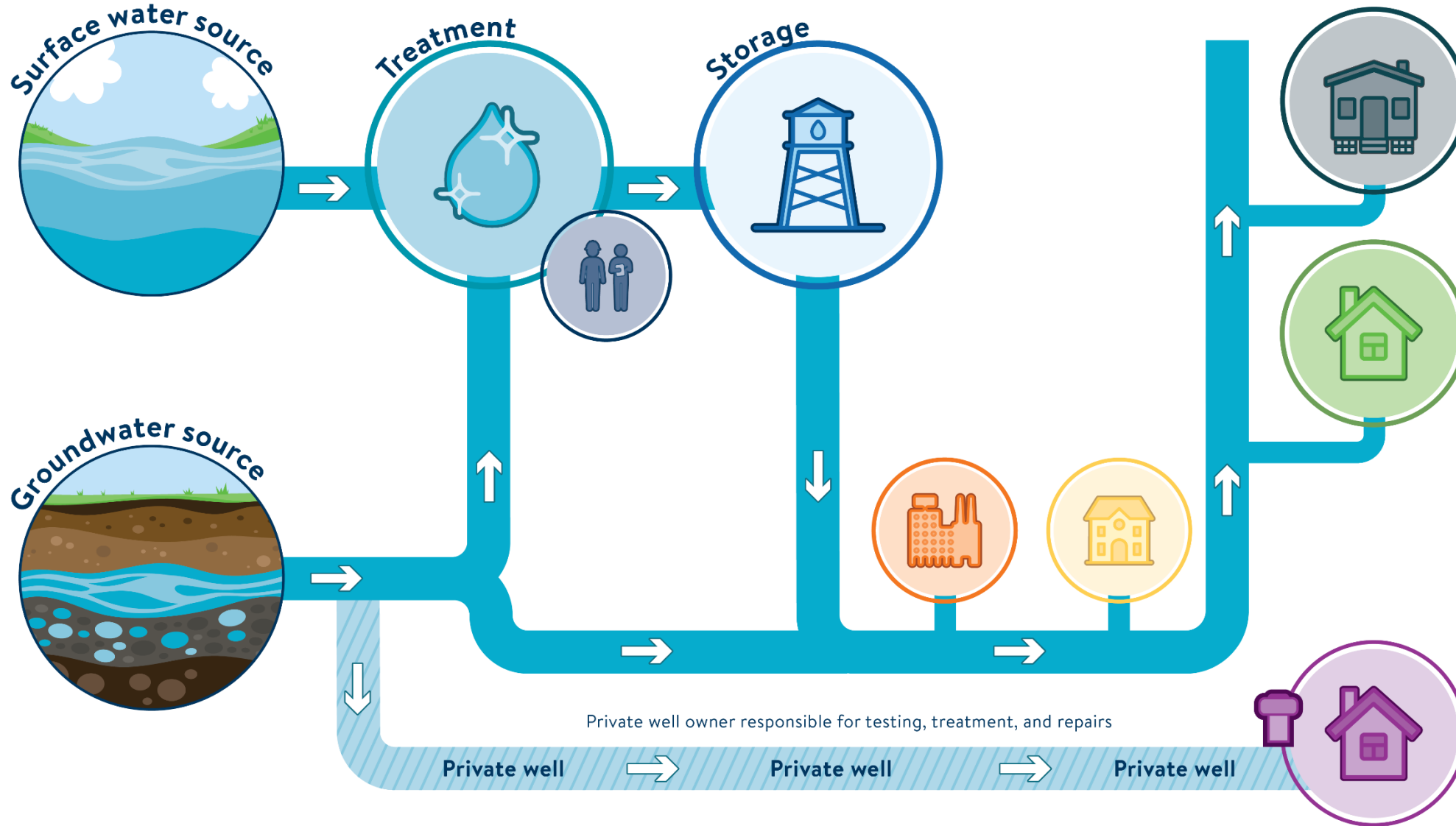


Public water supplier keeps safe

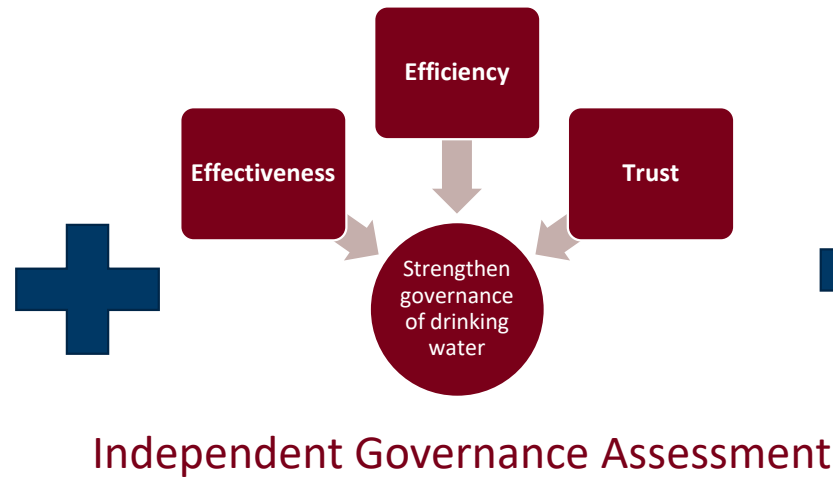
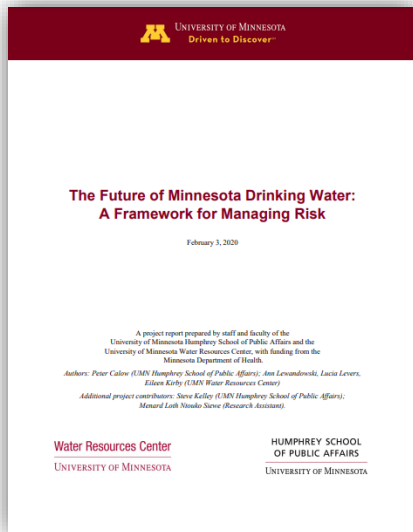


Well owner keeps safe

# Protecting drinking water from source to tap



# Ingredients for developing the Plan





 Completed Meetings



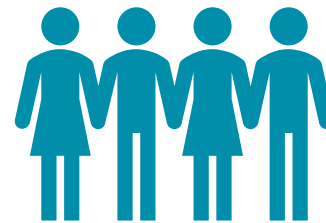
Read the full report

## Community meetings

66%

Support developing **new state drinking water standards.**

**Most trust their tap water, but 20% distrust their water quality.**



Culturally sensitive **community engagement is crucial** for understanding Minnesotans' experiences with drinking water.



