Clean Water Council Meeting Agenda
Monday, February 24, 2025
9:00 a.m. to 2 p.m.

IN PERSON at MPCA offices in St. Paul 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
    - Committee Assignments
    - Staff update
        - Legislative update
        - Process and timeline on hiring for new Administrator

9:30 (INFORMATION ITEM) Impact of Data Centers on Groundwater

- Michelle Stockness, Executive Director, Freshwater
- Carrie Jennings, Research and Policy Director, Freshwater
- The Policy Committee will have a "deeper dive" on this topic on 2/28/2025

10:15 Break

10:30 (INFORMATION ITEM) Reduced Tillage

- Justin Hanson, BWSR
- Holly Hatlewick, Renville SWCD
- Kari Olson, Clay County
- Brian Ryberg, Renville County
- Ed McNamara, Goodhue County

12:00 Lunch

12:30 (INFORMATION ITEM) Background information on the Council and the Clean Water Fund

- Statutes on Clean Water Legacy Act, Clean Water Council, and Clean Water Fund
- Guest on origins of Clean Water Fund
    - John Linc Stine, former MPCA Commissioner
- Summary of Water-Related Reports since 2008
- Clean Water Trajectory Report (2019)
    - Jen Kader, former Freshwater staff member

1:45 Public Comment

2:00 Adjourn

Steering Committee Meets Directly After Adjournment

Clean Water Council
January 27, 2025, 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, Justin Hanson, Holly Hatlewick, Annie Knight, Trista Martinson, Sen. Nicole Mitchell, Jason Moeckel, Ole Olmanson, Jeff Peterson, Rep. Kristi Pursell, Glenn Skuta, Marcie Weinandt, and Jessica Wilson.
Members absent: Kelly Gribauval-Hite, Rep. Josh Heintzeman, Peter Schwagerl, Peter Kjeseth, and Sen. Nathan Wesenberg.
Others present: Corrie Layfield (MPCA), Kyle Richter (Renville County SWCD), Frieda VanQualen (MDH), Paul Gardner (CWC), Brianna Frisch (MPCA), Judy Sventek (Met Council), Dave Wall (MPCA), Jim Stark (SWMP), Dana Vanderbosch (MPCA), Barb Weisman (DNR), Jen Kader (Met Council), Annie Felix (BWSR), James Lehner (Conservation Minnesota), Trevor Russell (Friends of the Mississippi River), Stephanie Pinkalla (Nature Conservancy), Sheila Vanney (MASWCD), Marcey Westrick (BWSR)

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 January 27th meeting agenda by Steve Besser, seconded by Steve Christenson. Motion carries.
- Motion to approve the December 16th meeting minutes by Steve Besser, seconded by Steve Christenson. One correction: Ad Hoc Outreach group meeting summary – Jenna Larson name change. Change accepted. Motion carries.
- Chair, Committee, and Council Staff update
  - Policy Committee Update
    - There is a FEMA infrastructure disaster bill they are watching, which will allow some work on the culverts, like sizing. *Comment from Glenn Skuta, Minnesota Pollution Control Agency (MPCA):* Sizing them larger is not always the only solution; they also need to have a consideration for the design.
    - The Policy Committee is taking a closer look at the work of the Ad Hoc Outreach Group. They will investigate how to procure interested parties' engagement to prepare for the next budget cycle. They also had submissions to update the chloride policy, so that will also be reviewed.
  - Budget and Outcomes Committee Update
    - They did not meet in January but will meet February 7th. They will be going over a scoring rubric to help analyze the impact of the Clean Water Funds (CWFs) spending.
  - Ad Hoc Outreach Group Update
    - Their original charge was relatively narrow, which was to hear from the stakeholders during the recommendations process in 2024 and beyond. The response to public input is included in the meeting packet. They talked about the future of engagement with the Council. There will need to be a process to go over terms like outreach, engagement, and communications, because they are all related yet distinctly different from each other. They are connecting with the Policy Committee to continue that work. They heard from the program coordinators of We Are Water. They are also planning to sketch out a draft engagement plan for the 2026 recommendations process, utilizing the framework of City of Shoreview, City of Edina, and others. It is important to make sure the Council is transparent and accessible in this process.
    - *Motion to adopt the official response to public input for the budget recommendation process by Jessica Wilson, second by Marcie Weinandt.*
      Discussion:
      - Steve Christenson: How were these developed and who wrote it? *Answer:* Paul Gardner drafted the document based on feedback from members of the Council in this group as well as the Policy Committee.
      - *Motion carries, unanimously*.

        - Jessica Wilson submitted proposed revisions as an amendment to the chloride policy.
    - Committee Assignments
        - Jessica Wilson approved to join the Policy Committee.
    - Staff update
        - Legislative update
        - New Council members:
            - Fran Miron, a Washington County commissioner, will fill the metro area county government spot.
            - Chris Meyer, a Winona County commissioner, appointed for the rural county government spot.
            - The Township position is expected in February.
        - The Clean Water Council's story map has 1200 views already. It is linked to the Council's homepage.
        - Process and timeline on hiring for new Administrator: The position closes on February 13th. The new person would likely start May 1, and Paul would assist with onboarding for a few weeks.
        - The Clean Water Council FY26-27 biennial report to the Legislature was submitted on January 15th.

"Retreat" Concept *(Webex 00:45:30)*

- This is to use 2025 to hit the ground running in 2026 for the next budget cycle. It will likely be held at the MPCA, available to the public. Likely it would be in February, March, or April. Covered topics would include a shared understanding of the Legacy Amendment, the role of the CWFs compared to other funds, the creation of the Interagency Coordination Team (ICT) and its role, programs that need to continue after 2034 to maintain progress, and go over the Council's Strategic Plan. It also includes reviewing the statutes, thinking about the CWF application and evaluation process, among other items. This is open to other suggestions for discussion as well.
- The MPCA can provide facilitation, or it can be brought in elsewhere.

Discussion:

- Steve Christenson: This is great timing with our new Council members added this week. I think a facilitator would be great, and it can be from the MPCA if available. I thought having the new hire would also be good, perhaps they could come in earlier if hired too.
- Steve Besser: I thought it would be good to delay it, so we have all our new members present.
- Glenn Skuta, MPCA: Regarding the facilitator, it is not tied to water, it is throughout the whole agency.
- John Barten: Let's get the timing figured out, so staff can get planning.
    - Holly Hatlewick: I agree with the topics, and the suggestion of adding additional items. With the open meeting laws, I assume this is recorded. So, a new hire could review the recordings to get caught up. Would this be an additional meeting? *Response:* Meetings are recorded. These could be half the meeting on a regular meeting date. Like next month could be the background. Then, have more of the interactive conversations be held later, which could be in March.
    - Marcie Weinandt: I would not wait for the final appointment to be made. Having two out of three is great. We need to have this be timely. I would not wait for any person, staff or Council member.
    - Rich Biske: I like using the February meeting for the background items and March as more interactive. The statutory items specifying outcomes could also be in February.
- Brad Gausman: What is the G16?
    - *Answer:* There was a desire by many groups to see more funding for water. Governor Pawlenty gathered sixteen stakeholders on how to move forward with different ideas. Some of those ideas became a precursor to the Clean Water Fund. In 2018, this group was brought back to go over what has been accomplished (Jen Kader was the facilitator). It can be covered in greater detail at the first meeting.
    - *Comment from Glenn Skuta, MPCA:* They helped create the Legacy Act and the Clean Water Council. The TMDLs were the big driver. There were lawsuits across the country, so there was proactive work to help the state not get sued. There was an audit, and it revealed that the state was working as fast as they could, but not a lot of funds to help. Therefore, the audit said it needed to be better funded. Leading to a large group, which whittled down to the additional meeting with a smaller group, called the G16.
- Steve Besser: Katie Clawer as a facilitator could be good. She's worked with the DNR. *Response from Glenn Skuta, MPCA:* If you are hiring out a facilitator, there will need to be a bidding process. There may be a more streamlined way to do that, but I am not sure.

Background on the Interagency Coordination Team, Dana Vanderbosch, ICT Chair & Assistant Commissioner, MPCA *(Webex 01:05:00)*

- Dana Vanderbosch is the CWF Interagency Coordination Team lead. This presentation is about how the ICT was created and how it functions. The state agency members on the Council are usually members of the ICT, and many are here today. They can help with questions and fill in any gaps as well.
- The oversight of the water law is a shared responsibility and includes: The MPCA (Clean Water Act), DNR, MDH (Safe Drinking Water Act), MDA, BWSR, and Met Council. They all have rules and regulations shared. This also includes administration with Tribal and local governmental units, which is critical. Therefore, good coordination and working together is imperative, to manage these different activities and responsibilities. This work goes back well before the passage of the Clean Water Legacy Act.
- Most, if not all, water programs were underfunded before 2008. State, stakeholders, legislators worked to create the Clean Water Land and Legacy Amendment, passed by voters in 2008. The Clean Water Fund was established afterwards to help implement the state Clean Water Legacy Act.
- They needed to develop a comprehensive water management framework. They needed to connect, modify, and adapt existing state programs to it. They coordinated with state and local water actions. The holistic water management system was created.
- The ICT was formed. They developed a more coordinated water management system with partners. This was to efficiently and effectively implement the Clean Water Land and Legacy Amendment. The provide legislative support to Clean Water Fund related actions. They develop budget recommendations with the Council.
- The ICT includes Metropolitan Council, BWSR, MDA, MDH, DNR, MPCA, Minnesota Public Facilities Authority. As well as the University of Minnesota, and the Environmental Quality Board (EQB) at times. Usually, one member from the executive level, and one member from the division director or managerial level.
- Subteams of the ICT were created and include:
    - Surface Water Monitoring Assessment: Employ an integrated monitoring approach to understand the status and trends of Minnesota's waters.
    - Groundwater and Drinking Water: Coordinate statewide drinking water protection and groundwater sustainability efforts for drinking water, aquatic ecosystems, and other uses.
    - Watershed Management and Implementation: Coordinate state CWF programming so that state-generated data and information are used in decisions about planning and on-the-ground implementation.
    - Measures and Outcomes: Create and track measures to report statewide outcomes of Minnesota's progress implementing the Clean Water Legacy Act. Authors the Clean Water Fund Performance Report.
    - Interagency Research: Facilitate interagency discussion to coordinate applied research efforts.
    - Communications: Works with the ICT to plan communication efforts and provide guidance on interagency initiatives and coordinated messaging related to Clean Water Funded work.
    - Each subteam has their own charter, provided to Paul Gardner, if the Council would like more info.
    - Regarding budgets, every state agency has a budget process. The way they think about CWFs is no different than other funds. They all need to articulate what they need to do. They develop their budgets around May a year before the biennium starts, and they typically are asking for more than what is available. Minnesota Management and Budget (MMB) tells us how much funding is available. At the same time the Council is identifying priorities. There are deadlines to meet with the Governor's Office. These are in advance of when the Council needs to send their recommendations. In the early days, these budget requests that did not align. Finally, Governor Dayton said the Council and ICT needed to have the same recommendations. Since then, the process has been smoother. The Council provided more feedback to the ICT than ever before. There has been talk about a more formalized process in a memo, which is clear and transparent, which can be discussed in the retreat.

Questions/Comments:

- Brad Gausman: You referenced a time when the ICT and the Council's budgets did not align well, and this is well in the past, but do we know what the Council wanted to advance that the ICT did not? Was it more about specific programs, or the amount of funding? *Answer by Glenn Skuta, MPCA:* One of the biggest disagreements was CREP. Early on there were conversations about groundwater and drinking water, and talking about at least five percent of CWFs, but what counts as drinking water was talked about as well. There has been a lot more agreement than disagreement.

- Annie Knight: What percentage of funding is needed to administer the various laws and regulations? *Answer:* I do not have that information and could not provide it for the other state agencies either. *Response from Paul Gardner:* I think you could say the CWF's fingerprints are on many programs that regulate but does not directly fund regulation that much. For example, monitoring helps the permitting programs to function.
- Steve Besser: We had some misunderstandings about the funds and had a lot of questions directed at Dana Vanderbosch and Justin Hanson. Everyone was cooperative.
- Rich Biske: Regarding the timelines from the ICT and Council. We want to be aligned. I appreciate the governance piece of it, but would it be more valuable having the Council involved earlier in the process. Are we at the right point? *Answer:* I don't know what people consider early. The others in the ICT are immersed in the Legislative session. In April, May, and June, the Council is hearing overviews of the programs. We know the Council needs those presentations to prioritize. We have some ideas, but we really work more in June and July, and it becomes a compressed schedule. Paul Gardner has provided feedback from the Council to the ICT.
- Rich Biske: Knowing the base budget is useful. The aspiration become the ceiling.
- Rich Biske: Is bonding considered for some programs that receive CWFs? *Answer:* No, bonding is so uncertain.

Nutrient Reduction Strategy by Corrie Layfield & Dave Wall, MPCA *(Webex 01:56:30)*

- The Nutrient Reduction Strategy (NRS) addresses excess nitrogen and phosphorus both in-state and downstream impacts to the Gulf of Mexico, and Lake Winnipeg.
- The 2014 NRS included nutrient conditions in Minnesota waters, causes and sources, goals in-state and downstream, science-backed solutions and practices, the magnitude of changes needed on land, specific strategies to increase effectiveness, and ways to track progress towards the goals. There are eleven organizations involves and will be included for the next NRS for 2025.
- Over the last ten years, most of the suggested strategies have been adopted. There have been several factors that have complimented the NRS. Across the state, the WRAPS have been adopted in all 80 watersheds, and comprehensive watershed plans have been or will soon be completed for the whole state. Nutrients have been reduced, and there are improvements on the science of monitoring, modeling, and solutions. There is more to do such as improve impaired lakes and river reaches, reduce nitrate in groundwater, reduce Mississippi River nutrient loads, reduce Red River nutrient loads, and protect Lake Superior.
- There are six working groups with fifty people working together from different organizations. This involves scientific analysis, assessment, and implementation, and tracking metrics, measures, and displays. The strategy uses about twenty-four building blocks, which are used to instruct and revise the strategy.
    - For water loads, goals, and priorities, they look at the river loads and trends analysis, priority areas for in-state needs, nutrient source verifications, as well the progress towards the goals.
    - For urban nutrients, they look at wastewater data analysis, wastewater technologies, stormwater science and programs, as well as wastewater nitrate strategies.
    - For agricultural best management practices (BMP), they look at cropland BMP efficiencies, BMP combination scenarios, research needs identification, and nutrient balance on land analysis.
    - For agricultural BMP adoption, they look at the approaches to scale-up BMPs, the BMP socioeconomics, the maximum practical BMP increases, as well as existing and new program analysis.
    - For the watershed support/tools, they look at learnings from the WRAPS and 1W1Ps, watershed support tools and resources, identification of local staff, and load reduction needs.
    - For tracking progress, they look at the water quality track and display, a BMP adoption track and display, a programs and people progress, as well as point sources track and display.
- What to expect in 2025:
    - They have been working on engaging stakeholders. This is ongoing work.
    - In winter, they will incorporate the 24 NRS building blocks, which includes seven chapters. It also includes 15 supporting documents. In summer, the NRS will have a public review period. In the fall, they will edit, and finalize the documents at the end of 2025

Questions/Comments:

- Steve Besser: There has been movement to end phosphorus in different products. Where is it coming from? *Answer:* It is naturally in the soil, but it is also added in fertilizer and manure. It can be released when vegetation dies. The more soil phosphorus you have, the more you will have in the runoff. There are other sources. We have made tremendous progress, but there are still plenty of sources out there.

- Steve Christenson: Where is the increase in urban nitrogen areas coming from? *Answer:* That would include industrial and municipal. Municipal waste is in humane waste and getting into our city systems to treat. With population increases, there is more human waste. A few cities have reduced.
- Rich Biske: How do we use this with priorities in southern Minnesota, versus the multiple benefits that might come with focusing on different watersheds? *Answer:* If we just focus on the in-state needs how far would that get us towards our goals. If we are addressing these issues individually, we could get close to the goals for the Mississippi River Basin, but if you look at the Red River Basin, we have commitments to helping Manitoba and need to address those goals as well. We must do more than focus on our own in-state needs.