# Three sections to the Action Plan

## Section 1

- Issues
- Goals and strategies to address issues

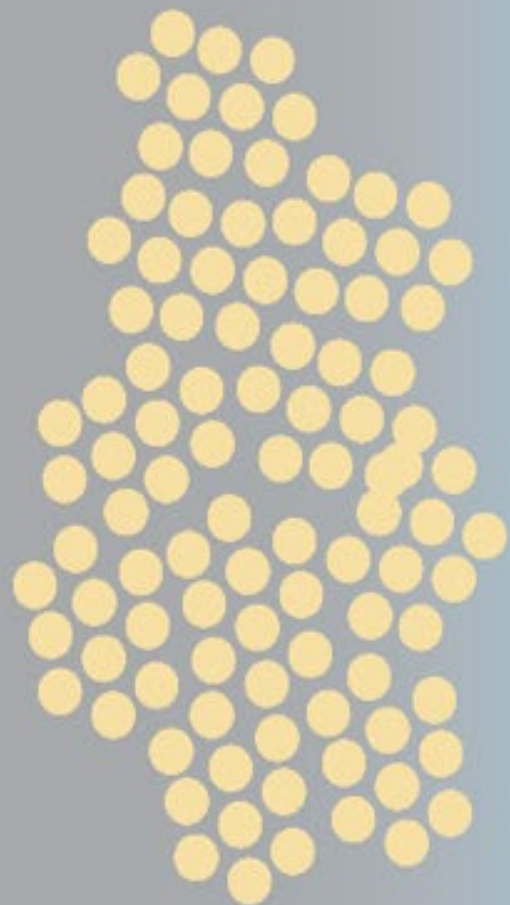
## Section 2

- Actions
- Measures
- Status

## Section 3

How MN drinking water is managed, regulated, and funded

## Future Surveillance



## Surveillance

Comparison Values

- Risk Assessment Advice
- Rapid Assessments
- Other state values



## CEC Framework

Advisory Levels

- Health Risk Limits
- Health-Based Values
- Health Risk Indices
- EPA HALs



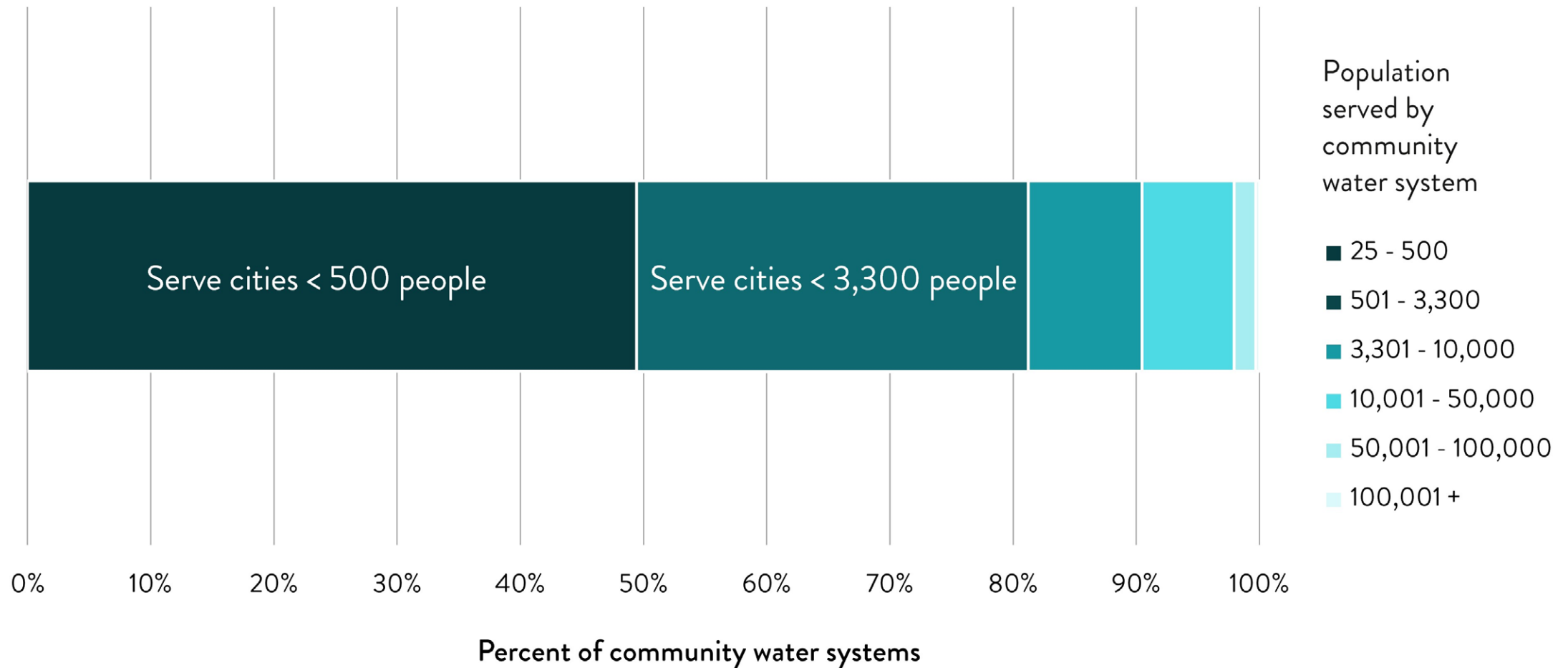
## Safe Drinking Water Act

Maximum Contaminant Levels  
Treatment Techniques



*Safe Drinking Water Act and public health principles*

# Small community water systems face disproportionate burdens in addressing contaminants.



# Shrinking drinking water workforce











Private wells: a patchwork of protections



# 1.1 million private well users have fewer safeguards.

	Construction	Routine testing	Mitigation to address contaminants	Protecting source waters	Funding for construction, treatment, repairs, sealing	Well sealing
Public Water System	✓	✓	✓	✓	✓	✓
Private Well	✓	 Initial test at well construction			 Some selective loans	✓

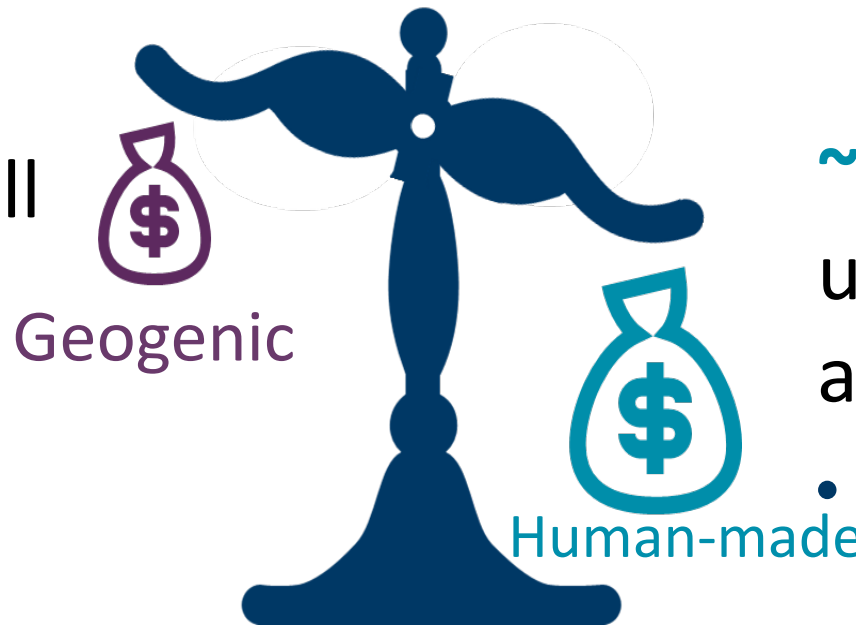
Well users don't choose their geology or how land is used around them

# A disconnect in risk perception, public health burden, and resource investment

~12%

~144,000 private well users have **arsenic** above 10 µg/L

- Carcinogen across all ages
- Health effects below public drinking water standard

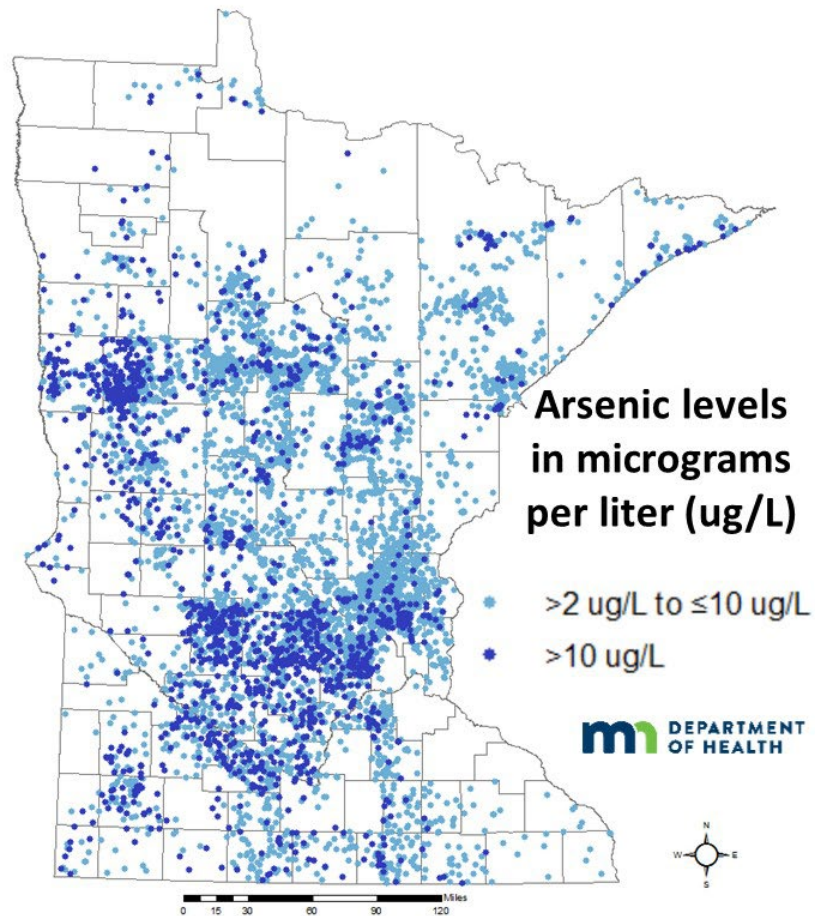


~5%

~60,000 private well users have **nitrate** above 10 mg/L

- Infants < 1 yr fed water or formula made with water
- Other age impacts uncertain