Watershed-based Implementation Funding (WBIF) Tracking, by Kyle Richter, Renville SWCD *(Webex 02:59:30)*

- This is to talk about what we are doing in our watersheds in tracking, and how WBIF has helped accelerate the conservation practice on the landscape.
- They follow the water management transformation, including different local government units working together to create a scientific based plan to attack the water issues. We are now seeing positive results on water quality and can accelerate the adoption of these conservation practices.
- We have three 1W1Ps in Renville. Each group creates different management plans based on local needs and goals. Each watershed planning group has the same goals, but collaboration is needed for prioritization.
- We track all our funding. It's important to create an efficient way to track, document, and manage these funds for public transparency. Our Minnesota Association of Soil and Water Conservation Districts (MASWCD) laid out the importance of tracking and public transparency at its 2022 convention. In the winter of 2023, a workgroup was created to look at the options and what works best for districts. We use MS4 Front software to help watersheds manage their WBIF funds. It allows for contract management, ranking projects, reporting projects, and provide public transparency. It has a dashboard.
- WBIF proven success:
  - Educating stakeholders about regional resource concerns and how to address them is one of the most important parts. People implementing practices share ideas. Without education there are no projects.
  - The next step is project development. We meet with landowners, work on conservation planning, and work to understand producers/stakeholders' goals. Farming is a business, and these folks need to be on board. We document what and how resource concerns will be addressed.
  - Project implementation looks different for every project. Examples: Water and sediment control basin, three species cover crop, no till crop, and drainage water management.

Questions:

- Steve Christenson: Does one hundred percent of the WBIF funds come from the CWFs? Are there other sources? *Answer:* It is 100 percent. However, the watershed plans include other ambitious goals that may be funded by federal partners. The more projects we can put in WBIF, the closer we can get to our goals. The software is funded 100 percent by CWFs. Any dollar spent is coded, so BWSR keeps track of it.
- Holly Hatlewick: The software has streamlined the process. Prior to it, we used a fiscal folder to track everything. You can just transfer data from MS4 Front to E-link. It would be magic if they could just talk to each other, but we are not there yet. I also want to expand on the public engagement, because prior to this the work was grant-based only. Now that we have funds available, we can have local businesses to help bring people together, because we do have funding to help and support right away. It has had a big impact.
- Marcie Weinandt: Estimates are used whether a project is done by WBIF, a competitive grant, certification programs, or other grants, and we estimate using this calculation for the amounts of phosphorus and nitrogen saved. How do you decide what the priorities are? *Answer:* All the plans have priorities, and they are tiered, and these are included in the scoring. This helps make sure we are capturing the priority level.
- Marcie Weinandt: How do you capture voluntary actions? *Answer:* We will be able to do that. We will be able to show it soon on a tab (as other funded projects) to include the acres and dollar amount.
- Rich Biske: Is this a snapshot in time, or does it capture an accumulation of practices? How are you tracking that as an indicator of success? *Answer:* The best way to do that is continue your connection with the landowners. If they are practicing adopted practices after the payments, we maintain the relationship with them to maintain the practices or help them try something else.
- Paul Gardner: There is a nutrient reduction goal in the NRS on a basin level, and the WRAPS is like a mini-NRS but for a HUC-8 watershed and has goals linked to the NRS. Then the WRAPS goals are used to prioritize

activities the watershed plan, and so the plans reflect goals linked back to the NRS. Everything is integrated. So you can track funding sources to determine how much of our progress toward watershed goals are being met by the CWF? That would provide a narrative for how the CWF is making a difference. Then, we know we are checking things off. We are trying to be both patient and show a sense of urgency as the same time.

- Annie Knight: Are the watersheds recording their data in MS4 Front and E-link? Are you double recording? In E-link, which is internal software, could you pull data that reveal we are reaching our goal as a Clean Water Council? *Answer:* Yes, we are recording in both. The Legislative Coordinating Commission (LCC) has individual reports to them, and it is a lot of information. It is all public information, and that level of reporting is required. It does not give as much context and does not share how items are connected to the 1W1P and the other items connected to those plans and goals. It was not built to reflect the Clean Water Council's Strategic Plan, but the agencies are working to put these together, often connecting them during the recommendations process. There are a lot of moving parts, and data is being tracked, just not all together in one spot.

No Public Comment *(Webex 04:13:30)*

Adjournment *(Webex 04:13:42)*

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 1447

(SENATE AUTHORS: HOFFMAN and Hawj)

DATE	D-PG	OFFICIAL STATUS
02/17/2025	403	Introduction and first reading Referred to State and Local Government

A bill for an act

relating to state government; appropriating money from clean water and parks and trails funds.

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

ARTICLE 1

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 "2026" and "2027" used in this article mean that the appropriations listed under the figure are available for the fiscal year ending June 30, 2026, or June 30, 2027, respectively. "The first year" is fiscal year 2026. "The second year" is fiscal year 2027. "The biennium" is fiscal years 2026 and 2027. These are onetime appropriations.

	APPROPRIATIONS Available for the Year Ending June 30	
	2026	**2027**
Sec. 2. **CLEAN WATER FUND**		
Subdivision 1. **Total Appropriation**	**$ 155,354,500**	**$ 155,397,500**

This appropriation is from the clean water fund. The amounts that may be spent for each purpose are specified in the following sections.

Subd. 2. **Availability of Appropriation**

Money appropriated in this article may not be spent on activities unless they are directly related to and necessary for a specific appropriation. Money appropriated in this article must be spent in accordance with Minnesota Management and Budget MMB Guidance to Agencies on Legacy Fund Expenditure. Notwithstanding Minnesota Statutes, section 16A.28, and unless otherwise specified in this article, fiscal year 2026 appropriations are available until June 30, 2027, and fiscal year 2027 appropriations are available until June 30, 2028. If a project receives federal funds, the period of the appropriation is extended to equal the availability of federal funding.

Subd. 3. **Disability Access**

Where appropriate, grant recipients of clean water funds, in consultation with the Council on Disability and other appropriate governor-appointed disability councils, boards, committees, and commissions, should make progress toward providing people with disabilities greater access to programs, print publications, and digital media related to the programs the recipient funds using appropriations made in this article.

Subd. 4. **Increasing Diversity in Environmental Careers**

Agencies should work to provide opportunities that encourage a diversity of students to pursue

careers in environment and natural resources when implementing appropriations in this article.

Sec. 3. **DEPARTMENT OF AGRICULTURE** **$ 17,275,000 $ 17,275,000**

(a) $370,000 the first year and $370,000 the second year are to increase monitoring for pesticides and pesticide degradates in surface water and groundwater and to use data collected to assess pesticide use practices.

(b) $3,100,000 the first year and $3,100,000 the second year are for monitoring and evaluating trends in the concentration of nitrate in groundwater; promoting, developing, and evaluating regional and crop-specific nutrient best management practices, cover crops, and other vegetative cover; assessing adoption of best management practices and other recommended practices; education and technical support from University of Minnesota Extension; grants to support agricultural demonstration and implementation activities, including research activities at the Rosholt Research Farm; and other actions to protect groundwater from degradation from nitrate.

(c) $2,000,000 the first year and $2,000,000 the second year are for the agriculture best management practices loan program. Any unencumbered balance at the end of the second year must be added to the corpus of the loan fund.

(d) $1,600,000 the first year and $1,600,000 the second year are for technical assistance; research, demonstration, and promotion

projects on properly implementing best management practices and vegetative cover; and more-precise information on nonpoint contributions to impaired waters and for grants to support on-farm demonstration of agricultural practices.

(e) $50,000 the first year and $50,000 the second year are for maintenance of the Minnesota Water Research Digital Library. Costs for information technology development or support for the digital library may be paid to Minnesota IT Services.

(f) $3,500,000 the first year and $3,500,000 the second year are to implement the Minnesota agricultural water quality certification program statewide.

(g) $155,000 the first year and $155,000 the second year are for a regional irrigation water quality specialist through University of Minnesota Extension.

(h) $3,000,000 the first year and $3,000,000 the second year are for grants to the Board of Regents of the University of Minnesota to fund the Forever Green initiative and to protect the state's natural resources while increasing the efficiency, profitability, and productivity of Minnesota farmers by incorporating perennial and winter-annual crops into existing agricultural practices.

(i) $500,000 the first year and $500,000 the second year are for testing drinking-water wells for pesticides.

(j) $1,750,000 the first year and $1,750,000 the second year are for conservation

equipment assistance grants to purchase equipment or items to retrofit existing equipment that has climate and water quality benefits.

(k) $1,250,000 the first year and $1,250,000 the second year are for expanding the existing state weather station and soil temperature network to provide accurate and timely weather data to optimize the timing of irrigation, fertilizer, pesticide, and manure applications and support land management decisions.

(l) Unless otherwise specified, the appropriations in this section are available until June 30, 2030.

Sec. 4. **POLLUTION CONTROL AGENCY** **$ 24,701,500 $ 24,701,500**

(a) $9,450,000 the first year and $9,450,000 the second year are for completing needed statewide assessments of surface water quality and trends according to Minnesota Statutes, chapter 114D.

(b) $7,250,000 the first year and $7,250,000 the second year are to support public participation in the watershed approach and to update watershed restoration and protection strategies, which include total maximum daily load (TMDL) and other supporting studies according to Minnesota Statutes, chapter 114D, for waters on the impaired waters list approved by the United States Environmental Protection Agency.

(c) $1,000,000 the first year and $1,000,000 the second year are for groundwater assessment, including enhancing the ambient

monitoring network, modeling, and evaluating trends.

(d) $1,600,000 the first year and $1,600,000 the second year are for national pollutant discharge elimination system wastewater and stormwater TMDL implementation efforts.

(e) $3,540,500 the first year and $3,540,500 the second year are for enhancing the county-level delivery systems for subsurface sewage treatment system (SSTS) activities necessary to implement Minnesota Statutes, sections 115.55 and 115.56, for protecting groundwater. This appropriation includes base grants for all counties with SSTS programs. Counties that receive base grants must report the number of properties with noncompliant systems upgraded through an SSTS replacement, connection to a centralized sewer system, or other means, including property abandonment or buyout. Counties also must report the number of existing SSTS compliance inspections conducted in areas under county jurisdiction. The required reports must be part of the established annual reporting for SSTS programs. Of this amount, at least $900,000 each year is available to counties for grants to low-income landowners to address systems that pose an imminent threat to public health or safety or fail to protect groundwater. A county receiving a grant under this paragraph must submit a report to the agency listing the projects funded, including an account of the expenditures.

(f) $650,000 the first year and $650,000 the second year are for activities and grants that reduce chloride pollution.

(g) $461,000 the first year and $461,000 the second year are to support activities of the Clean Water Council according to Minnesota Statutes, section 114D.30, subdivision 1.

(h) $750,000 the first year and $750,000 the second year are for a grant program for sanitary sewer projects that are included in the draft or any updated Voyageurs National Park Clean Water Project Comprehensive Plan to restore the water quality of waters in Voyageurs National Park. Grants must be awarded to local government units for projects approved by the Voyageurs National Park Clean Water Joint Powers Board and must be matched by at least 25 percent from sources other than the clean water fund.

(i) Any unencumbered grant balances in the first year do not cancel but are available for grants in the second year. Notwithstanding Minnesota Statutes, section 16A.28, the appropriations in this section are available until June 30, 2030.

Sec. 5. **DEPARTMENT OF NATURAL RESOURCES** **$ 14,650,000 $ 14,650,000**

(a) $2,825,000 the first year and $2,825,000 the second year are for stream flow monitoring.

(b) $1,525,000 the first year and $1,525,000 the second year are for lake Index of Biological Integrity (IBI) assessments.

(c) $550,000 the first year and $550,000 the second year are for assessing mercury and other fish contaminants, including PFAS compounds, and monitoring to track the status of impaired waters over time.

(d) $2,500,000 the first year and $2,500,000 the second year are for developing targeted, science-based watershed restoration and protection strategies and for technical assistance for local governments.

(e) $2,350,000 the first year and $2,350,000 the second year are for water-supply planning, aquifer protection, and monitoring activities and analysis.

(f) $2,250,000 the first year and $2,250,000 the second year are for technical assistance to support local implementation of nonpoint source restoration and protection activities and targeted forest stewardship for water quality.

(g) $700,000 the first year and $700,000 the second year are for tool development and evaluation, including maintaining and updating spatial data for watershed boundaries, streams, and water bodies and integrating high-resolution digital elevation data and for assessing the effectiveness of forestry best management practices for water quality.

(h) $100,000 the first year and $100,000 the second year are for accelerating completion of or updates to county geologic atlases and supplementing water chemistry or chemical movement studies.

(i) $350,000 the first year and $350,000 the second year are for increasing native

freshwater mussel production capacity and restoring and monitoring freshwater mussel restoration efforts.

(j) $1,500,000 the first year and $1,500,000 the second year are for providing technical and financial assistance for county and local governments to replace failing or ineffective culverts using modern designs that restore floodplain connectivity, biological connectivity, and channel stability. This appropriation is available for up to two additional years.

Sec. 6. **BOARD OF WATER AND SOIL RESOURCES** **$ 71,801,000 $ 71,801,000**

(a) $45,000,000 the first year and $45,000,000 the second year are for agreements to implement state-approved watershed-based plans. The agreements may be used to implement projects or programs that protect, enhance, and restore surface water quality in lakes, rivers, and streams; protect groundwater from degradation; and protect drinking water sources. Activities must be identified in a comprehensive watershed plan developed under the One Watershed, One Plan program and seven-county metropolitan groundwater or surface water management frameworks as provided for in Minnesota Statutes, chapters 103B, 103C, 103D, and 114D. Other legacy funds may be used to supplement projects funded under this paragraph. This appropriation may be used for:

(1) implementing state-approved plans, including within the following watershed planning areas: Big Fork River, Blue Earth

River, Bois de Sioux - Mustinka, Buffalo-Red River, Cannon River, Cedar - Wapsipinicon, Chippewa River, Clearwater River, Cottonwood-Middle Minnesota, Crow Wing River, Des Moines River, Greater Zumbro River, Hawk Creek - Middle Minnesota, Kettle and Upper St. Croix, Lac qui Parle-Yellow Bank, Lake of the Woods, Lake Superior North, Le Sueur River, Leech Lake River, Little Fork River, Long Prairie River, Lower Minnesota River East, Lower Minnesota River West, Lower St. Croix River, Middle-Snake-Tamarac Rivers, Minnesota River-Mankato, Mississippi River Brainerd, Mississippi River Headwaters, Mississippi River St. Cloud, Mississippi River-Sartell, Mississippi River Winona/La Crescent, Missouri River Basin, Nemadji River, North Fork Crow River, Otter Tail, Pine River, Pomme de Terre River, Rainy-Rapid River, Rainy Headwaters - Vermilion, Rainy River-Rainy Lake, Red Lake River, Redeye River, Redwood River, Root River, Roseau River, Rum River, Sand Hill River, Sauk River, Shell Rock and Winnebago River, Snake River, South Fork of the Crow River, St. Louis River, Thief River, Two Rivers Plus, Upper and Lower Red Lake, Upper Minnesota River, Upper Mississippi - Grand Rapids, Watonwan River, Wild Rice - Marsh, and Yellow Medicine River;

(2) implementing seven-county metropolitan groundwater or surface water management frameworks; and

(3) implementing other comprehensive watershed management plan planning areas that have a board-approved and local-government-adopted plan as authorized in Minnesota Statutes, section 103B.801.

The board must establish eligibility criteria and determine whether a planning area is ready to proceed.

(b) $3,000,000 the first year and $3,000,000 the second year are for agreements with local government units to protect and restore surface water and drinking water; to keep water on the land; to protect, enhance, and restore water quality in lakes, rivers, and streams; and to protect groundwater and drinking water, including feedlot water quality and subsurface sewage treatment system projects and stream bank, stream channel, shoreline restoration, and ravine stabilization projects. The projects must use practices demonstrated to be effective, be of long-lasting public benefit, include a match, and be consistent with total maximum daily load (TMDL) implementation plans, watershed restoration and protection strategies (WRAPS), groundwater restoration and protection strategies (GRAPS), or local water management plans or their equivalents. Up to 50 percent of this appropriation is available for land-treatment projects and practices that benefit drinking water.

(c) $4,350,000 the first year and $4,350,000 the second year are for accelerated implementation, local resource protection, statewide analytical targeting or technology tools that fill an identified gap, program

enhancements for technical assistance, citizen and community outreach, compliance, and training and certification.

(d) $1,250,000 the first year and $1,250,000 the second year are:

(1) to provide state oversight and accountability, evaluate and communicate results, provide implementation tools, and measure the value of conservation program implementation by local governments; and

(2) to submit to the legislature by December 15 each even-numbered year a biennial report detailing the recipients and projects funded and the results accomplished under this section.

(e) $2,000,000 the first year and $2,000,000 the second year are to provide assistance, oversight, and support for local governments in implementing and complying with riparian protection and excessive soil loss requirements.

(f) $1,000,000 the first year and $1,000,000 the second year are for a working lands floodplain program and to purchase, restore, or preserve riparian land and floodplains adjacent to lakes, wetlands, rivers, streams, and tributaries, by conservation easements or other agreements to keep water on the land, to decrease sediment, pollutant, and nutrient transport; reduce hydrologic impacts to surface waters; and increase protection and recharge for groundwater. Up to $60,000 is for deposit in a conservation easement stewardship

account established according to Minnesota Statutes, section 103B.103.

(g) $2,500,000 the first year and $2,500,000 the second year are for conservation easements under Minnesota Statutes, section 103F.501 to 103F.535, or for agreements with local units of government or Tribal governments for long-term protection of groundwater supply sources. Priority must be placed on drinking water supply management areas where the vulnerability of the drinking water supply is designated as high or very high by the commissioner of health, that are mitigation level 1 or 2 under the groundwater protection rule, where drinking water protection plans developed by Tribal governments have identified high vulnerability, or where drinking water protection plans have identified specific activities that will achieve long-term protection. Up to $200,000 is for deposit in a conservation easement stewardship account established according to Minnesota Statutes, section 103B.103.

(h) $100,000 the first year and $100,000 the second year are for a technical evaluation panel to conduct restoration evaluations under Minnesota Statutes, section 114D.50, subdivision 6.

(i) $500,000 the first year and $500,000 the second year are for assistance to, oversight of, and agreements with local governments to enhance and update comprehensive watershed management plans developed under Minnesota Statutes, section 103B.801.

(j) $1,000,000 the first year and $1,000,000 the second year are for technical and financial assistance for the conservation drainage program, in consultation with the Drainage Work Group, coordinated under Minnesota Statutes, section 103B.101, subdivision 13, and including projects to improve multipurpose water management under Minnesota Statutes, section 103E.015.

(k) $500,000 the first year and $500,000 the second year are to purchase permanent conservation easements to protect lands adjacent to public waters that have good water quality but that are threatened with degradation. Up to $60,000 is for deposit in a conservation easement stewardship account established according to Minnesota Statutes, section 103B.103.

(l) $425,000 the first year and $425,000 the second year are to systematically collect data and produce county, watershed, and statewide estimates of soil erosion caused by water and wind, and track adoption of conservation measures, including cover crops, to address erosion. This appropriation may be used for agreements with the University of Minnesota to complete this work.

(m) $500,000 the first year and $500,000 the second year are for implementing a water legacy program to expand partnerships for clean water.

(n) $2,500,000 the first year and $2,500,000 the second year are for permanent conservation easements to protect and restore wetlands and associated uplands. Up to

$100,000 is for deposit in a conservation easement stewardship account established according to Minnesota Statutes, section 103B.103.

(o) $5,926,000 the first year and $5,926,000 the second year are for financial and technical assistance to enhance adoption of cover crops and other soil health practices to achieve water quality or drinking water benefits. The board may use agreements with local governments, the United States Department of Agriculture, AgCentric at Minnesota State Center for Excellence, and other practitioners and partners to accomplish this work. Up to $450,000 is for an agreement with the University of Minnesota Office for Soil Health for applied research and education on Minnesota's agroecosystems and soil health management systems. This appropriation may be extended to leverage available federal funds.

(p) $750,000 the first year and $750,000 the second year are to contract for delivery of services with Conservation Corps Minnesota and Iowa for restoration, maintenance, training, and other activities consistent with this section.

(q) $500,000 the first year and $500,000 the second year are to provide support to soil and water conservation districts and other local governments and partner organizations in the Lake Superior basin to leverage Great Lakes Restoration Initiative or other federal funding to implement prioritized activities.

(r) The board may shift funds in this section and may adjust the technical and administrative assistance portion of the funds to leverage federal or other nonstate funds, to facilitate oversight responsibilities, or to address high-priority activities identified by the board consistent with local water management plans.

(s) The board must require grantees to specify the outcomes that will be achieved by the grants.

(t) The appropriations in this section are available until June 30, 2030, except grant or easement funds are available for five years after the date a grant or other agreement is executed. Returned funds must be repurposed consistent with the purposes of this section.

Sec. 7. **DEPARTMENT OF HEALTH** **$ 15,095,000 $ 15,145,000**

(a) $5,925,000 the first year and $5,925,000 the second year are to develop health risk limits and other health-based guidance and conduct outreach activities for contaminants found or anticipated to be found in Minnesota drinking water; to accredit private laboratories to conduct analyses for these contaminants; and to increase the capacity of the department's laboratory to analyze for these contaminants.

(b) $3,000,000 the first year and $3,000,000 the second year are for ensuring safe drinking water for private well users in southeast Minnesota and statewide by designing and implementing voluntary interventions to reduce health risks to private well users,

including identifying private well locations, studying the occurrence and magnitude of contaminants in private wells, developing guidance and conducting outreach and education about well testing and mitigation, awarding grants to local governments, and offering well testing.

(c) $3,870,000 the first year and $3,920,000 the second year are for protecting sources of drinking water, including planning, implementation, and monitoring activities and grants to local governments and public water systems.

(d) $1,750,000 the first year and $1,750,000 the second year are to develop and deliver groundwater restoration and protection strategies on a watershed scale for use in local comprehensive water planning efforts, to provide resources to local governments for activities that sustain groundwater and protect sources of drinking water, and to enhance approaches that improve the capacity of local governmental units to protect and restore groundwater resources.

(e) $250,000 the first year and $250,000 the second year are to develop public health policies and approaches to address threats to safe drinking water, including implementation of a statewide action plan for protecting drinking water.

(f) $300,000 the first year and $300,000 the second year are for optimizing the statewide recreational water portal that includes an inventory of public beaches and information about local monitoring results and closures

and that provides information about preventing illness and recreational water stewardship.

(g) Unless otherwise specified, the appropriations in this section are available until June 30, 2029.

Sec. 8. **METROPOLITAN COUNCIL** **$ 2,125,000 $ 2,125,000**

(a) $1,375,000 the first year and $1,375,000 the second year are to support communities implementing projects that address emerging drinking water supply threats and overall water sustainability, provide cost-effective regional solutions, leverage interjurisdictional coordination, support local implementation of wellhead protection plans, and prevent degradation of groundwater and surface water resources. These activities will provide communities with:

(1) potential solutions to better connect land use impacts on water supply and overall water sustainability;

(2) ways to balance regional water use by using surface water, stormwater, wastewater, and groundwater;

(3) an analysis of infrastructure requirements needed to maintain and strengthen the reliability of water systems;

(4) development of planning-level cost estimates, including capital costs and operating costs;

(5) funding mechanisms and an equitable cost-sharing structure for regionally beneficial water supply development projects;

(6) information and tools to use to address climate change impacts on overall water supply systems and overall water sustainability; and

(7) ways to reduce impacts on the groundwater system through stormwater reuse grants to assist communities in reducing water use.

(b) $750,000 the first year and $750,000 the second year are for grants that implement water demand reduction measures. The grants are to assist municipalities in the metropolitan area with implementing water demand reduction measures to ensure the reliability and protection of drinking water supplies.

Sec. 9. **UNIVERSITY OF MINNESOTA** **$ 1,400,000 $ 1,400,000**

(a) $400,000 the first year and $400,000 the second year are for developing Part A of county geologic atlases. This appropriation is available until June 30, 2030.

(b) $1,000,000 the first year and $1,000,000 the second year are for a program to evaluate performance and technology transfer for stormwater best management practices, to evaluate best management performance and effectiveness to support meeting total maximum daily loads, to develop standards and incorporate state-of-the-art guidance using minimal impact design standards as the model, and to implement a system to transfer knowledge and technology across the local government, industry, and regulatory sectors. This appropriation is available until June 30, 2032.

Sec. 10. **LEGISLATURE** **$ 7,000 $ -0-**

$7,000 the first year is for the Legislative Coordinating Commission for the website required under Minnesota Statutes, section 3.303, subdivision 10.

Sec. 11. **PUBLIC FACILITIES AUTHORITY** **$ 8,300,000 $ 8,300,000**

(a) $8,250,000 the first year and $8,250,000 the second year are for the point source implementation grants program under Minnesota Statutes, section 446A.073. This appropriation is available until June 30, 2032.

(b) $50,000 the first year and $50,000 the second year are for small community wastewater treatment grants and loans under Minnesota Statutes, section 446A.075. This appropriation is available until June 30, 2032.

(c) If there is any uncommitted money at the end of each fiscal year under paragraph (a) or (b), the Public Facilities Authority may transfer the remaining funds to eligible projects under any of the programs listed in this section according to a project's priority rank on the Pollution Control Agency's project priority list.

ARTICLE 2
PARKS AND TRAILS FUND

Section 1. **PARKS AND TRAILS 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 parks and trails fund and are available for the fiscal years indicated for each purpose. The figures "2026" and "2027" used in this article mean that the appropriations listed under the figure are available for the fiscal year ending June 30, 2026, or June 30, 2027, respectively. "The first year" is fiscal year 2026. "The second year" is fiscal year 2027. "The biennium" is fiscal years 2026 and 2027. These are onetime appropriations.

Addressing water impacts of data centers

February 24, 2025

FRESHWATER

Presenters

Backgrounds in drinking water, engineering, geology, and private wells.

Michelle Stockness, PE

Freshwater

Executive Director

Carrie Jennings, PhD, PG

Freshwater

Research and Policy Director

Agenda

BACKGROUND
(10 MIN)

OPPORTUNITIES
(5 MIN)

DISCUSSION
(30 MIN)

Goal

Sustainable Water Supply

How can we balance economic development with the need to ensure future water availability for communities and ecosystems?

Headlines

Kirsti Marohn · February 11, 2025 4:00 AM

Water-guzzling data centers spark worries for Minnesota's groundwater

A sign voicing opposition to the data center project hangs on a fence at the edge of the Fountain Valley Golf Course on Nov. 14 in Farmington, Minn. Kirsti Marohn | MPR News

Farmington residents file lawsuit against city to prevent $5B data center plan

An injunction was filed late last year to pause negotiations between the city and data developer.

TOMMY WIITA • JAN 9, 2025

Plans Unveiled for $5B Sustainable Aviation Fuel Facility in Moorhead

Slated to come online by 2030, the new facility is expected to produce about 193 million gallons of lower-carbon jet fuel a year.

By Dan Niepow
November 05, 2024

What does a typical development process look like?

Economic Development teams help site the project

- Water Managers or regional planners are usually not involved

Municipalities are approached to evaluate land use, power use, water use

- NDAs may be used
- Land use and power are usually discussed first
- Partners approached with a short timeline

Agreements are reached and the project goes public

- Usually a municipal water supply connection
- May or may not require AUAR / EAW / EIS

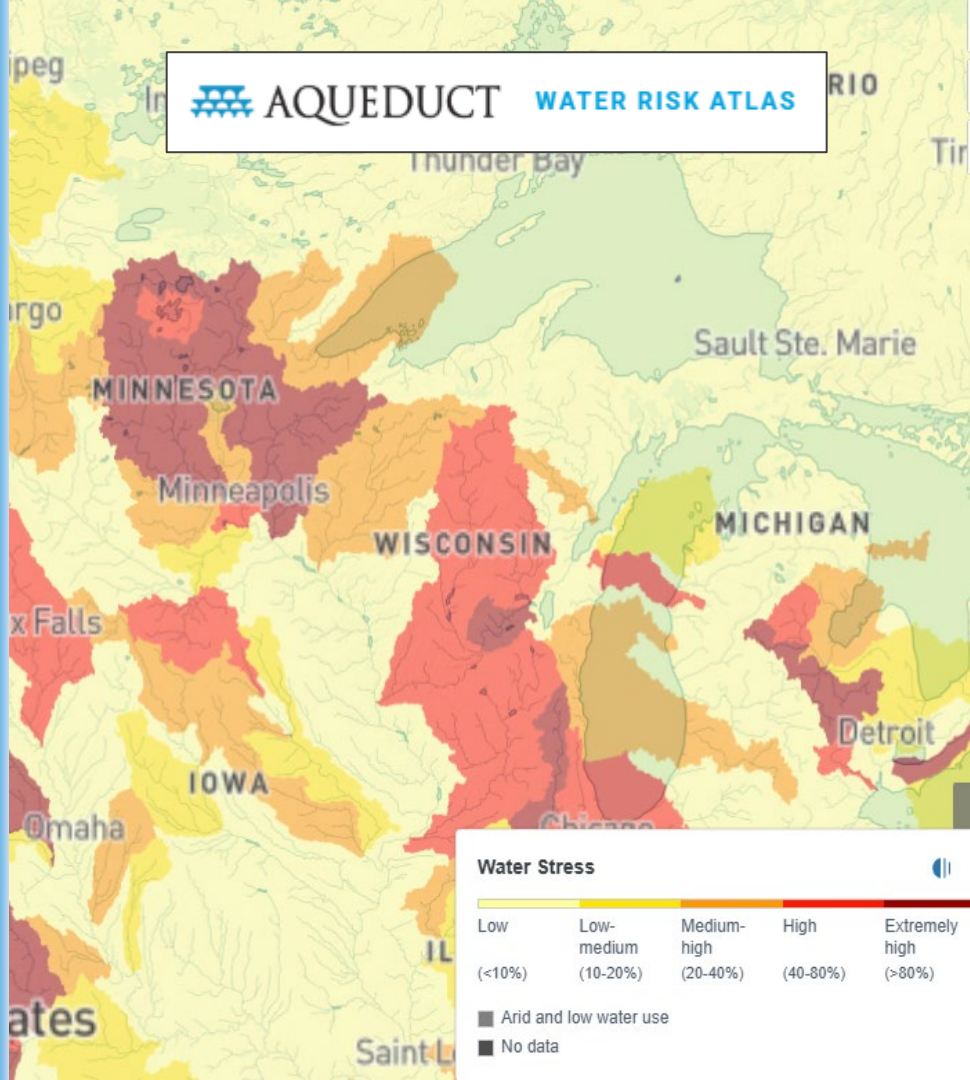
Concerns raised by citizens, legislators, water managers

Issues we see

- **Speed.** These projects move faster than water planners are able to react.
- **Need for data sharing.** Do cities have the tools to evaluate regional long-term water supply sustainability?
- **Short term incentives.** Easier to consider than water sustainability and priority of use.
- **Community engagement?** None.
- **Many stakeholders.** Makes being proactive a challenge.

Minnesota's groundwater picture

Not all areas can handle additional large capacity users



Opportunities

- Use existing **regional planning tools**.
- **Require transparency** in water use.
- **Allow input** from communities & agencies.
- **Incentivize** water conservation and non-groundwater sources.
- **Guide business to areas with sustainable water** sources proactively, e.g. surface water or water reuse.

In Summary

We need to act quickly

Groundwater is the default supply source

Agencies and communities need to be more involved

Discussion

How should different groups engage on water-intensive developments?

- State agencies
- Local governments
- Regional planning groups
- Economic development teams
- Business coalitions
- Legislators
- Conservation and advocacy groups

Discussion

What data, tools or processes can help cities make well-informed water use decisions?

- What is currently in place?
- What needs to be developed?

Discussion

What are specific short-term and long-term approaches to ensure development is sustainable?