# Arsenic exposure reductions from MCL change



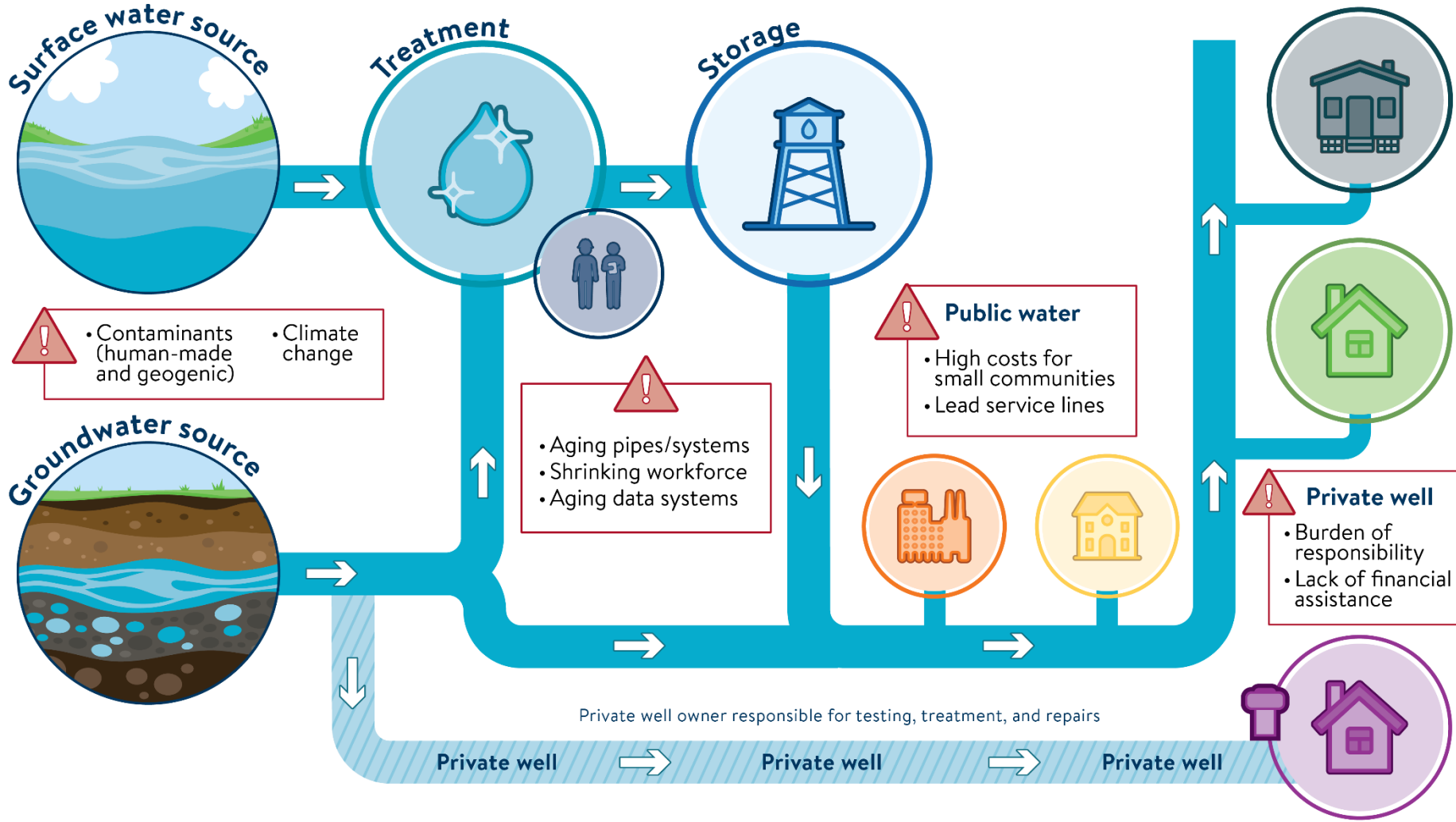
2001: MCL reduced from 50  $\mu\text{g/L}$  to 10  $\mu\text{g/L}$

	Nigra	Welsh
Community water system customers	17% decrease	10.6% decrease
Private well users	No change	No change

Nigra, et.al., 2017, Welch, et. al., 2018

*How many preventable cancer cases?*





# Protecting drinking water from source to tap

**Protect sources of drinking water**

**Establish resilient drinking water infrastructure** (pumps, people, data)

**Ensure safe tap water** (public water & private wells)

**Anticipate and manage emerging risks**

**Engage partners**

# Goals and strategies

## Protect sources of drinking water

- Identify and manage potential threats around drinking water source for public water systems and private wells.
- Include drinking water considerations in land use planning and zoning decisions.
- Emphasize source water protection in watershed management plans.
- Ensure adequate supply of water for public water systems and private wells.
- Ensure laws, rules and ordinances adequately protect sources of drinking water.

11/19/2024

## Establish resilient drinking water infrastructure

- Support communities with asset management and resiliency planning for drinking water infrastructure.
- Support and grow the public water system and well contractor workforces.
- Transition from legacy data systems to modern resilient systems.

## Ensure safe tap water

- Prevent and resolve health-based violations in public water systems and private wells.
- Reduce lead in drinking water.
- Establish equitable access to private well testing and remediation.
- Empower Minnesotans to value drinking water and take actions to sustain and protect it.

## Anticipate and manage emerging risks

- Monitor drinking water sources for emerging contaminants and pathogens.
- Understand how humans may be affected by unregulated contaminants and emerging risks.
- Prioritize emerging risks that present the largest public health burden in the context of all contaminants.
- Advance laboratory capacity and methods to analyze for emerging risks.
- Address drinking water risks related to climate change.

## Engage partners

- Communicate with and support the regulated community.
- Provide partners and residents with data on risks and challenges to safe drinking water.
- Facilitate outreach and education to communities affected by drinking water contamination.
- Leverage advisory councils to understand and prioritize challenges to safe drinking water.
- Create more public facing (residents) explanations of the drinking water supply system.
- Elevate drinking water concerns to elected officials.

18

## Strategy 3.3: Establish equitable access to private well testing and mitigation.

Actions	2024 Status	Measures
Provide educational resources and technical assistance to private well users for well testing and mitigation.	Green	<ul style="list-style-type: none"> <li>% educational materials translated</li> <li># private well brochures ordered by partners</li> </ul>
Provide financial resources to private well owners for well testing and income-based mitigation.	Yellow	<ul style="list-style-type: none"> <li>% of private well households offered free well testing</li> <li>There is state/federal funding for income-based mitigation</li> </ul>
Establish a Minnesota Private Well Stewardship Network.	Green	<ul style="list-style-type: none"> <li>% of counties served by a private well steward</li> <li># of private well stewards</li> </ul>