Thank you inviting us and for
protecting Minnesota’s water

Inspiring and empowering people
to value and protect water.

freshwater.org

FRESHWATER

Siting and development of water-intensive industry and consideration of long-term water impacts

Summary of concerns

- Data centers consume large amounts of water for cooling, which is especially concerning for long-term groundwater sustainability.
    - The Washington Post reports that data centers can use between 1 and 5 million gallons of water per day.
    - Google's data centers consume 6 billion gallons of water annually.
    - Data center water use can be equivalent to that of an entire city.
    - A single ChatGPT query uses at least one 500 ml bottle of water.
- Water supply needs of data centers often are not discussed until late in the planning process.
- Developments tend to move fast before alternative cooling options can be fully considered.
- Local governments often sign nondisclosure agreements with developers early on, which may prevent water managers and citizens from engaging in the planning process.
- Businesses seek to expedite permitting and often use municipal water sources for supply.
    - This practice may conflict with the prioritization of water use in Minnesota statute 103G.261 (drinking water is highest priority), and it shifts responsibility to the municipality for potential well interference and water quality issues.
    - A large water user today may limit water supply for future developments or residents.
    - Note: Water quality can also be impacted by intensive groundwater pumping as minerals (Arsenic and Manganese, for example) and pollutants are stirred up/mobilized in aquifers.
- New projects are moving quickly with Minnesota and other Midwestern states offering tax incentives specific to data centers as described in this report from the Midwest Council of State Governments.

Potential planning/coordination solutions

- Coordinate long-term water supply planning on a regional level.
    - Encourage economic development teams to talk about sustainable water supply early in the development process with city and state agencies.
    - Define areas where groundwater is vulnerable to depletion, or there are likely to be well interferences.
- Clarify state agency roles in siting and permitting of water-intensive projects
    - DNR has broad authority to protect groundwater supplies; interaction with Minnesota DEED and local governments during planning process could be clarified.
    - Interagency Drinking Water-Groundwater Team provides a current venue for coordination (DNR, BWSR, MPCA, MDA, MDH, Met Council).
- Activate local watershed planning and implementation groups
    - Local planning groups across the state have been established through the One Watershed, One Plan process.
    - Groundwater Restoration and Protection Strategies (GRAPS) program is coordinated by Minnesota Department of Health. GRAPS reports could be used to inform regional decision-making around large water users.
    - Provide opportunities for citizens to engage and comment on prioritization for groundwater use in their area; possibly leverage public involvement funding outlined in comprehensive watershed plans.

    - Coordinate with U of M Extension Regional Sustainable Development Partnership to educate communities on sustainable groundwater use.
- Encourage siting of high water use businesses near sustainable water supply sources such as surface water or wastewater treatment plants.
- Encourage groundwater infiltration of industrial discharges to keep water in the watershed.
- Encourage sustainability rating systems and offer incentives for certification.
    - LEED certification for data centers includes criteria to optimize water use. Process water use is focused on multiple cooling loops, reducing water use, or using recycled water.
    - LEED standards currently do not include source water sustainability; new incentives for alternate water sources (besides groundwater) could be added.
- Encourage proactive identification of sites with sustainable water supply sources in city comprehensive plans.
- Engage the University of Minnesota-Duluth Natural Resources Research Institute (NRRI) to incorporate data centers into its Midwest Industrial Transformation Initiative.

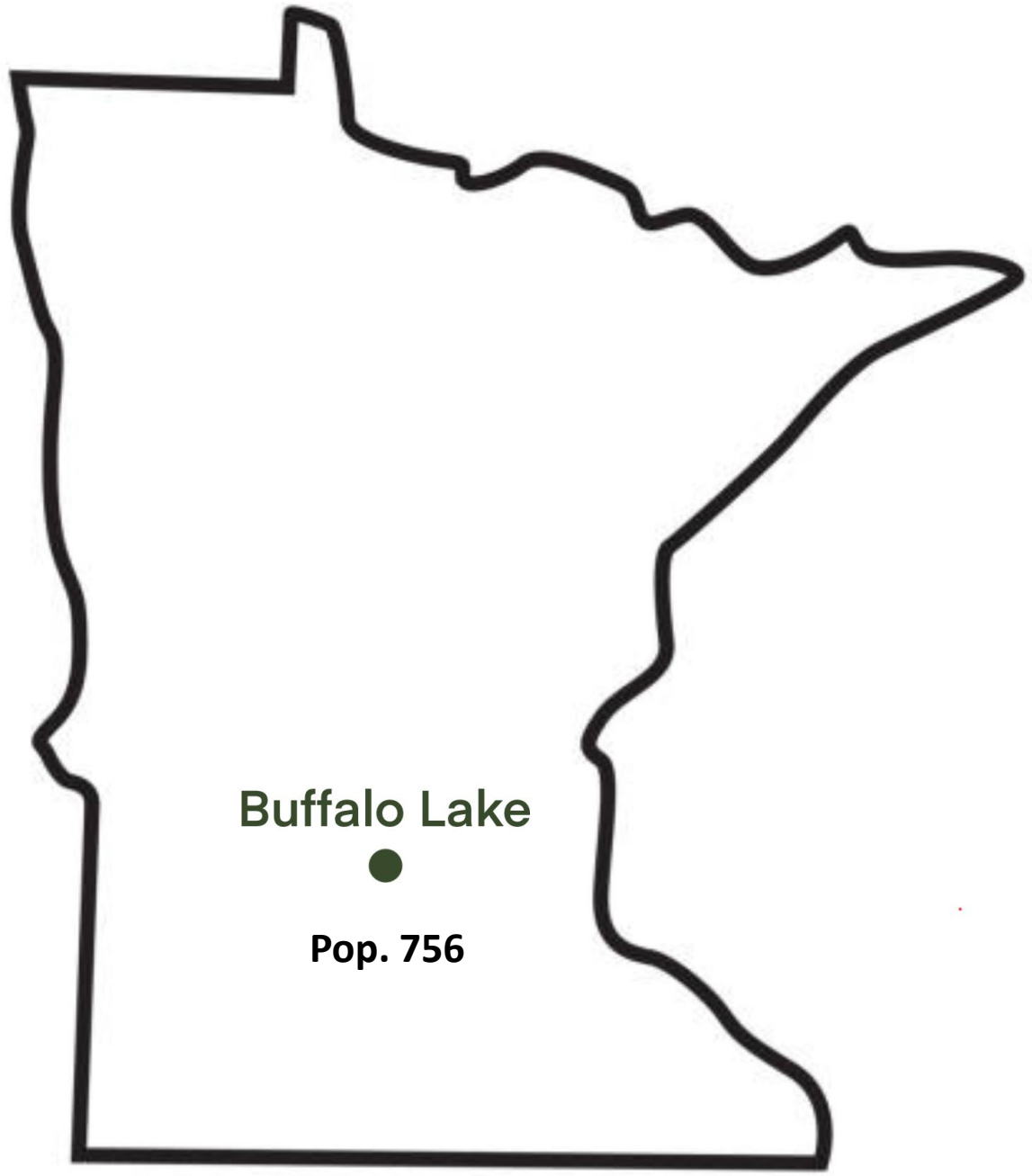
Potential policy/permitting solutions

- Require that developers consider alternatives to using groundwater, such as geothermal, surface water, or water reuse in initial permit evaluations and planning documents.
- Require more transparency around water use, and that state groundwater data to be shared with local decision makers at the city and county level when a new data center is initially proposed.
- Revise existing DNR water appropriation permit requirements to require preliminary assessments and area hydrologist reviews for all large water uses more than 10,000 GPD or 1MGY, whether new wells or municipal water connections.
- Prohibit data centers in specific municipal zoning districts. SF608 is an example of a zoning restriction, although most data center projects would likely meet the industrial zoning exception stated in this bill.
- Potentially modify or strengthen Minnesota statute 103G.271 prohibiting once-through cooling.
- The Legislature could call for a state agency report on the issue. As an example, SF117 proposes a study on environmental impacts to Minnesota of artificial intelligence.
- Strengthen environmental review for water-intensive developments
    - The Environmental Quality Board could order a Generic Environmental Impact Statement, which is specified for environmental issues that are not adequately reviewed on a project-by-project basis.
    - Ask for additional details on long term water supply evaluations as part of Alternative Urban Areawide Review (AUAR) submittals.
    - A new mandatory category could be established for data centers to trigger an automatic environmental assessment worksheet (EAW) or environmental impact statement (EIS).

Questions to consider

- What roles do state agencies, local units of government, regional planning groups, economic development teams, business coalitions, and the state legislature play? What data do they need to make well-informed decisions for sustainable water supply?
- What are both short-term and long-term options that can address sustainable water supply? New water intensive developments are being proposed now and will continue into the future.

Brian and Sandy Ryberg



Farm in 4 counties
Raise corn, beans, beets
Transitioned to ST in 2014
Cover Crops in 2014
No-till beans in 2021
Covering 6500 acres

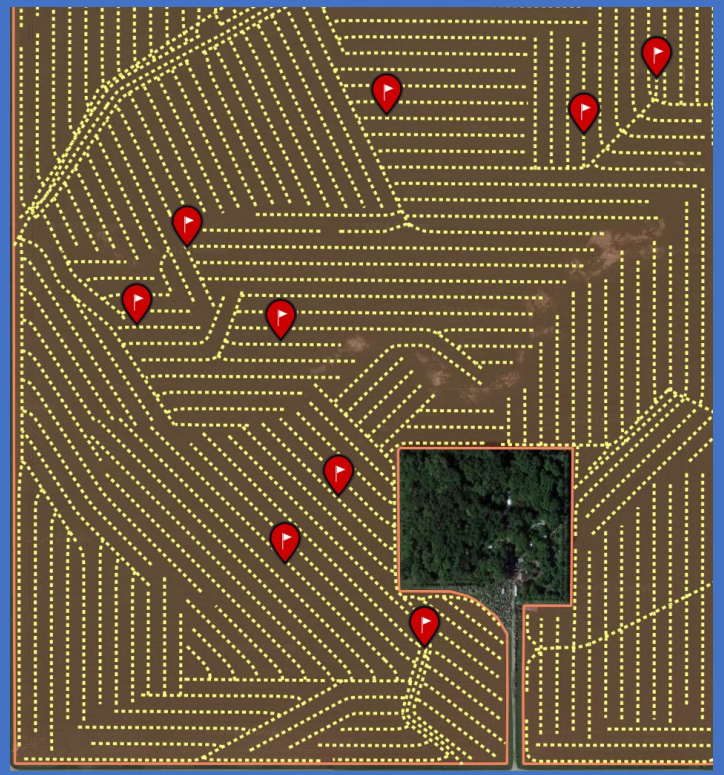

862NT

- ETS Soil Warrior – 24 row 22”
- Triple coulter design
- Dual VRT fertilizer capability
- Pull 7-9 mph covering 300-400 acres per day
- No “freshening” in the spring, plant directly into strips


Fall


Spring


Strip-Till
Conventional




Jasper County Soil and Water Conservation District
May 3, 2023


PhD

Our farm soils

Neighbors conventional soil
(“mudders”)

Check out our website at www.rybergfarms or our FB page.

Thank you!

Why No-Tillage??

ED MCNAMARA

FARMER

GOODHUE SWCD SUPERVISOR

GOODHUE, MN

Why No-Tillage??

REASONS FOR NOT ADOPTING

- NO ECONOMIC BENEFITS
- FEAR OF YIELD REDUCTION
- ADDED COST?
- COMPLICATES MANAGEMENT
- INCREASED RISK

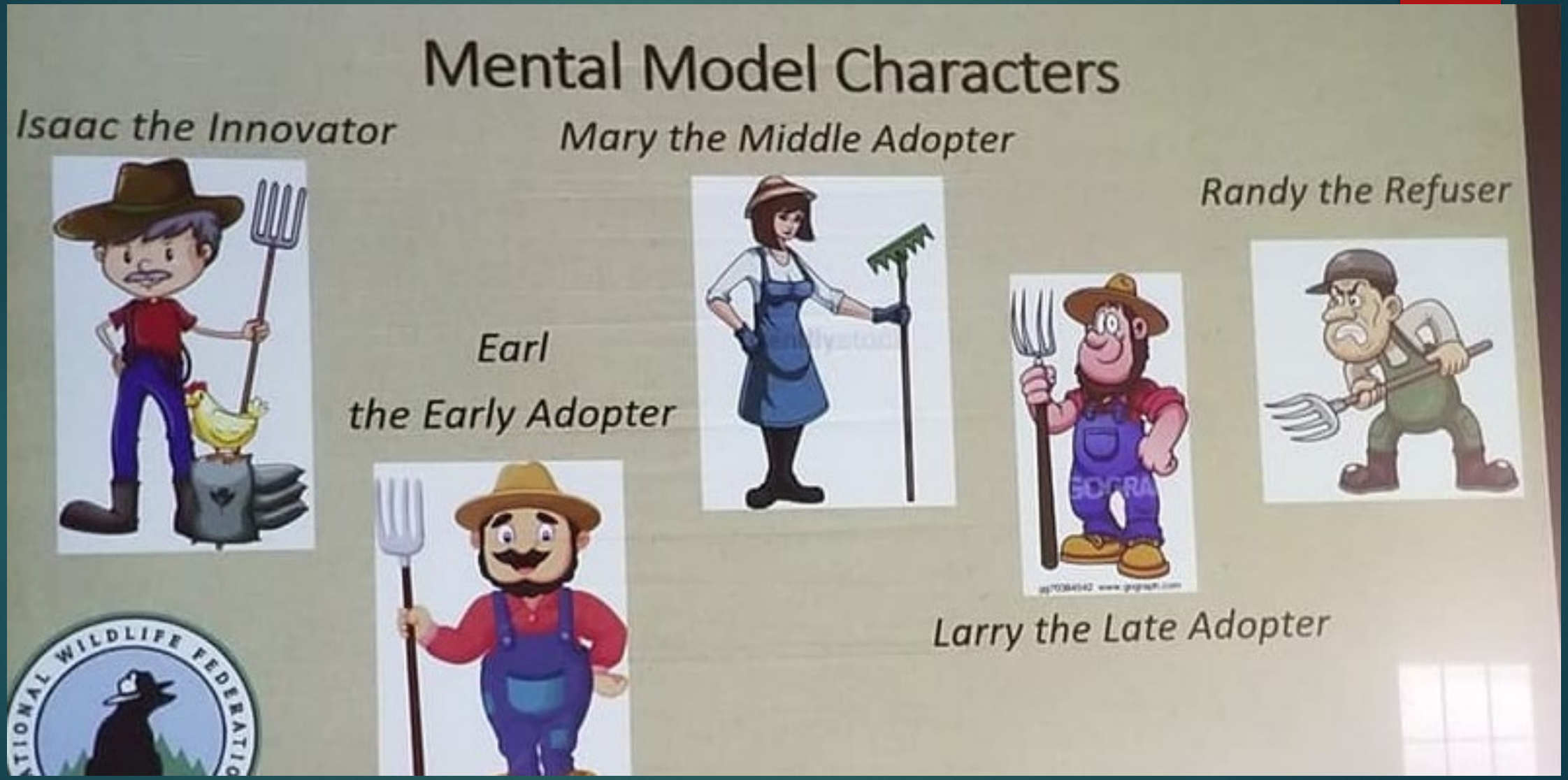
Ed McNamara
Goodhue SWCD Supervisor
Goodhue, MN

Why No-Tillage??

REASONS FOR ADOPTING

- REDUCED COST (FUEL/LABOR)
- INCREASED YIELDS
- IMPROVE WEED CONTROL
- PLANTING GREEN
- TIME TO DO THE MORE OF THE IMPORTANT THINGS IN LIFE

Where do you fit in???



Planting Green is Not Rocket Science!!!

Planting Green

- Doesn’t Necessarily Require Extra Equipment, this planter is 20 years old!!

Get Cover Crops Planted ASAP!!

You can plant early and still harvest your crop with ease!

In Summary

What's the problem???

- Not all farmers perceive erosion as a problem…
- We've always done it this way…
- I don't want to change the way I manage my land…
- What will my buddies think….

What problem?

- PLANTING equipment is no-longer the limiting factor in making the change
- NUTRIENT equipment and placement has become the biggest challenge *
- Landowner needs to be more engaged with the nutrient application portion of operations.

The End

CHAPTER 114D

CLEAN WATER LEGACY ACT

114D.05 CITATION.

This chapter may be cited as the "Clean Water Legacy Act."

History: *2006 c 251 s 2*

114D.10 LEGISLATIVE PURPOSE AND FINDINGS.

Subdivision 1. **Purpose.** The purpose of the Clean Water Legacy Act is to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation, by providing authority, direction, and resources to achieve and maintain water quality standards for groundwater and surface waters, including the standards required by section 303(d) of the federal Clean Water Act, United States Code, title 33, section 1313(d), and other applicable state and federal regulations.

Subd. 2. **Findings.** The legislature finds that:

(1) there is a close link between protecting, enhancing, and restoring the quality of Minnesota's groundwater and surface waters and the ability to develop the state's economy, enhance its quality of life, and protect its human and natural resources;

(2) achieving the state's water quality goals will require long-term commitment and cooperation by all state and local agencies, and other public and private organizations and individuals, with responsibility and authority for water management, planning, and protection; and

(3) all persons and organizations whose activities affect the quality of waters, including point and nonpoint sources of pollution, have a responsibility to participate in and support efforts to achieve the state's water quality goals.

History: *2006 c 251 s 3; 1Sp2011 c 6 art 2 s 13*

114D.15 DEFINITIONS.

Subdivision 1. **Application.** The definitions provided in this section apply to the terms used in this chapter.

Subd. 2. **Citizen monitoring.** "Citizen monitoring" means monitoring of surface water quality by individuals and nongovernmental organizations that is consistent with section 115.06, subdivision 4, and Pollution Control Agency guidance on monitoring procedures, quality assurance protocols, and data management.

Subd. 3. **Clean Water Council or council.** "Clean Water Council" or "council" means the Clean Water Council created pursuant to section 114D.30, subdivision 1.

Subd. 3a. **Comprehensive local water management plan.** "Comprehensive local water management plan" has the meaning given under section 103B.3363, subdivision 3.

Subd. 3b. **Comprehensive watershed management plan.** "Comprehensive watershed management plan" has the meaning given under section 103B.3363, subdivision 3a.

Subd. 4. **Federal TMDL requirements.** "Federal TMDL requirements" means the requirements of section 303(d) of the Clean Water Act, United States Code, title 33, section 1313(d), and associated regulations and guidance.

Subd. 5. **Impaired water.** "Impaired water" means surface water that does not meet applicable water quality standards.

Subd. 6. **Public agencies.** "Public agencies" means all state agencies, political subdivisions, joint powers organizations, and special purpose units of government with authority, responsibility, or expertise in protecting, restoring, or preserving the quality of surface waters, managing or planning for surface waters and related lands, or financing waters-related projects. Public agencies includes the University of Minnesota and other public education institutions.

Subd. 7. **Restoration.** "Restoration" means actions taken to pursue, achieve, and maintain water quality standards for impaired waters.

Subd. 8. **Surface waters.** "Surface waters" means waters of the state as defined in section 115.01, subdivision 22, excluding groundwater as defined in section 115.01, subdivision 6.

Subd. 9. **Third-party TMDL.** "Third-party TMDL" means a TMDL by the Pollution Control Agency that is developed in whole or in part by a qualified public agency other than the Pollution Control Agency consistent with the goals, policies, and priorities in section 114D.20.

Subd. 10. **Total maximum daily load or TMDL.** "Total maximum daily load" or "TMDL" means a scientific study that contains a calculation of the maximum amount of a pollutant that may be introduced into a surface water and still ensure that applicable water quality standards for that water are restored and maintained. A TMDL also is the sum of the pollutant load allocations for all sources of the pollutant, including a wasteload allocation for point sources, a load allocation for nonpoint sources and natural background, an allocation for future growth of point and nonpoint sources, and a margin of safety to account for uncertainty about the relationship between pollutant loads and the quality of the receiving surface water. "Natural background" means characteristics of the water body resulting from the multiplicity of factors in nature, including climate and ecosystem dynamics, that affect the physical, chemical, or biological conditions in a water body, but does not include measurable and distinguishable pollution that is attributable to human activity or influence. A TMDL must take into account seasonal variations.

Subd. 11. **TMDL implementation plan.** "TMDL implementation plan" means a document detailing restoration strategies or activities needed to meet approved TMDL pollutant load allocations for point and nonpoint sources. This could include a WRAPS, a comprehensive watershed management plan, a comprehensive local water management plan, or another document or strategy that the commissioner of the Pollution Control Agency determines to be, in whole or in part, sufficient to provide reasonable assurance of achieving applicable water quality standards.

Subd. 12. **Water quality standards.** "Water quality standards" for Minnesota surface waters are found in Minnesota Rules, chapters 7050 and 7052.

Subd. 13. **Watershed restoration and protection strategy or WRAPS.** "Watershed restoration and protection strategy" or "WRAPS" means a document summarizing scientific studies of a major watershed at approximately a hydrologic unit code 8 scale with strategies designed to achieve and maintain water quality standards and goals.

History: *2006 c 251 s 4; 2013 c 137 art 2 s 12; 1Sp2019 c 4 art 5 s 6-10*

114D.20 IMPLEMENTATION; COORDINATION; GOALS; POLICIES; PRIORITIES.

Subdivision 1. **Coordination and cooperation.** In implementing this chapter, public agencies and private entities shall take into consideration the relevant provisions of local and other applicable water management, conservation, land use, land management, and development plans and programs. Public agencies with authority for local water management, conservation, land use, land management, and development plans shall take into consideration the manner in which their plans affect the implementation of this chapter. Public agencies shall identify opportunities to participate and assist in the successful implementation of this chapter, including the funding or technical assistance needs, if any, that may be necessary. In implementing this chapter, public agencies shall endeavor to engage the cooperation of organizations and individuals whose activities affect the quality of groundwater or surface waters, including point and nonpoint sources of pollution, and who have authority and responsibility for water management, planning, and protection. To the extent practicable, public agencies shall endeavor to enter into formal and informal agreements and arrangements with federal agencies and departments to jointly utilize staff and educational, technical, and financial resources to deliver programs or conduct activities to achieve the intent of this chapter, including efforts under the federal Clean Water Act and other federal farm and soil and water conservation programs. Nothing in this chapter affects the application of silvicultural exemptions under any federal, state, or local law or requires silvicultural practices more stringent than those recommended in the timber harvesting and forest management guidelines adopted by the Minnesota Forest Resources Council under section 89A.05.

Subd. 2. **Goals for implementation.** The following goals must guide the implementation of this chapter:

(1) to identify impaired waters in accordance with federal TMDL requirements and to ensure continuing evaluation of surface waters for impairments;

(2) to submit TMDLs to the United States Environmental Protection Agency in a timely manner in accordance with federal TMDL requirements;

(3) to inform and support strategies for implementing restoration and protection activities with the goal that all waters will have achieved the designated uses applicable to those waters by 2050;

(4) to systematically evaluate waters, to provide assistance and incentives to prevent waters from becoming impaired, and to improve the quality of waters that are listed as impaired;

(5) to promptly seek the delisting of waters from the impaired waters list when those waters are shown to achieve the designated uses applicable to the waters;

(6) to achieve compliance with federal Clean Water Act requirements in Minnesota;

(7) to support effective measures to prevent the degradation of groundwater according to the groundwater degradation prevention goal under section 103H.001; and

(8) to support effective measures to restore degraded groundwater.

Subd. 3. **Implementation policies.** The following policies must guide the implementation of this chapter:

(1) develop regional, multiple pollutant, or watershed TMDLs or WRAPSs, where reasonable and feasible;

(2) maximize use of available organizational, technical, and financial resources to perform sampling, monitoring, and other activities to identify degraded groundwater and impaired waters, including use of citizen monitoring and citizen monitoring data used by the Pollution Control Agency in assessing water quality that meets the requirements established by the commissioner of the Pollution Control Agency;

(3) maximize opportunities for restoration of degraded groundwater and impaired waters, by prioritizing and targeting of available programmatic, financial, and technical resources and by providing additional state resources to complement and leverage available resources;

(4) use existing regulatory authorities to achieve restoration for point and nonpoint sources of pollution where applicable, and promote the development and use of effective nonregulatory measures to address pollution sources for which regulations are not applicable;

(5) use restoration methods that have a demonstrated effectiveness in reducing impairments and provide the greatest long-term positive impact on water quality protection and improvement and related conservation benefits while incorporating innovative approaches on a case-by-case basis;

(6) identify for the legislature any innovative approaches that may strengthen or complement existing programs;

(7) identify and encourage implementation of measures to prevent surface waters from becoming impaired and to improve the quality of waters that are listed as impaired but have no approved TMDL addressing the impairment using the best available data and technology, and establish and report outcome-based performance measures that monitor the progress and effectiveness of protection and restoration measures;

(8) monitor and enforce cost-sharing contracts and impose monetary damages in an amount up to 150 percent of the financial assistance received for failure to comply; and

(9) identify and encourage implementation of measures to prevent groundwater from becoming degraded and measures that restore groundwater resources.

Subd. 4. **Priorities for identifying impaired waters.** The Pollution Control Agency, in accordance with federal TMDL requirements, shall set priorities for identifying impaired waters, giving consideration to:

(1) waters where impairments would pose the greatest potential risk to human or aquatic health; and

(2) waters where data developed through public agency or citizen monitoring or other means, provides scientific evidence that an impaired condition exists.

Subd. 5. **Priorities for scheduling and preparing WRAPSs and TMDLs.** The commissioner of the Pollution Control Agency must seek recommendations from the Clean Water Council; the commissioners of natural resources, health, and agriculture; and the Board of Water and Soil Resources regarding priorities for scheduling and preparing WRAPSs and TMDLs. Recommendations must consider the causes of impairments, the designated uses of the waters, applicable federal TMDL requirements, surface water and groundwater interactions, protection of high-quality waters, waters and watersheds with declining water quality trends, and waters used as drinking water sources. Furthermore, consideration must be given to waters and watersheds:

(1) that have the greatest potential risk to human health;

(2) that have the greatest potential risk to threatened or endangered species;

(3) that have the greatest potential risk to aquatic health;

(4) where other public agencies and participating organizations and individuals, especially local, basin-wide, watershed, or regional agencies or organizations, have demonstrated readiness to assist in carrying out the responsibilities, including availability and organization of human, technical, and financial resources necessary to undertake the work; and

(5) where there is demonstrated coordination and cooperation among cities, counties, watershed districts, and soil and water conservation districts in planning and implementation of activities that will assist in carrying out the responsibilities.

Subd. 6. **Priorities for restoring impaired waters.** In implementing restoration of impaired waters, in addition to the priority considerations in subdivision 5, the Clean Water Council shall give priority in its recommendations for restoration funding from the clean water fund to restoration projects that:

(1) coordinate with and utilize existing local authorities and infrastructure for implementation;

(2) can be implemented in whole or in part by providing support for existing or ongoing restoration efforts;

(3) most effectively leverage other sources of restoration funding, including federal, state, local, and private sources of funds;

(4) show a high potential for early restoration and delisting based upon scientific data developed through public agency or citizen monitoring or other means; and

(5) show a high potential for long-term water quality and related conservation benefits.

Subd. 7. **Priorities for funding prevention actions.** The Clean Water Council shall apply the priorities applicable under subdivision 6, as far as practicable, when recommending priorities for funding actions to prevent groundwater and surface waters from becoming degraded or impaired and to improve the quality of surface waters that are listed as impaired.

Subd. 8. **Alternatives; TMDL, TMDL implementation plan, or WRAPS.** (a) If the commissioner of the Pollution Control Agency determines that a comprehensive watershed management plan or comprehensive local water management plan contains information that is sufficient and consistent with guidance from the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act, the commissioner may submit the plan to the Environmental Protection Agency according to federal TMDL requirements as an alternative to developing a TMDL after consultation with affected national pollutant discharge elimination system (NPDES) permit holders.

(b) A TMDL implementation plan or a WRAPS, or portions thereof, are not needed for waters or watersheds when the commissioner of the Pollution Control Agency determines that a comprehensive watershed management plan, a comprehensive local water management plan, or a statewide or regional strategy published by the Pollution Control Agency meets the definition in section 114D.15, subdivision 11 or 13.

(c) The commissioner of the Pollution Control Agency may request that the Board of Water and Soil Resources conduct an evaluation of the implementation efforts under a comprehensive watershed management plan or comprehensive local water management plan when the commissioner makes a determination under paragraph (b). The board must conduct the evaluation in accordance with section 103B.102.

(d) The commissioner of the Pollution Control Agency may amend or revoke a determination made under paragraph (a) or (b) after considering the evaluation conducted under paragraph (c).

Subd. 9. **Coordinating municipal and local water quality activities.** A project, practice, or program for water quality improvement or protection that is conducted by a watershed management organization or a local government unit with a comprehensive watershed management plan or other water management plan approved according to chapter 103B, 103C, or 103D may be considered by the commissioner of the Pollution Control Agency as contributing to the requirements of a stormwater pollution prevention program (SWPPP) for a municipal separate storm sewer systems (MS4) permit unless the project, practice, or program was previously documented as contributing to a different SWPPP for an MS4 permit. The commissioner of health may determine that a comprehensive watershed management plan or a comprehensive local water management plan, in whole or in part, is sufficient to fulfill the requirements of wellhead protection plans.

History: *2006 c 251 s 5; 1Sp2011 c 6 art 2 s 14-18; 1Sp2019 c 4 art 5 s 11-16; 2023 c 40 art 2 s 12*

114D.25 ADMINISTRATION; POLLUTION CONTROL AGENCY.

Subdivision 1. **General duties and authorities.** (a) The Pollution Control Agency, in accordance with federal TMDL requirements, shall:

(1) identify impaired waters and propose a list of the waters for review and approval by the United States Environmental Protection Agency;

(2) develop and approve TMDLs for listed impaired waters and submit the approved TMDLs to the United States Environmental Protection Agency for final approval; and

(3) propose to delist waters from the Environmental Protection Agency impaired waters list.

(b) A TMDL must include a statement of the facts and scientific data supporting the TMDL and a list of potential implementation options, including:

(1) a range of estimates of the cost of implementation of the TMDL; and

(2) for point sources, the individual wasteload data and the estimated cost of compliance addressed by the TMDL.

(c) The implementation information need not be sent to the United States Environmental Protection Agency for review and approval.

Subd. 2. **Administrative procedures for TMDL approval.** The approval of a TMDL by the Pollution Control Agency is a final decision of the agency for purposes of section 115.05, and is subject to the contested case procedures of sections 14.57 to 14.62 in accordance with agency procedural rules. The agency shall not submit an approved TMDL to the United States Environmental Protection Agency until the time for commencing judicial review has run or the judicial review process has been completed. A TMDL is not subject to the rulemaking requirements of chapter 14, including section 14.386.

Subd. 3. **TMDL submittal; requirement.** Before submitting a TMDL to the United States Environmental Protection Agency, the Pollution Control Agency shall comply with the notice and procedure requirements of this section. If a contested case proceeding is not required for a proposed TMDL, the agency may submit the TMDL to the United States Environmental Protection Agency no earlier than 30 days after the notice required in subdivision 4. If a contested case proceeding is required for a TMDL, the TMDL may be submitted to the United States Environmental Protection Agency after the contested case proceeding and appeal process is completed.

Subd. 4. **TMDL notice; contents.** The Pollution Control Agency shall give notice of its intention to submit a TMDL to the United States Environmental Protection Agency. The notice must be given by publication in the State Register and by United States mail to persons who have registered their names with the agency. The notice must include either a copy of the proposed TMDL or an easily readable and understandable description of its nature and effect and an announcement of how free access to the proposed TMDL can be obtained. In addition, the agency shall make reasonable efforts to notify persons or classes of persons who may be significantly affected by the TMDL by giving notice of its intention in newsletters, newspapers, or other publications, or through other means of communication. The notice must include a statement informing the public:

(1) that the public has 30 days in which to submit comment in support of or in opposition to the proposed TMDL and that comment is encouraged;

(2) that each comment should identify the portion of the proposed TMDL addressed, the reason for the comment, and any change proposed;

(3) of the manner in which persons must request a contested case proceeding on the proposed TMDL;

(4) that the proposed TMDL may be modified if the modifications are supported by the data and facts; and

(5) the date on which the 30-day comment period ends.

Subd. 5. **Third-party TMDL development.** The Pollution Control Agency may enter into agreements with any qualified public agency setting forth the terms and conditions under which that agency is authorized to develop a third-party TMDL. In determining whether the public agency is qualified to develop a third-party TMDL, the Pollution Control Agency shall consider the technical and administrative qualifications of the public agency, cost, and shall avoid any potential organizational conflict of interest, as defined in section 16C.02, subdivision 10a, of the public agency with respect to the development of the third-party TMDL. A third-party TMDL is subject to modification and approval by the Pollution Control Agency, and must be approved by the Pollution Control Agency before it is submitted to the United States Environmental Protection Agency. The Pollution Control Agency shall only consider authorizing the development of third-party TMDLs consistent with the goals, policies, and priorities determined under section 114D.20.