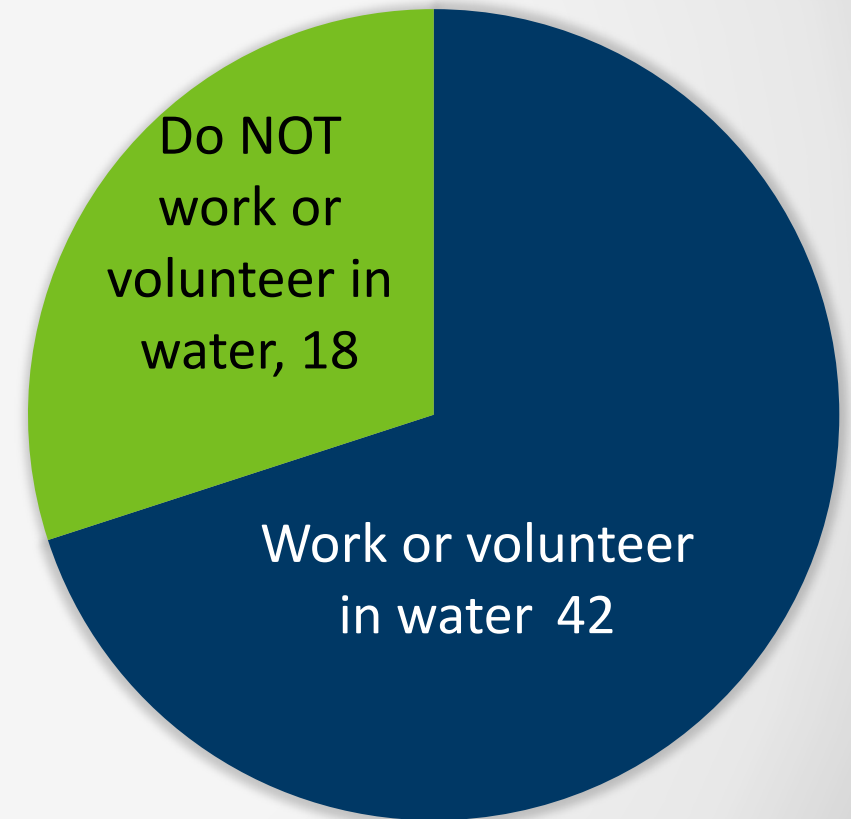
# Some things we are hearing

“Leave private wells alone.”

“Great job including private well concerns in strategies/actions.”

## 60 SURVEY RESPONSES

This section has several strategies on communications, meaning messaging going out. I recommend adding language on community engagement - a two-way conversation.



# Take a look

*Our vision: Everyone, everywhere in Minnesota has equitable access to safe and sufficient drinking water.*



**Future of Drinking Water**

[www.health.state.mn.us/communities/environment/water/cwf/fdw](http://www.health.state.mn.us/communities/environment/water/cwf/fdw)

# How do we breathe life into this plan?

*Clean Water Council*

*Interagency Coordination Team*

*Inter-agency Groundwater Drinking Water Team*

*Environmental Quality Board*

*Subcommittee on Water Policy*

*Some new body?*

# Thank You

[tannie.eshenaur@state.mn.us](mailto:tannie.eshenaur@state.mn.us)

651-201-4074



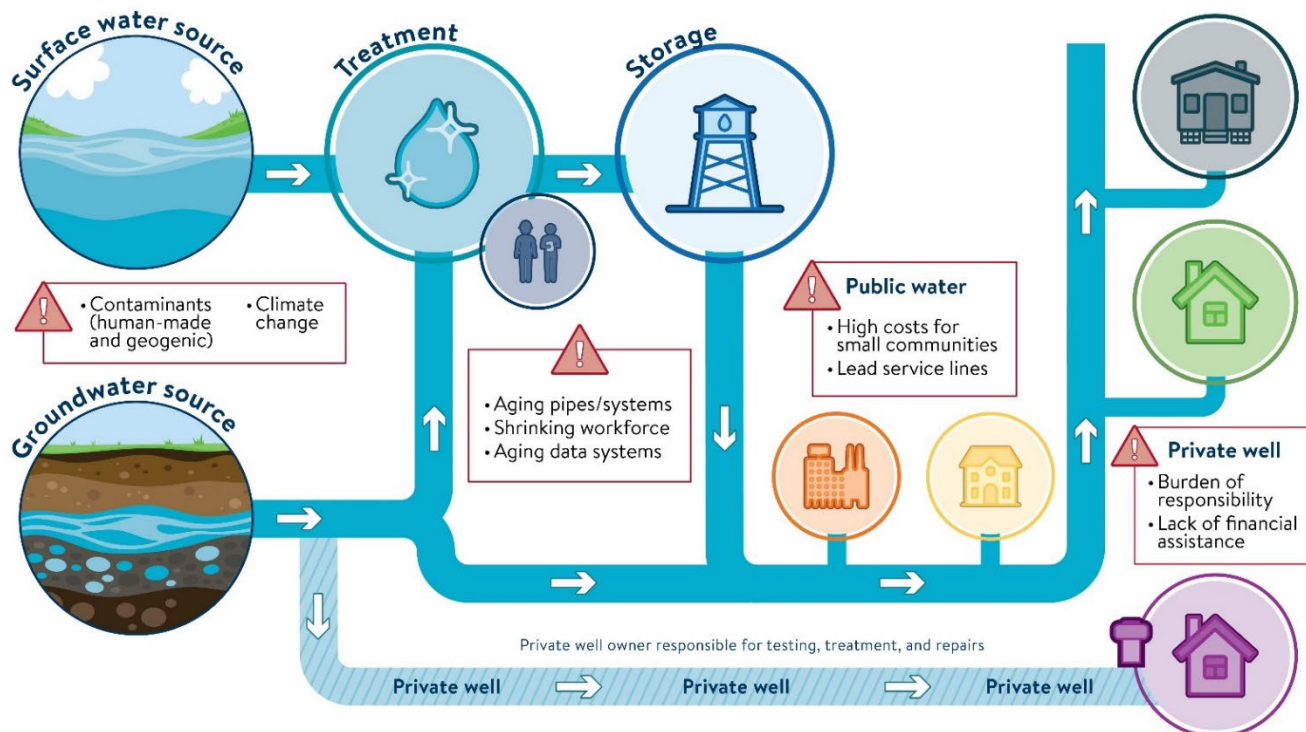
## Minnesota Drinking Water Action Plan Overview

### DRAFT 10-year action plan to ensure that everyone, everywhere in Minnesota has equitable access to safe and sufficient drinking water

You are invited to read the *DRAFT Minnesota Drinking Water Action Plan* (the Plan). The current version incorporates expertise and feedback from water professionals; state and local governments; researchers; and Minnesotans who drink water. We gathered input and feedback through community meetings, surveys, and discussions. We are currently incorporating comments from the public input period and aim to have the final plan posted in January 2025.

Access the DRAFT Plan and the reports that informed the Plan at [Future of Drinking Water](https://www.health.state.mn.us/communities/environment/water/cwf/fdw.html) ([www.health.state.mn.us/communities/environment/water/cwf/fdw.html](https://www.health.state.mn.us/communities/environment/water/cwf/fdw.html)).

### There are risks to our drinking water, from source to tap



## Goals and strategies to address key risks

### Protect sources of drinking water

- Identify and manage potential threats around drinking water sources for public water systems and private wells.
- Include drinking water considerations in land use planning and zoning decisions.
- Emphasize source water protection in watershed management plans.
- Ensure adequate supply of water for public water systems and private wells.
- Ensure laws, rules, and ordinances adequately protect sources of drinking water.

### Establish resilient drinking water infrastructure

- Support communities with asset management and resiliency planning for drinking water infrastructure.
- Support and grow the public water system and licensed well contractor workforces.
- Transition from legacy data systems to modern, resilient systems.

### Ensure safe tap water

- Prevent and resolve health-based violations in public water systems and private wells.
- Reduce lead in drinking water.
- Establish equitable access to private well testing and mitigation.
- Empower Minnesotans to value drinking water and take actions to sustain and protect it.

### Anticipate and manage emerging risks.

- Monitor drinking water sources for emerging contaminants and pathogens.
- Understand how people's health may be affected by emerging contaminants and risks.
- Prioritize emerging risks that present the largest public health burden in the context of all contaminants.
- Advance laboratory capacity and methods to analyze for emerging risks.
- Address drinking water risks related to climate change.