Subd. 6. **Impaired waters list; public notice and process.** The commissioner of the Pollution Control Agency must allow at least 60 days for public comment after publishing the draft impaired waters list required under the federal Clean Water Act. In making impairment designations, the Pollution Control Agency must use available water-quality data that takes into consideration recent relevant pollutant reductions resulting from controls on municipal point sources and nonpoint sources.

History: *2006 c 251 s 6; 2017 c 93 art 2 s 122*

114D.26 WATERSHED RESTORATION AND PROTECTION STRATEGIES.

Subdivision 1. **Contents.** (a) The commissioner of the Pollution Control Agency shall develop watershed restoration and protection strategies for the purposes of:

(1) summarizing the physical, chemical, and biological assessment of the water quality of the watershed;

(2) quantifying impairments and risks to water quality;

(3) describing the causes of impairments and pollution sources;

(4) consolidating TMDLs in a major watershed; and

(5) informing comprehensive local water management plans and comprehensive watershed management plans.

(b) Each WRAPS must:

(1) identify impaired waters and waters in need of protection;

(2) identify biotic stressors causing impairments or threats to water quality;

(3) summarize TMDLs, watershed modeling outputs, and resulting pollution load allocations and identify areas with high pollutant-loading rates;

(4) in consultation with local governments and other state agencies, identify water quality monitoring needed to fill data gaps, determine changing conditions, or gauge implementation effectiveness; and

(5) contain strategies that are capable of cumulatively achieving needed pollution load reductions for point and nonpoint sources, including identifying:

(i) water quality parameters of concern;

(ii) current water quality conditions;

(iii) water quality goals, strategies, and targets by parameter of concern; and

(iv) strategies and an example of the scale of adoptions with a timeline to meet the water quality restoration or protection goals of this chapter.

Subd. 1a. **Coordination.** To ensure effectiveness, efficiency, and accountability in meeting the goals of this chapter, the commissioner of the Pollution Control Agency, in consultation with the Board of Water and Soil Resources and local government units, must coordinate the schedule, budget, scope, and use of a WRAPS and related documents and processes.

Subd. 2. **Reporting.** Beginning July 1, 2016, and every other year thereafter, the commissioner of the Pollution Control Agency must report on the agency's website the progress toward implementation milestones and water quality goals.

Subd. 3. **Timelines; administration.** (a) The commissioner of the Pollution Control Agency must complete watershed restoration and protection strategies for the state's major watersheds by June 30, 2023, unless the commissioner determines that a comprehensive watershed management plan or comprehensive local water management plan, in whole or in part, meets the definition in section 114D.15, subdivision 11 or 13. As needed, the commissioner must update the strategies, in whole or in part, after consulting with the Board of Water and Soil Resources and local government units.

(b) Watershed restoration and protection strategies are governed by the procedures for approval and notice in section 114D.25, subdivisions 2 and 4, except that the strategies need not be submitted to the United States Environmental Protection Agency.

History: *2013 c 137 art 2 s 13; 1Sp2019 c 4 art 5 s 17*

114D.30 CLEAN WATER COUNCIL.

Subdivision 1. **Creation; duties.** A Clean Water Council is created to advise on the administration and implementation of this chapter, and foster coordination and cooperation as described in section 114D.20,

subdivision 1. The council may also advise on the development of appropriate processes for expert scientific review as described in section 114D.35, subdivision 2. The Pollution Control Agency shall provide administrative support for the council with the support of other member agencies. The members of the council shall elect a chair from the voting members of the council.

Subd. 2. **Membership; appointment.** (a) The commissioners of natural resources, agriculture, health, and the Pollution Control Agency, the executive director of the Board of Water and Soil Resources, the Board of Regents of the University of Minnesota, and the Metropolitan Council shall each appoint one person from their respective entity to serve as a nonvoting member of the council. Two members of the house of representatives, including one member from the majority party and one member from the minority party, appointed by the speaker and two senators, including one member from the majority party and one member from the minority party, appointed according to the rules of the senate shall serve at the pleasure of the appointing authority as nonvoting members of the council. Members appointed under this paragraph serve as nonvoting members of the council.

(b) Seventeen voting members of the council shall be appointed by the governor as follows:

(1) two members representing statewide farm organizations;

(2) two members representing business organizations;

(3) two members representing environmental organizations;

(4) one member representing soil and water conservation districts;

(5) one member representing watershed districts;

(6) one member representing nonprofit organizations focused on improvement of Minnesota lakes or streams;

(7) two members representing organizations of county governments, one member representing the interests of rural counties and one member representing the interests of counties in the seven-county metropolitan area;

(8) two members representing organizations of city governments;

(9) one member representing township officers;

(10) one member representing the interests of tribal governments;

(11) one member representing statewide hunting organizations; and

(12) one member representing statewide fishing organizations.

Members appointed under this paragraph must not be registered lobbyists or legislators. In making appointments, the governor must attempt to provide for geographic balance. The members of the council appointed by the governor are subject to the advice and consent of the senate.

Subd. 3. **Conflict of interest.** A Clean Water Council member may not participate in or vote on a decision of the council relating to an organization in which the member has either a direct or indirect personal financial interest. While serving on the Clean Water Council, a member shall avoid any potential conflict of interest.

Subd. 4. **Terms; compensation; removal.** The terms of members representing the state agencies and the Metropolitan Council are four years and are coterminous with the governor. The terms of other

nonlegislative members of the council shall be as provided in section 15.059, subdivision 2. Members may serve until their successors are appointed and qualify. Compensation and removal of nonlegislative council members is as provided in section 15.059, subdivisions 3 and 4, except that a nonlegislative member may be compensated at the rate of up to $125 a day. Compensation of legislative members is as determined by the appointing authority. The Pollution Control Agency may reimburse legislative members for expenses. A vacancy on the council may be filled by the appointing authority provided in subdivision 1 for the remainder of the unexpired term.

Subd. 5. **Implementation plan.** The Clean Water Council shall recommend a plan for implementation of this chapter and the provisions of article XI, section 15, of the Minnesota Constitution relating to clean water. The recommended plan shall address general procedures and time frames for implementing this chapter, and shall include a more specific implementation work plan for the next fiscal biennium and a framework for setting priorities to address impaired waters consistent with section 114D.20, subdivisions 2 to 7. The council shall issue a revised plan by December 1 of each even-numbered year.

Subd. 6. **Recommended appropriations.** (a) The Clean Water Council must submit recommendations to the governor and the legislature on how money from the clean water fund should be appropriated for the purposes stated in article XI, section 15, of the Minnesota Constitution and section 114D.50.

(b) The council's recommendations must:

(1) be to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation and ensure that at least five percent of the clean water fund is spent only to protect drinking water sources;

(2) be consistent with the purposes, policies, goals, and priorities in this chapter; and

(3) allocate adequate support and resources to identify degraded groundwater and impaired waters, develop TMDLs, implement restoration of groundwater and impaired waters, and provide assistance and incentives to prevent groundwater and surface waters from becoming degraded or impaired and improve the quality of surface waters which are listed as impaired but have no approved TMDL.

(c) The council must recommend methods of ensuring that awards of grants, loans, or other funds from the clean water fund specify the outcomes to be achieved as a result of the funding and specify standards to hold the recipient accountable for achieving the desired outcomes. Expenditures from the fund must be appropriated by law.

Subd. 7. **Reports to legislature.** By January 15 each odd-numbered year, the council must submit a report to the legislature that includes:

(1) a summary of the activities for which money has been or will be spent in the current biennium;

(2) the recommendations required under subdivision 6 for how money in the clean water fund should be spent in the next biennium, including recommended legislative bill language; and

(3) the impact on economic development of the implementation of efforts to protect and restore groundwater and the impaired waters program.

History: *2006 c 251 s 7; 2006 c 282 art 10 s 7; 1Sp2011 c 6 art 2 s 19; 2012 c 264 art 2 s 1; 1Sp2015 c 2 art 2 s 16; 2022 c 77 art 2 s 1; 2023 c 40 art 2 s 13-15*

114D.35 PUBLIC AND STAKEHOLDER PARTICIPATION; SCIENTIFIC REVIEW; EDUCATION.

Subdivision 1. **Public and stakeholder participation.** (a) Public agencies and private entities involved in implementing this chapter must encourage participation by the public and stakeholders, including local citizens, landowners, land managers, and public and private organizations.

(b) In particular, the commissioner of the Pollution Control Agency must make reasonable efforts to provide timely information to the public and to stakeholders about impaired waters that have been identified by the agency and to inform and consult with the public and stakeholders in developing a WRAPS or TMDL.

(c) Public agencies and private entities using public funds that are involved in implementing restoration and protection identified in a comprehensive watershed management plan or comprehensive local water management plan must make efforts to inform, consult, and involve the public and stakeholders.

(d) The commissioner of the Pollution Control Agency and the Board of Water and Soil Resources must coordinate public and stakeholder participation in consultation with local government units. To the extent practicable, implementation of this chapter must be accomplished in cooperation with local, state, federal, and tribal governments and private-sector organizations.

Subd. 2. **Expert scientific advice.** The Clean Water Council and public agencies and private entities shall make use of available public and private expertise from educational, research, and technical organizations, including the University of Minnesota and other higher education institutions, to provide appropriate independent expert advice on models, methods, and approaches used in identifying degraded groundwater and impaired waters, developing TMDLs, and implementing prevention and restoration.

Subd. 3. **Education.** The Clean Water Council must develop strategies for informing, educating, and encouraging the participation of citizens, stakeholders, and others regarding this chapter. Public agencies are responsible for implementing the strategies.

History: *2006 c 251 s 8; 1Sp2011 c 6 art 2 s 20; 1Sp2019 c 4 art 5 s 18,19*

114D.45 [Repealed, 1Sp2011 c 6 art 2 s 26]

114D.47 NONPOINT FUNDING ALTERNATIVE.

Notwithstanding section 114D.50, subdivision 3a, the Board of Water and Soil Resources may, by board order, establish alternative timelines or content for the priority funding plan for nonpoint sources under section 114D.50, subdivision 3a, and may use information from comprehensive watershed management plans or comprehensive local water management plans to estimate or summarize costs.

History: *1Sp2019 c 4 art 5 s 20*

114D.50 CLEAN WATER FUND.

Subdivision 1. **Establishment.** The clean water fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the fund must be credited to the fund.

Subd. 2. **Sustainable drinking water account.** The sustainable drinking water account is established as an account in the clean water fund.

Subd. 3. **Purpose.** (a) The clean water fund may be spent only to protect, enhance, and restore water quality in lakes, rivers, and streams, to protect groundwater from degradation, and to protect drinking water sources by:

(1) providing grants, loans, and technical assistance to public agencies and others testing waters, identifying impaired waters, developing total maximum daily loads, implementing restoration plans for impaired waters, and evaluating the effectiveness of restoration;

(2) supporting measures to prevent surface waters from becoming impaired and to improve the quality of waters that are listed as impaired, but do not have an approved total maximum daily load addressing the impairment;

(3) providing grants and loans for wastewater and stormwater treatment projects through the Public Facilities Authority;

(4) supporting measures to prevent the degradation of groundwater in accordance with the groundwater degradation prevention goal under section 103H.001; and

(5) providing funds to state agencies to carry out their responsibilities, including enhanced compliance and enforcement.

(b) Funds from the clean water fund must supplement traditional sources of funding for these purposes and may not be used as a substitute.

Subd. 3a. **Nonpoint priority funding plan.** (a) Beginning July 1, 2014, and every other year thereafter, the Board of Water and Soil Resources shall prepare and post on its website a priority funding plan to prioritize potential nonpoint restoration and protection actions based on available WRAPSs, TMDLs, and local water plans. The plan must take into account the following factors: water quality outcomes, cost-effectiveness, landowner financial need, and leverage of nonstate funding sources. The plan shall include an estimated range of costs for the prioritized actions.

(b) Consistent with the priorities listed in section 114D.20, state agencies allocating money from the clean water fund for nonpoint restoration and protection strategies shall target the money according to the priorities identified on the nonpoint priority funding plan. The allocation of money from the clean water fund to projects eligible for financial assistance under section 116.182 is not governed by the nonpoint priority funding plan.

Subd. 4. **Expenditures; accountability.** (a) A project receiving funding from the clean water fund must meet or exceed the constitutional requirements to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater and drinking water from degradation. Priority may be given to projects that meet more than one of these requirements. A project receiving funding from the clean water fund shall include measurable outcomes, as defined in section 3.303, subdivision 10; a plan for measuring and evaluating the results; and an assessment of whether the funding celebrates cultural diversity or reaches diverse communities in Minnesota, including reaching low- and moderate-income households. A project must be consistent with current science and incorporate state-of-the-art technology.

(b) Money from the clean water fund shall be expended to balance the benefits across all regions and residents of the state.

(c) A state agency or other recipient of a direct appropriation from the clean water fund must compile and submit all information for proposed and funded projects or programs, including the proposed measurable outcomes and all other items required under section 3.303, subdivision 10, to the Legislative Coordinating Commission as soon as practicable or by January 15 of the applicable fiscal year, whichever comes first. The Legislative Coordinating Commission must post submitted information on the website required under section 3.303, subdivision 10, as soon as it becomes available. Information classified as not public under section 13D.05, subdivision 3, paragraph (d), is not required to be placed on the website.

(d) Grants funded by the clean water fund must be implemented according to section 16B.98 and must account for all expenditures. Proposals must specify a process for any regranting envisioned. Priority for grant proposals must be given to proposals involving grants that will be competitively awarded.

(e) Money from the clean water fund may only be spent on projects that benefit Minnesota waters.

(f) When practicable, a direct recipient of an appropriation from the clean water fund shall prominently display on the recipient's website home page the legacy logo required under Laws 2009, chapter 172, article 5, section 10, as amended by Laws 2010, chapter 361, article 3, section 5, accompanied by the phrase "Click here for more information." When a person clicks on the legacy logo image, the website must direct the person to a web page that includes both the contact information that a person may use to obtain additional information, as well as a link to the Legislative Coordinating Commission website required under section 3.303, subdivision 10.

(g) Future eligibility for money from the clean water fund is contingent upon a state agency or other recipient satisfying all applicable requirements in this section, as well as any additional requirements contained in applicable session law. If the Office of the Legislative Auditor, in the course of an audit or investigation, publicly reports that a recipient of money from the clean water fund has not complied with the laws, rules, or regulations in this section or other laws applicable to the recipient, the recipient must be listed in an annual report to the legislative committees with jurisdiction over the legacy funds. The list must be publicly available. The legislative auditor shall remove a recipient from the list upon determination that the recipient is in compliance. A recipient on the list is not eligible for future funding from the clean water fund until the recipient demonstrates compliance to the legislative auditor.

(h) Money from the clean water fund may be used to leverage federal funds through execution of formal project partnership agreements with federal agencies consistent with respective federal agency partnership agreement requirements.

(i) Any state agency or organization requesting a direct appropriation from the clean water fund must inform the Clean Water Council and the house of representatives and senate committees having jurisdiction over the clean water fund, at the time the request for funding is made, whether the request is supplanting or is a substitution for any previous funding that was not from a legacy fund and was used for the same purpose.

Subd. 4a. [Repealed, 1Sp2015 c 4 art 4 s 150]

Subd. 5. **Data availability.** Data collected by the projects funded with money from the clean water fund that have value for planning and management of natural resources, emergency preparedness, and infrastructure investments must conform to the enterprise information architecture developed by the Department of Information Technology Services. Spatial data must conform to geographic information system guidelines and standards outlined in that architecture and adopted by the Minnesota Geographic Data Clearinghouse at the Minnesota Geospatial Information Office. A description of these data that adheres to the Department of Information Technology Services geographic metadata standards must be submitted to the Minnesota Geospatial Information Office to be made available online through the clearinghouse and the data must be accessible and free to the public unless made private under chapter 13. To the extent practicable, summary data and results of projects funded with money from the clean water fund should be readily accessible on the Internet and identified as a clean water fund project.