### Engage partners

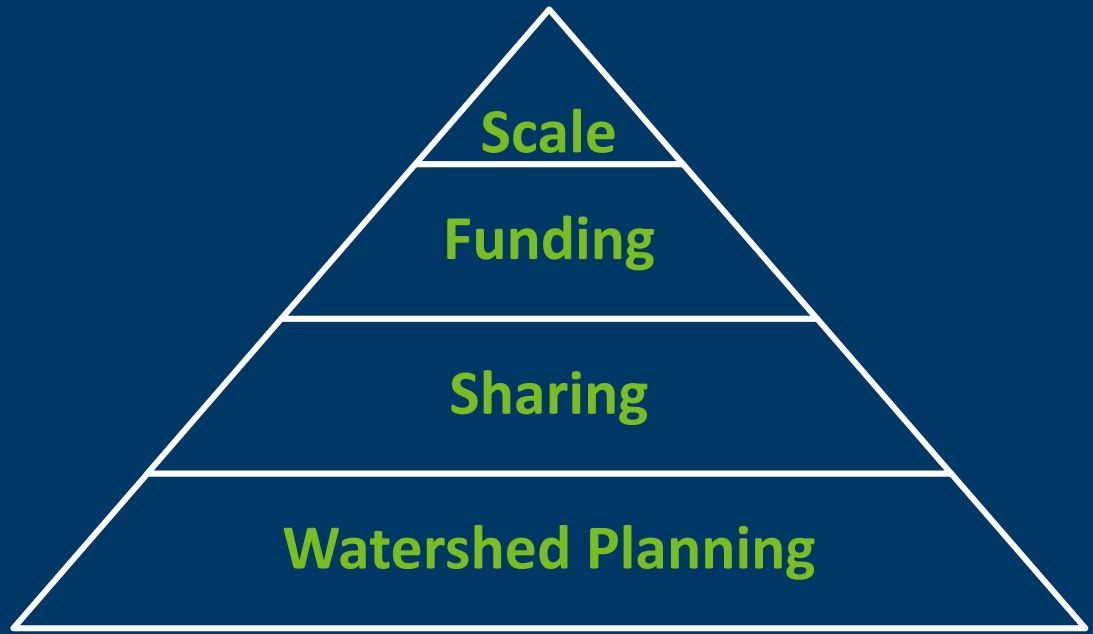
- Communicate with and support public water suppliers and licensed well contractors.
- Provide partners and residents with data on risks and challenges to safe drinking water.
- Facilitate outreach, education and assistance to communities/residents affected by drinking water contamination.
- Leverage advisory councils to understand and prioritize challenges to safe drinking water.
- Create more public-facing (toward residents) explanations of the drinking water supply system.
- Communicate with elected officials at all levels of government regarding drinking water concerns.

## Legislative direction

The 2023 Minnesota Legislature provided Clean Water Fund dollars to Minnesota Department of Health (MDH) to "...develop public health policies and an action plan to address threats to safe drinking water, including development of a statewide plan for protecting drinking water..." ([Minnesota Laws of 2023, chapter 40, article 2, section 7e](https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/40/1) [<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/40/1>]).

11/18/2024R

To obtain this information in a different format, call: 651-201-4547.



# Watershed Based Implementation Funding

For: Minnesota Clean Water Council

Julie Westerlund and Annie Felix, MN Board of Water and Soil Resources

# Main Points

- **History.** The history of CWF Implementation is important to how WBIF operates today.
- **Process.** WBIF projects are decided through planning and local vetting, with significant BWSR oversight.
- **Dialogue.** BWSR is interested in hearing from the CWC about how to most effectively communicate program process, oversight, and outcomes.



# An Opportunity to Transform

## The Clean Water Legacy Act (2006)

- CWA requirements  
(Assessment, TMDL)
- **Accelerate Implementation**
- Protection; Groundwater



“Projects must be consistent with TMDL implementation plans or local water management plans”

## ARTICLE 2

### CLEAN WATER FUND

#### Section 1. CLEAN WATER FUND APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the clean water fund, and are available for the fiscal years indicated for allowable activities under the Minnesota Constitution, article XI, section 15. The figures "2010" and "2011" used in this act mean that the appropriation

listed  
"The  
years

(b) \$2,800,000 the first year and \$3,124,000 the second year are for grants to watershed districts and watershed management organizations for: (i) structural or vegetative management practices that reduce storm water runoff from developed or disturbed lands to reduce the movement of sediment, nutrients, and pollutants or to leverage federal funds for restoration, protection, or enhancement of water quality in lakes, rivers, and streams and to protect groundwater and drinking water; and (ii) the installation of proven and effective water retention practices including, but not limited to, rain gardens and other vegetated infiltration basins and sediment control basins in order to keep water on the land. The projects must be of long-lasting public benefit, include a local match, and be consistent with TMDL implementation plans or local water management plans. Watershed district and watershed management organization staff and administration may be used for local match. Priority may be given to school projects that can be used to demonstrate water retention practices. Up to five percent may be used for administering the grants.

(c) \$3,000,000 the first year and \$3,000,000 the second year are for nonpoint source pollution reduction and restoration grants to watershed districts, watershed management organizations, counties, and soil and water conservation districts for grants in addition to grants available under paragraphs (a) and (b) to keep water on the land and to protect, enhance, and restore water quality in lakes, rivers, and streams, and to protect groundwater and drinking water. The projects must be of long-lasting public benefit, include a local match, and be consistent with TMDL implementation plans or local water management plans. Up to five percent may be used for administering the grants.



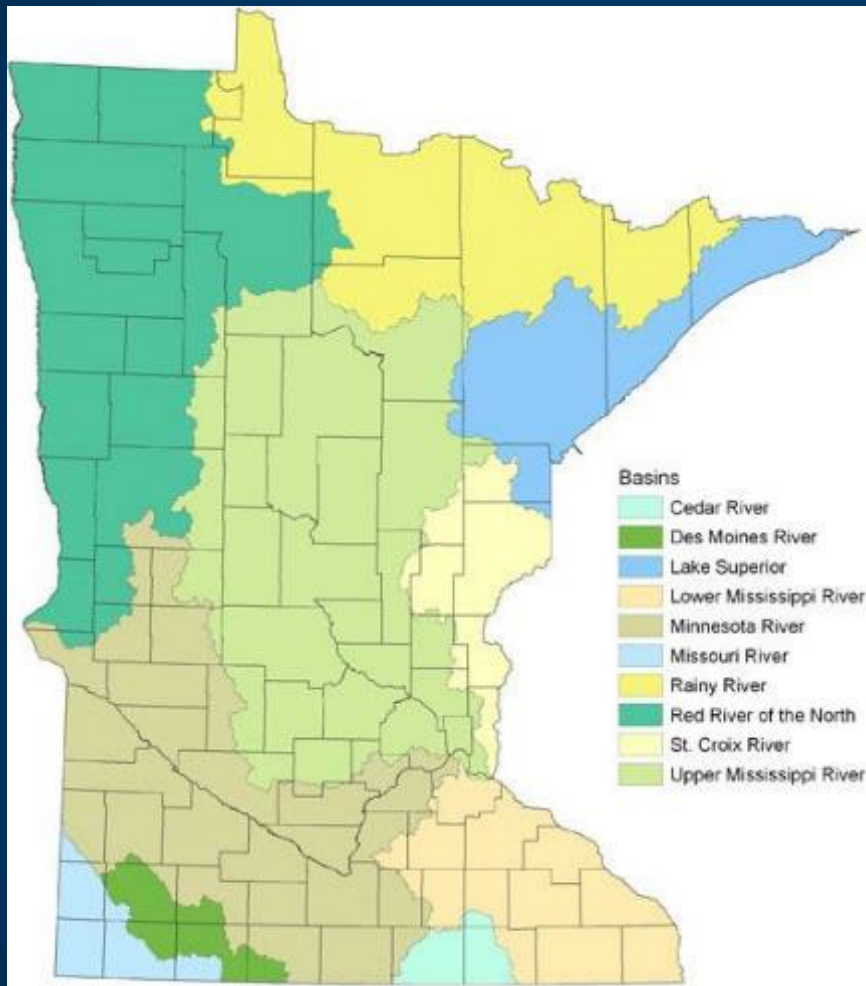


Projects and Practices Ranking Criteria	
Ranking Criteria	Maximum Points Possible
<u>Project Abstract</u> : The project abstract succinctly describes what results the applicant is trying to achieve and how they intend to achieve those results.	5
<u>Prioritization (Relationship to Plans)</u> : The proposal is based on priority protection or restoration actions listed in or derived from the current state approved and locally adopted plan for the project area (see plans listed in 'Applicant Eligibility' of this RFP) and is linked to statewide Clean Water Fund priorities and public benefits.	20
<u>Targeting</u> : The proposed project addresses identified critical pollution sources or risks impacting the water resource(s).	25
<u>Measurable Outcomes and Project Impact</u> : The proposed project has a quantifiable reduction in pollution for restoration projects or measurable outputs for protection projects and directly addresses the water quality concern identified in the application.	20
<u>Cost Effectiveness and Feasibility</u> : The application identifies a cost effective and feasible solution to address the non-point pollution concern(s).	15
<u>Project Readiness</u> : The application has a set of specific activities that can be implemented soon after grant award.	15
<b>Total Points Available</b>	<b>100</b>



- Prioritization
- Targeting
- Measurable Outcomes; Project Impact
- Cost Effectiveness and Feasibility
- Project Readiness





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in alternative formats upon request

# State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. **1734**

March 16, 2009

Authored by Lanning and McFarlane

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight

March 15, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

1.1 A bill for an act  
1.2 relating to environment; authorizing establishment of basin boards; authorizing  
1.3 taxing authority; amending Minnesota Statutes 2008, sections 103B.101,  
1.4 subdivision 9; 103B.102, subdivision 2; 103B.231, subdivision 4; 103B.245,  
1.5 subdivision 1; 103B.3369, subdivision 2; 103D.205, subdivision 3; 103D.401,  
1.6 subdivision 1; Minnesota Statutes 2009 Supplement, sections 103B.3369,  
1.7 subdivision 5; 275.066; proposing coding for new law in Minnesota Statutes,  
1.8 chapters 103A; 103B.

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. **[103A.212] BASIN WATERSHED MANAGEMENT POLICY.**

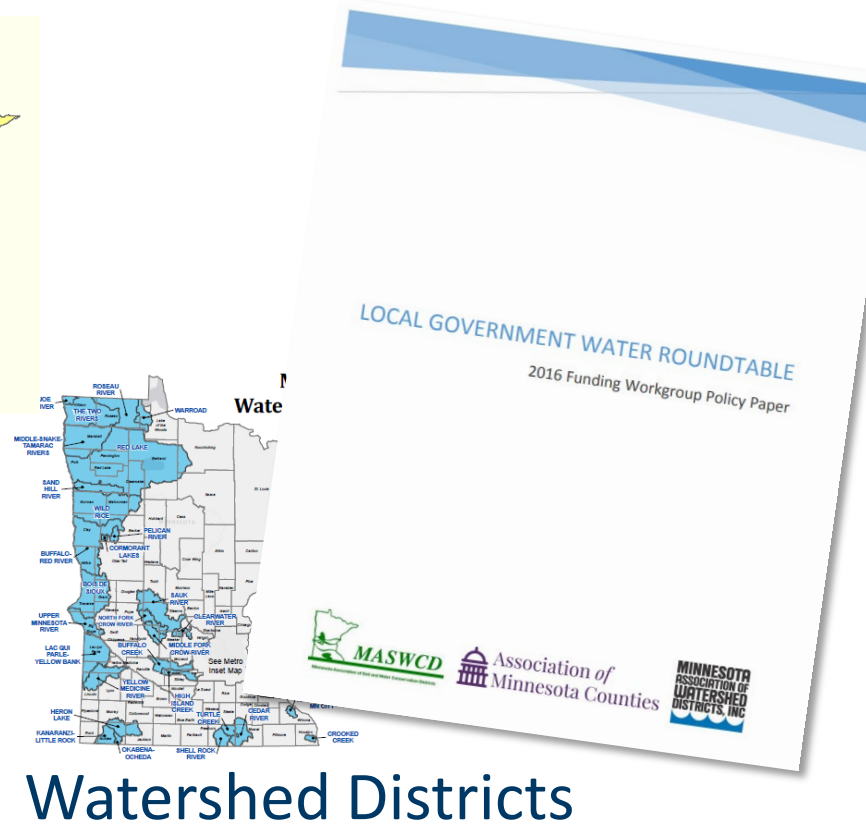
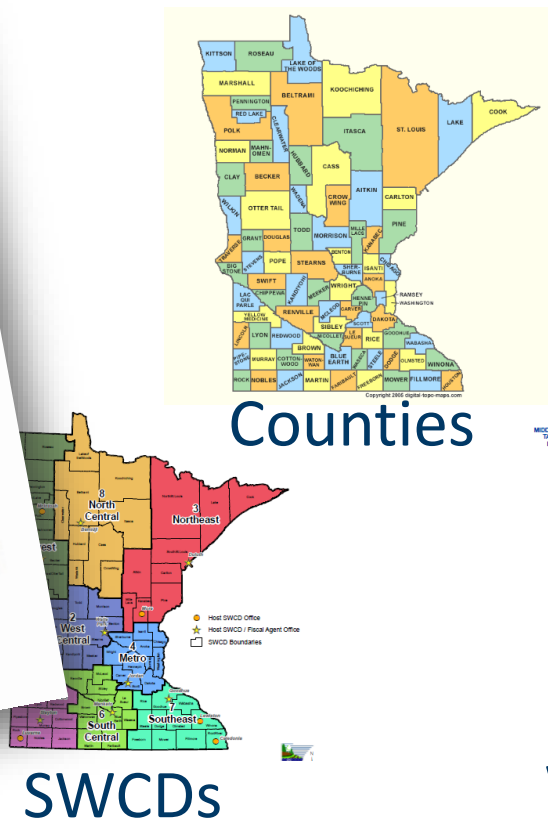
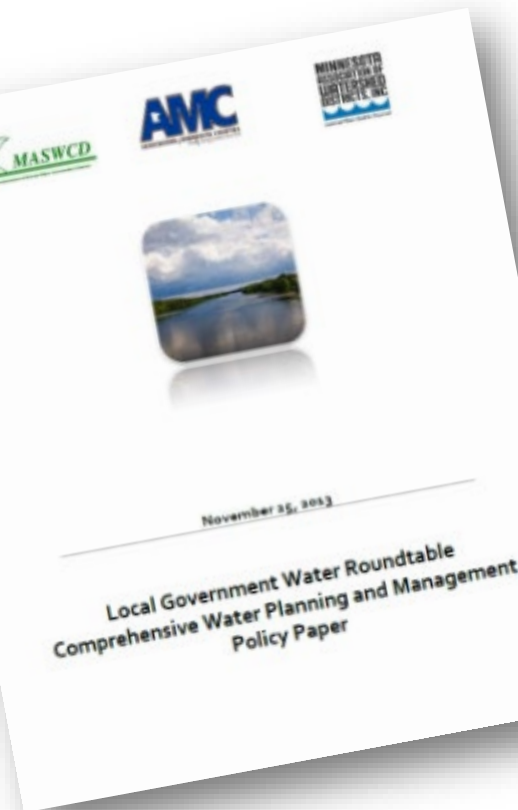
1.11 The quality of life of every Minnesotan depends on water. Minnesota's rivers, lakes,  
1.12 streams, wetlands, and groundwater provide a foundation for the state's recreational,  
1.13 municipal, commercial, industrial, agricultural, environmental, aesthetic, and economic  
1.14 well-being. The legislature finds that it is in the public interest to manage water resources  
1.15 from the perspective of watersheds and river basins to achieve protection, preservation,  
1.16 enhancement, and restoration of the state's valuable water resources.

1.17 Sec. 2. Minnesota Statutes 2008, section 103B.101, subdivision 9, is amended to read:

1.18 Subd. 9. **Powers and duties.** In addition to the powers and duties prescribed  
1.19 elsewhere, the board shall:

1.20 (1) coordinate the water and soil resources planning activities of counties, soil and  
1.21 water conservation districts, watershed districts, watershed management organizations,  
1.22 and any other local units of government through its various authorities for approval of  
1.23 local plans, administration of state grants, and by other means as may be appropriate;

# Local Government Water Roundtable

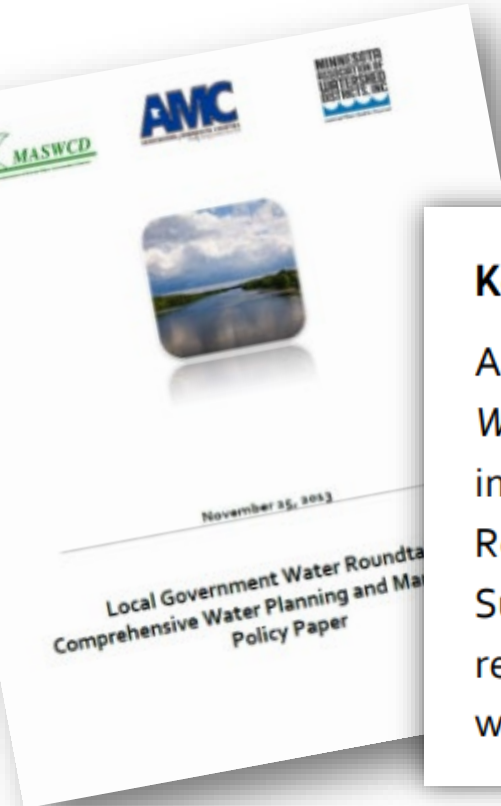


# Local Government Water Roundtable

## 2013 Policy Paper

### Key Concept

A key concept developed and supported by the Roundtable is the *One Watershed, One Plan* approach. *One Watershed, One Plan* came about in response to discussion and information generated by the Roundtables' collective members during the Local Water Management Summit (July 2010) to answer the question of what should be the recommended method for organizing, planning and implementing water restoration and protection activities.