Subd. 6. **Restoration evaluations.** (a) The Board of Water and Soil Resources may convene a technical evaluation panel comprised of five members, including one technical representative from the Board of Water and Soil Resources, one technical representative from the Department of Natural Resources, one technical expert from the University of Minnesota or the Minnesota State Colleges and Universities, and two

representatives with expertise related to the project being evaluated. The board may add a technical representative from a unit of federal or local government.

(b) The members of the technical evaluation panel may not be associated with the restoration, may vary depending upon the projects being reviewed, and shall avoid any potential conflicts of interest.

(c) Each year, the board may assign a coordinator to identify a sample of habitat restoration projects completed with clean water funding. The coordinator shall secure the restoration plans for the projects specified and direct the technical evaluation panel to evaluate the restorations relative to the law, current science, and the stated goals and standards in the restoration plan and, when applicable, to the Board of Water and Soil Resources' Native Vegetation Establishment and Enhancement Guidelines.

(d) The coordinator shall summarize the findings of the panel and provide a report to the chairs of the respective house of representatives and senate policy and finance committees with jurisdiction over natural resources and spending from the clean water fund. The report shall determine if the restorations are meeting planned goals, any problems with the implementation of restorations, and, if necessary, recommendations on improving restorations. The report shall be focused on improving future restorations.

(e) Up to one-tenth of one percent of forecasted receipts from the clean water fund may be used for restoration evaluations under this section.

Subd. 7. **Reserve requirement.** In any fiscal year, at least five percent of that year's projected tax receipts determined by the most recent forecast for the clean water fund must not be appropriated.

History: *2008 c 363 art 5 s 23; 2009 c 101 art 2 s 107; 2009 c 172 art 5 s 7; 2010 c 361 art 1 s 9; 1Sp2011 c 6 art 2 s 21; art 5 s 4; 2013 c 114 art 4 s 75; 2013 c 134 s 30; 2013 c 137 art 2 s 14-16; 2013 c 142 art 3 s 36; 1Sp2015 c 2 art 5 s 4; 2017 c 91 art 2 s 12,13; 2021 c 31 art 2 s 16; 2023 c 40 art 2 s 16*

Origins of the Clean Water Fund & the Clean Water Council

MINNESOTA
CLEAN WATER COUNCIL

Paul Gardner, Administrator

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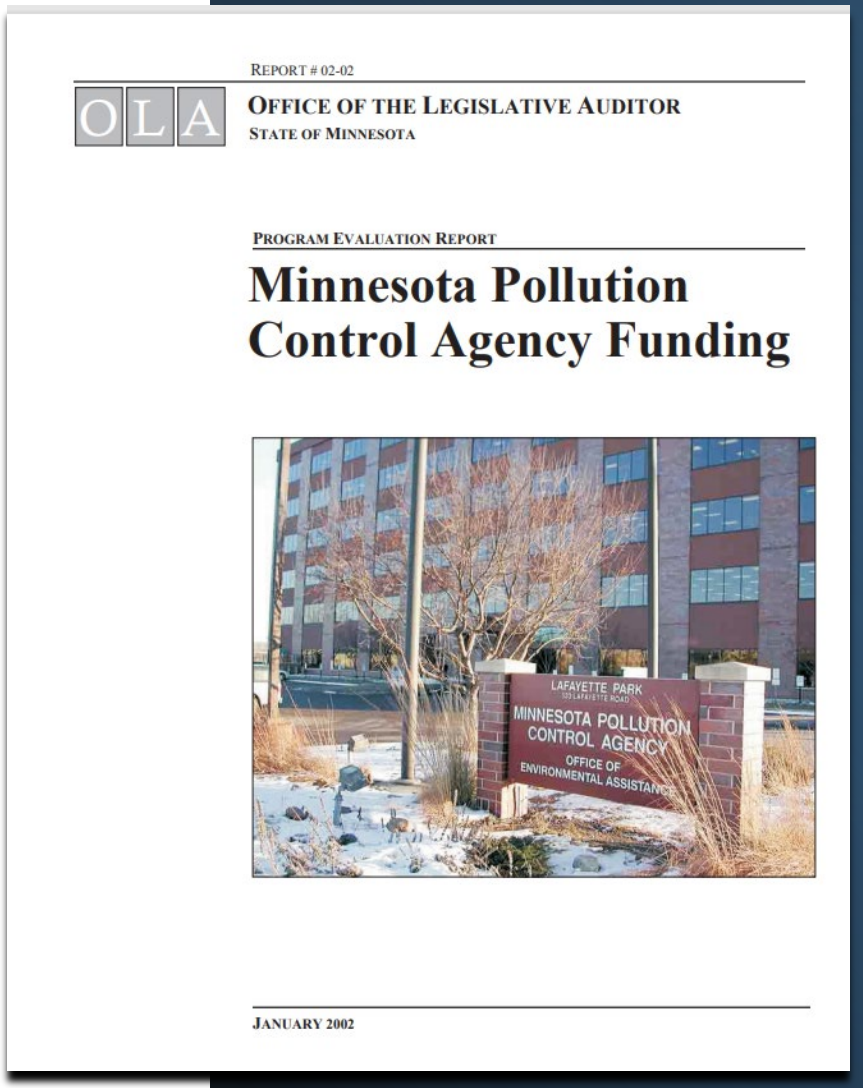
24 February 2025

CLEAN WATER LAND & LEGACY AMENDMENT

YOUR Clean Water Fund AT WORK

2002: Legislative Auditor Report on MPCA Water Funding

- "The greatest environmental gains to be made in the future will be from reducing pollution from smaller, widely dispersed sources, commonly referred to as "nonpoint" sources. Reducing pollution from these smaller sources…is a priority for the MPCA, *but there is no dedicated source of funding for environmental programs of this nature."*
- "MPCA should report to the 2003 Legislature on plans for implementing and financing "total maximum daily load" requirements…"


REPORT # 02-02

OLA

OFFICE OF THE LEGISLATIVE AUDITOR
STATE OF MINNESOTA

PROGRAM EVALUATION REPORT

Minnesota Pollution Control Agency Funding

JANUARY 2002

Minnesota's Impaired Waters

REPORT TO THE LEGISLATURE

Minnesota Pollution Control Agency

March 2003

2003 MPCA Response

- Resources needed for assessing water quality
  - $8.2 million needed annually
- Resources needed to complete TMDL studies
  - $5.8 million needed annually
- Resources needed for restoring impaired waters
  - "The MPCA has $1.1 million per year in dedicated funding for restoration activities related to nonpoint sources. To meet current estimates, an additional $45 million to $230 million per year would be needed…."

Impaired Waters Stakeholder Process & the G16 (2003-2004)

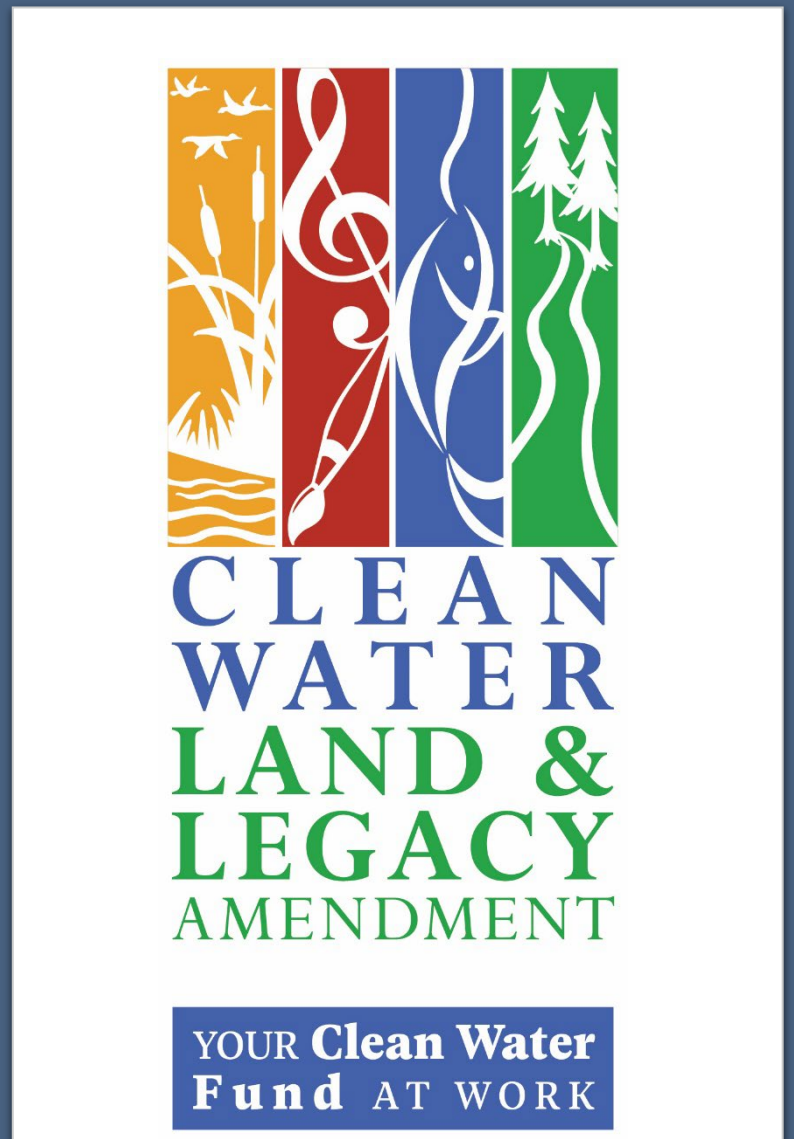
- #3. An impaired waters coordinating council should be created to advise on program administration and implementation, and to foster coordination and cooperation among various stakeholder groups.
- #8. …[T]he impaired waters program should balance the allocation of resources across geographies, program stages and the spectrum of impairment severity.
- #9. A decision-making matrix should be developed and utilized to weigh various prioritization criteria, and thus, provide guidance to the impaired waters program

Policy Work Group (Group of 16)
(with alternates)

1. Jerry Heil, Minnesota Department of Agriculture
   Paul Burns, Minnesota Department of Agriculture
2. Ray Bohn, Minnesota Association of Watershed Districts
   Tom Ebnet, Thirty Lakes Watershed District
3. LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts
   Sheila Vanney, Minnesota Association of Soil and Water Conservation Districts
4. Keith Hanson, Minnesota Power / Minnesota Chamber of Commerce
   Deb McGovern, Flint Hills Resources
5. Craig Johnson, League of Minnesota Cities
6. Laurie Martinson / John Linc Stine, Minnesota Department of Natural Resources
   Dirk Peterson, Minnesota Department of Natural Resources
7. Steve Nyhus, Minnesota Environmental Science and Economic Review Board
   Chris Hood, Minnesota Environmental Science and Economic Review Board
8. Thom Petersen, Minnesota Farmers Union
   Les Heen, Minnesota Farmers Union
9. Chris Radatz, Minnesota Farm Bureau Federation
   Joe Martin, Minnesota Farm Bureau Federation
10. Mike Robertson, Minnesota Chamber of Commerce
    Deb McGovern, Flint Hills Resources
11. Kris Sigford, Minnesota Center for Environmental Advocacy
    Mark Ten Eyck, Minnesota Center for Environmental Advocacy
12. Louis Smith, Minnesota Rivers Council / Minnesota Lakes Association
    Gary Botzek, Minnesota Lakes Association
13. Lisa Thorvig, Minnesota Pollution Control Agency
    Faye Sleeper, Minnesota Pollution Control Agency
14. Dave Weirens, Association of Minnesota Counties
    Don Adams, Stearns County
15. Steve Woods, Board of Water and Soil Resources
    Doug Thomas, Board of Water and Soil Resources
16. Marie Zellar, Clean Water Action Alliance
    Patience Caso, Clean Water Action Alliance

Maple Lake-Annandale Court Case (2003-07)

- MCEA challenged WWTP permit and won in MN appeals court (2005)
  - “The federal Clean Water Act prohibits new discharges that add to pollution in already impaired waters like Lake Pepin unless a plan, called a TMDL for total maximum daily load, is in place to reduce the pollutant.”
- MN Supreme Court reversed decision in favor of the cities (2007) due to offset by another WWTP in area
- MPCA proceeded with “pre-TMDL phosphorus trading” (2008)
- Raised need for more funding monitoring, assessment, and TMDL development

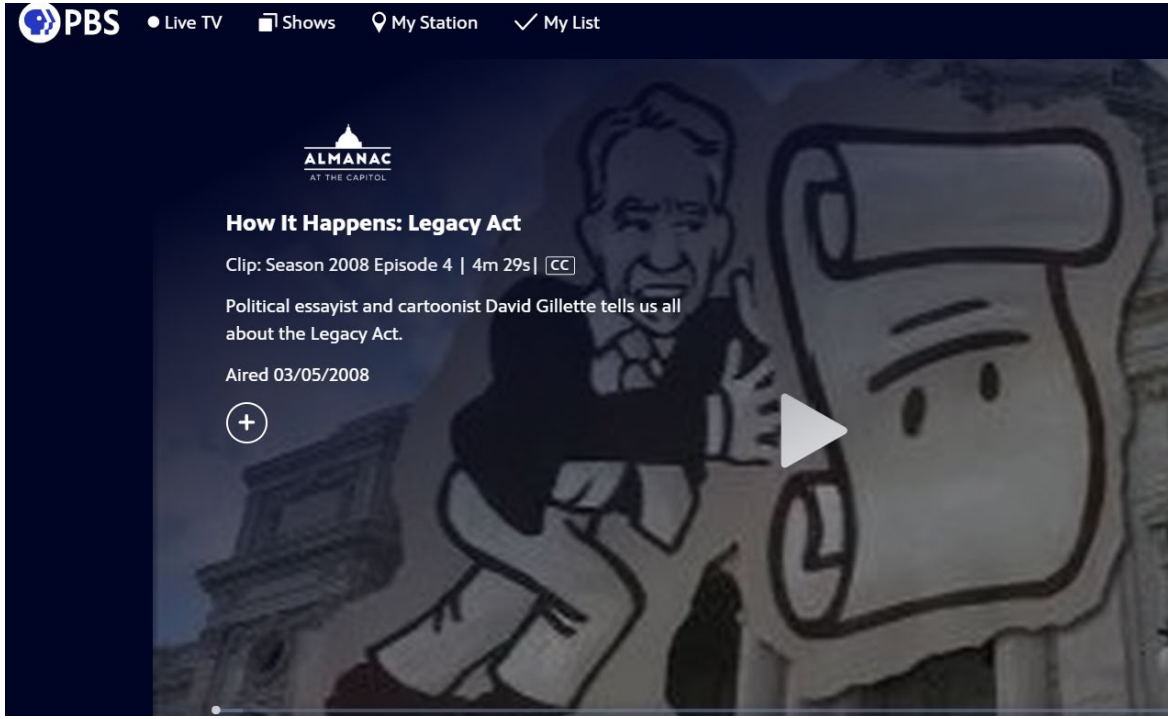


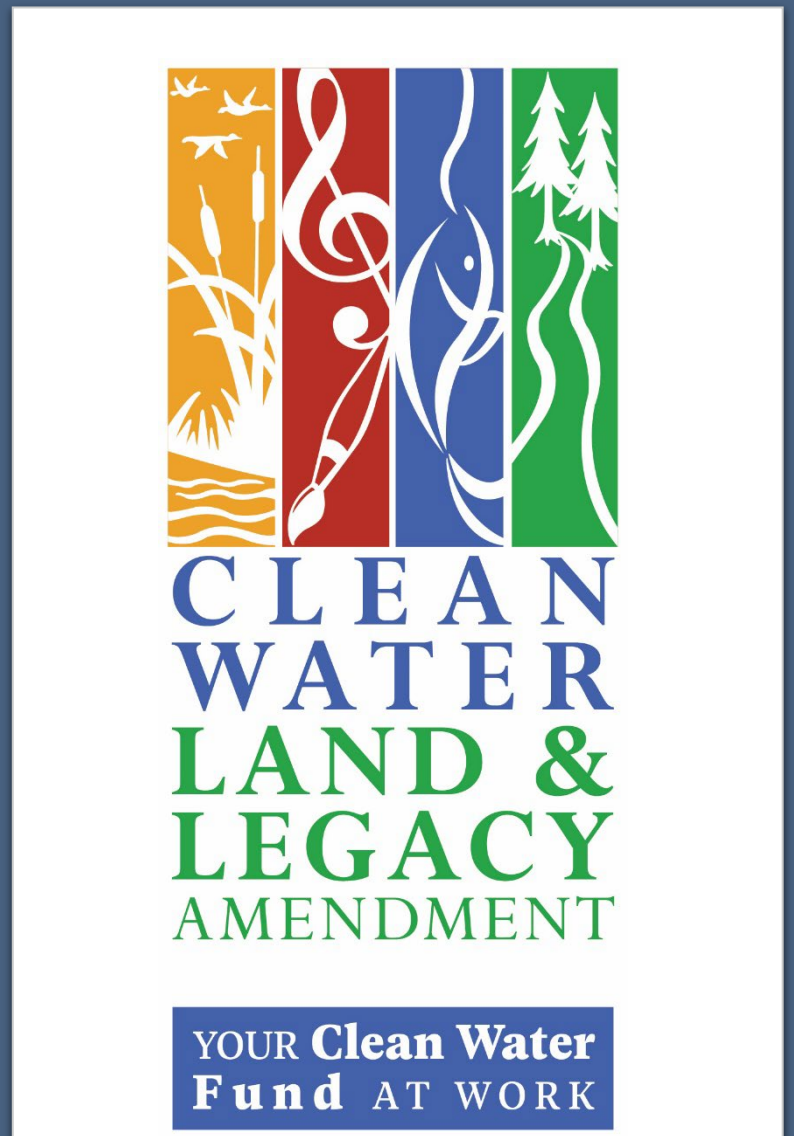
Clean Water Council & Clean Water Legacy Act