# Local Government Water Roundtable

## 2016 Funding Paper

### Vision for the New Funding Mechanism

The Workgroup discussed what a new funding mechanism should entail and determined the following:

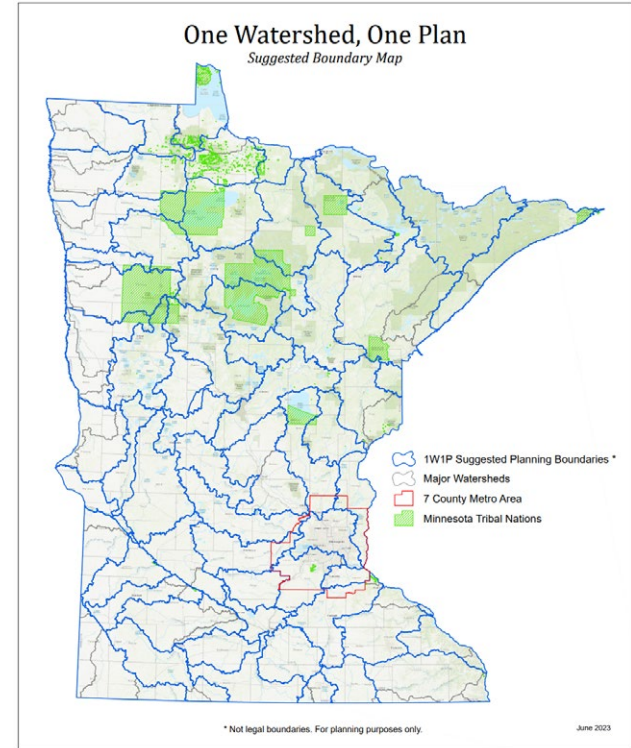
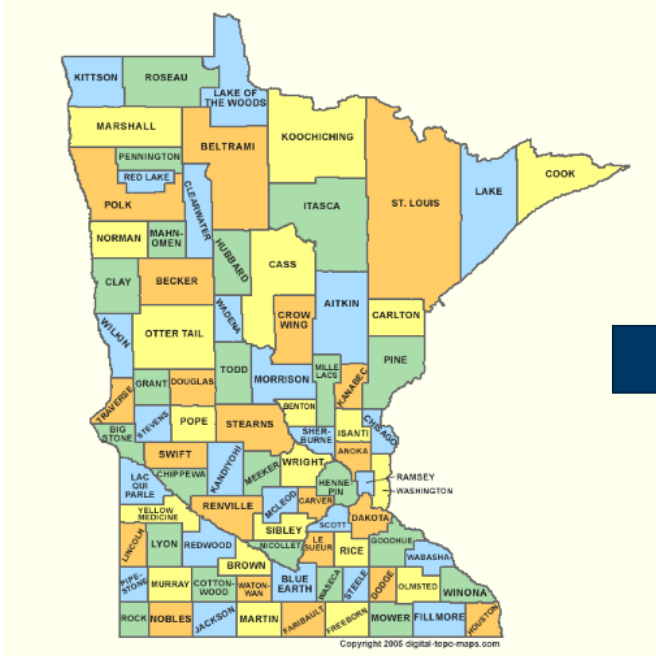
- A funding mechanism for implementation should be **predictable, efficient, and effective** in a way that a largely competitive process is not.
- It should be **resource driven** where strategies and actions identified in the comprehensive watershed management plans drive what gets done.
- Implementation will be driven by **cultivating and sustaining local partnerships** and requires a funding mechanism that will support this effort.
- Budgeting and planning going forward will have more **clarity and certainty** if local partners have a **predictable base of funding** from which to work.
- More predictable funding for implementation will make it **more likely to achieve progress on the goals** of Clean Water which the citizens of Minnesota supported.

WATER ROUNDTABLE  
Funding Workgroup Policy Paper

of  
Counties

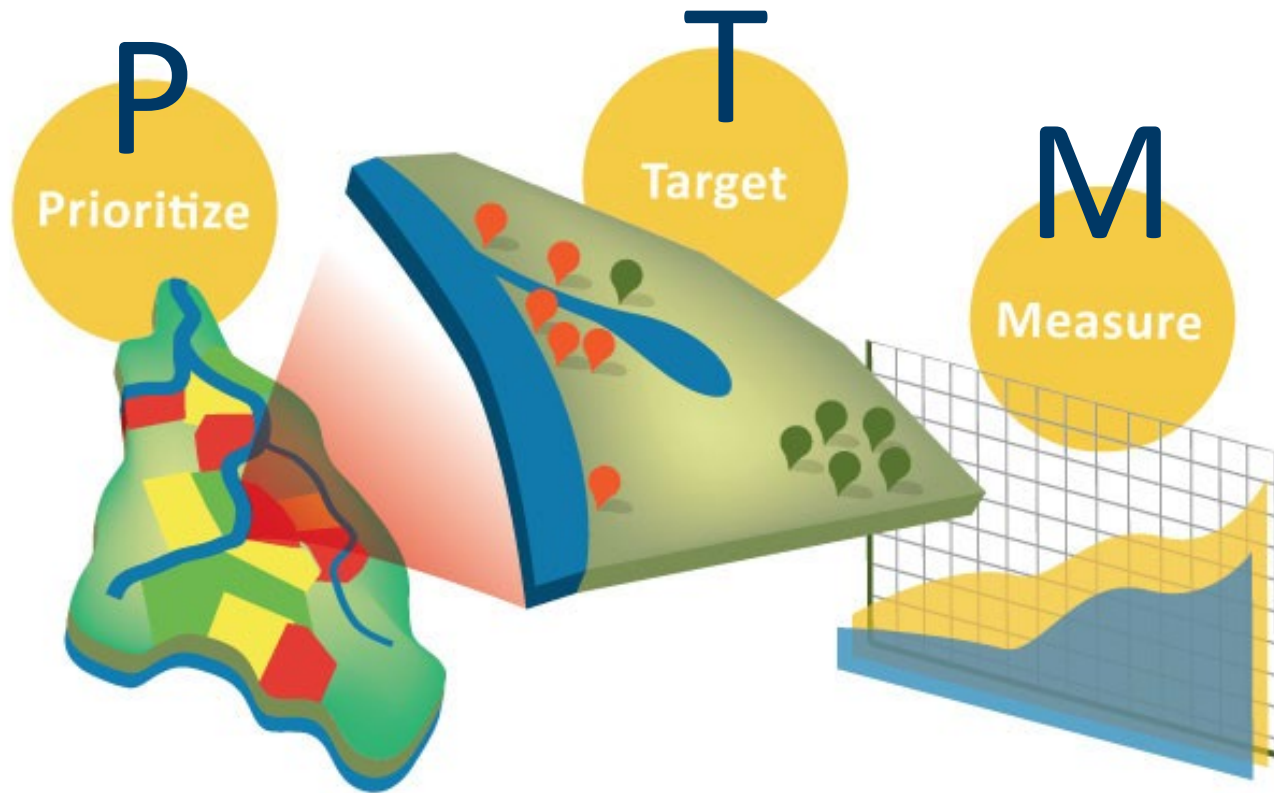
MINNESOTA  
ASSOCIATION OF  
WATERSHED  
DISTRICTS, INC.

# Watershed Management Transformation





# Making Choices to Show Results

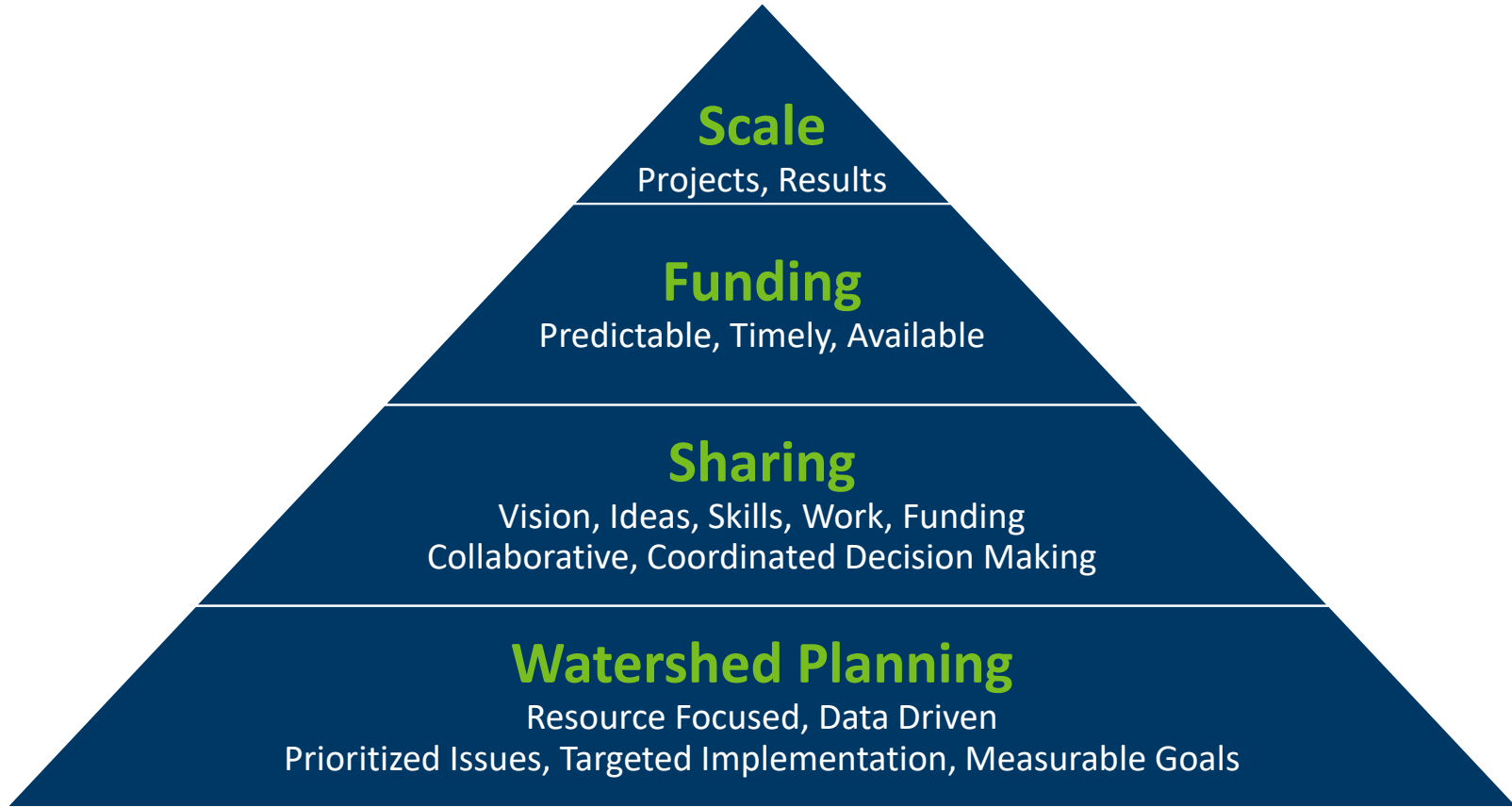




# Linking Data to Local Action



# Water Management Transformation





Projects and Practices Ranking Criteria	
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<b>Total Points Available</b>	<b>100</b>



- Prioritization
- Targeting
- Measurable Outcomes; Project Impact
- Cost Effectiveness and Feasibility
- Project Readiness





# Committee Makeup

Policy Committee

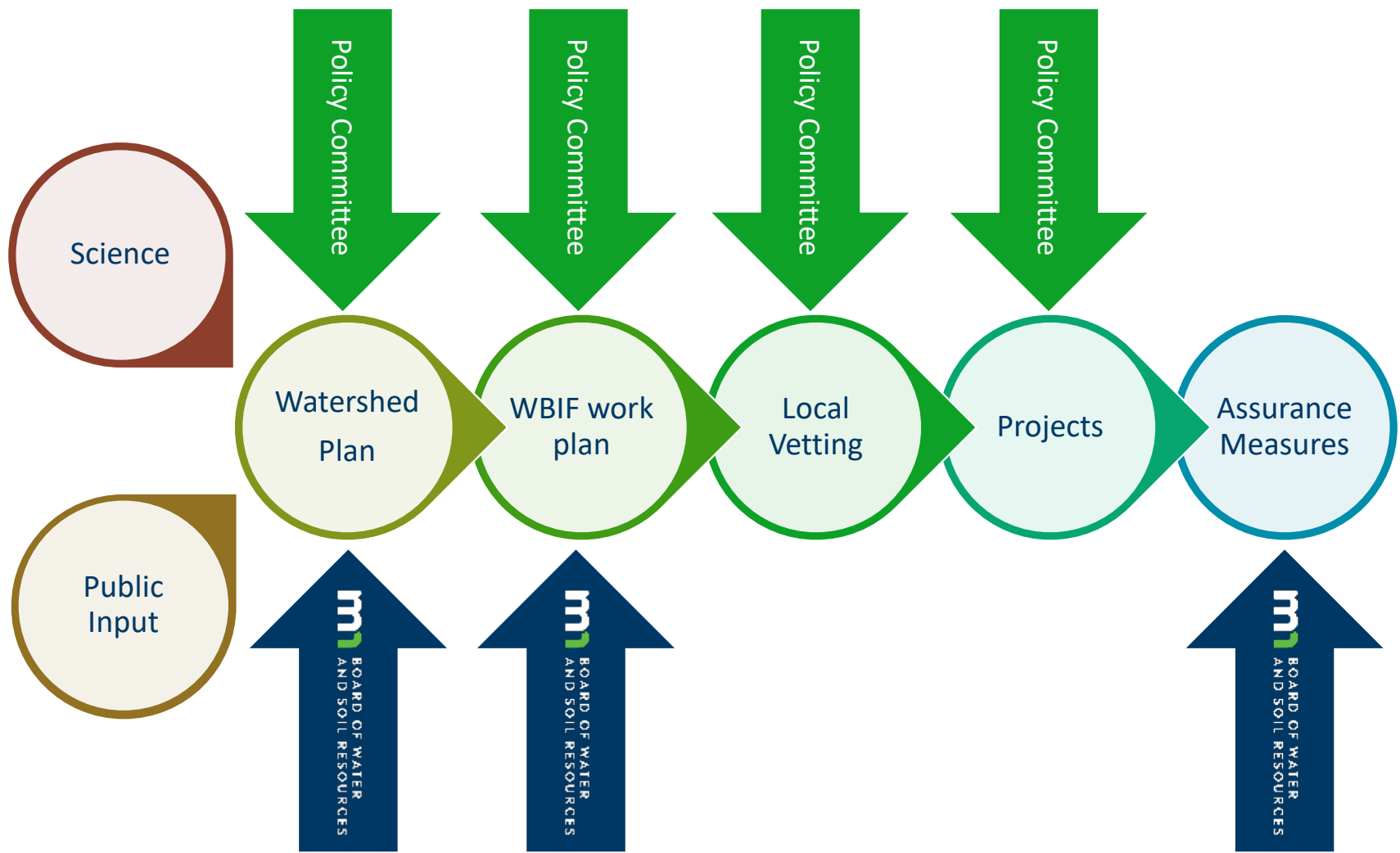
One official from each board/council

Advisory Committee

Staff, state agencies, others

Steering Team

Local staff, BWSR BC, consultants



# Local Partners Decide Together



# Water Management Transformation

Collaborative  
planning

Resource – focused,  
data driven

Shared vision and  
priorities

Coordinated  
implementation

Accelerated  
Progress

Multiple funding  
sources

Measurable  
results

Systematic and  
Sustainable  
Systems

Resilient  
Watersheds

# Learn More: WBIF Videos