- Created in 2006
- Minn. Stat. §114D.30 CLEAN WATER COUNCIL.
  - Subdivision 1.**Creation; duties.**
  - A Clean Water Council is created to advise on the administration and implementation of this [Clean Water Legacy Act], and foster coordination and cooperation as described in section 114D.20, subdivision 1.
- Submit recommendations to the Legislature by January 15 of odd-numbered year.
- 17 voting members appointed by Governor
- 11 non-voting members from agencies, UMN, Legislature
- Health Department was not included at first

[Almanac: At the Capitol | How It Happens: Legacy Act | Season 2008 | Episode 4 | PBS]

A Short 2008 Video about the Legacy Act



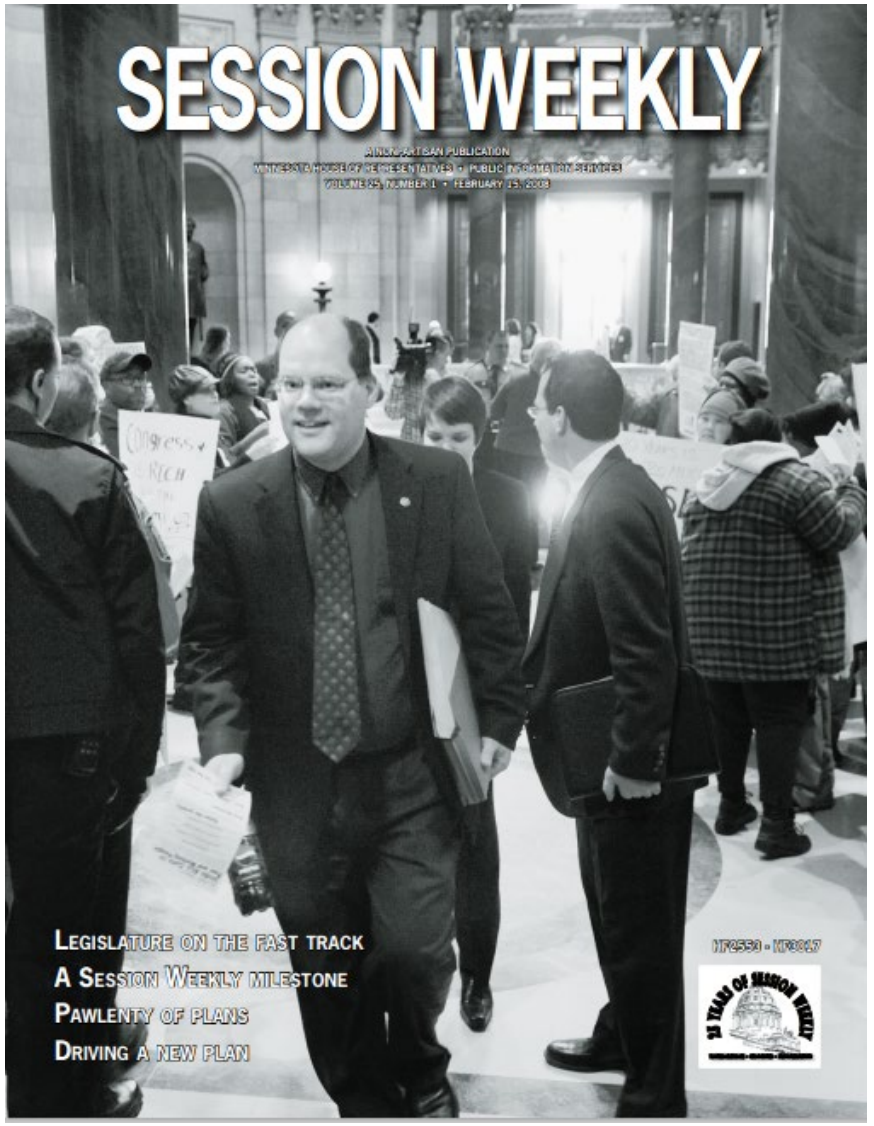


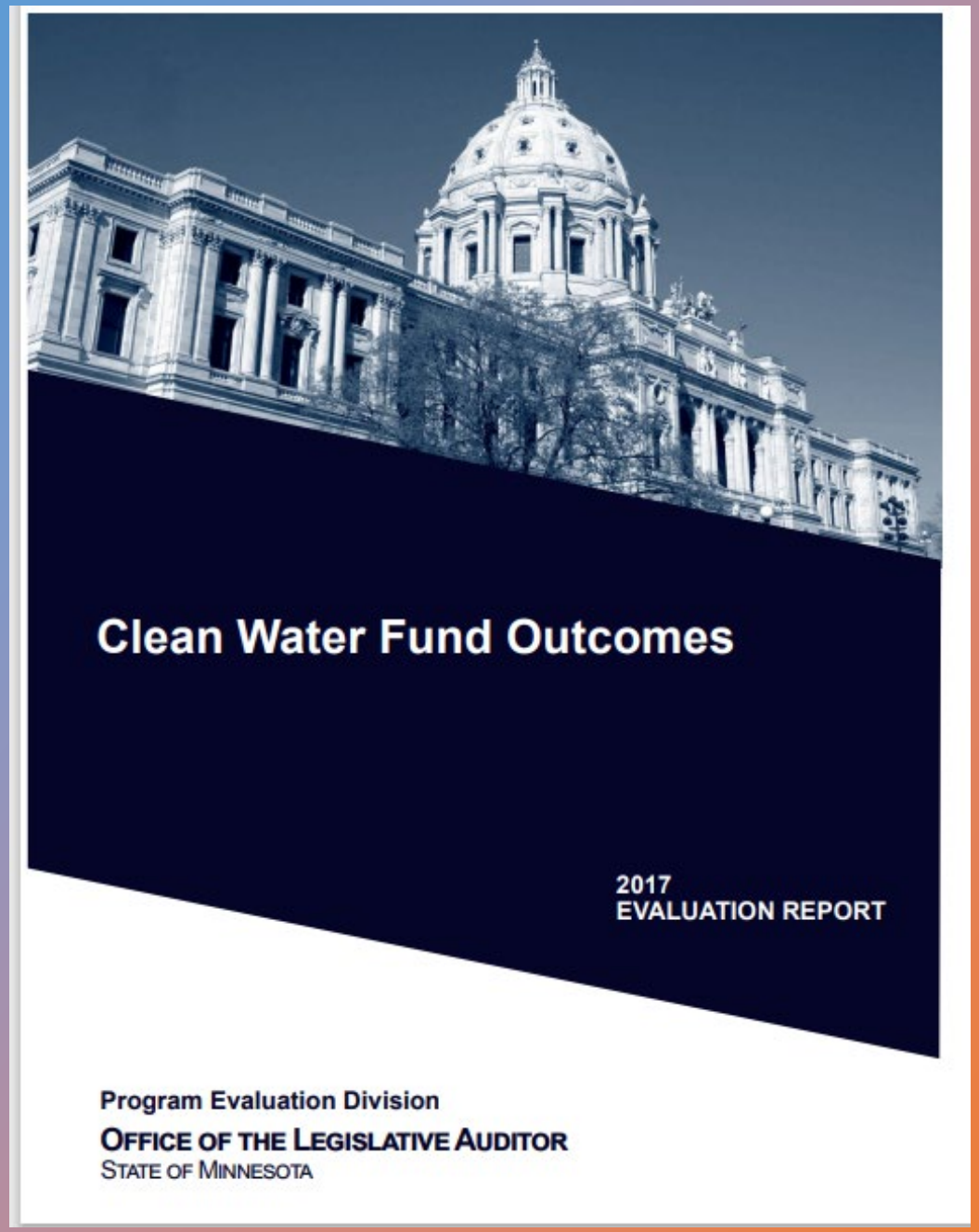
Constitutional Language (2008)

- “May be spent only to protect, enhance, and restore water quality in lakes, rivers, and streams, to protect groundwater from degradation, and to protect drinking water sources.”
- “At least five percent of the clean water fund must be spent only to protect drinking water sources.”

Permitted Purposes in Statute (Minn. Stat. 114D.50) (2009)

- Testing waters, identifying impaired waters, establishing total maximum daily loads (TMDL), implementing restoration plans, and evaluation
- Prevent surface water from being impaired ("protection strategies")
- Wastewater and stormwater grants and loans
- Prevent degradation of groundwater
- Support for agencies to do the above, including enhanced compliance and enforcement
- Clean Water Fund must SUPPLEMENT not SUPPLANT existing funding



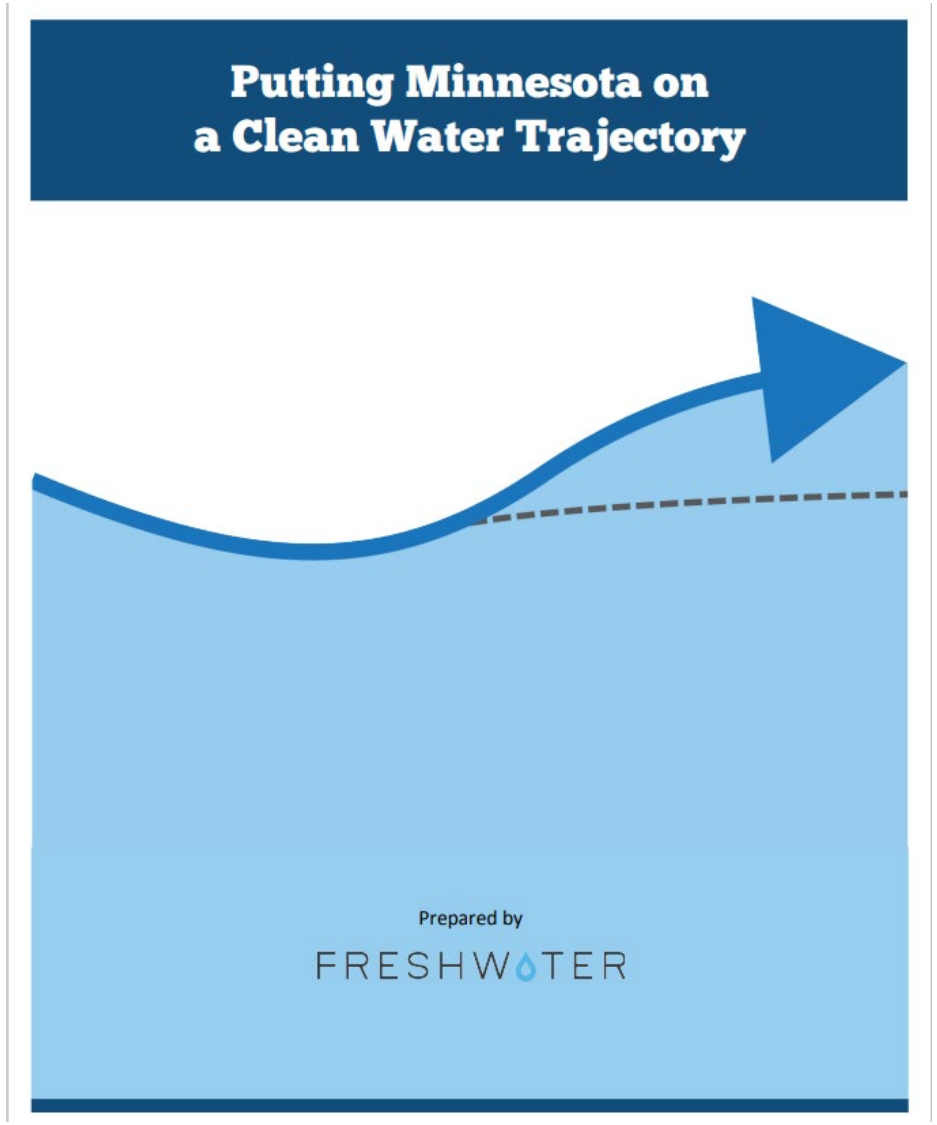


Legislative Auditor on Outcomes (2017)

- "Too early" to show many outcomes.
- "The Clean Water Council…has used transparent processes to develop its CWF spending recommendations."
- "[W]e were unable to conclude definitively that CWF dollars have been used to substitute."
- "All CWF appropriations for the 2016-2017 biennium appear to have supported the constitutional requirements to spend money only to protect, enhance, and restore water quality."

Trajectory Report (2019)

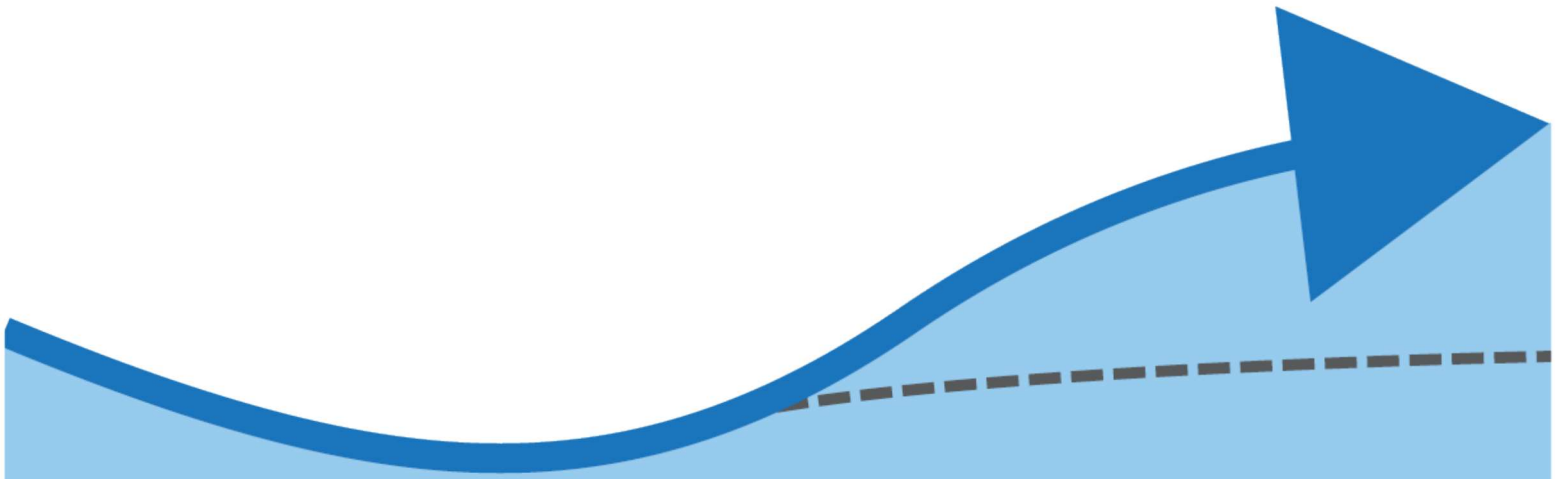
- Asked the original advocates of the Clean Water Fund about how things were going, provide new strategies
  - Update the vision to produce (and document) durable successes
  - Narrow the focus for state investments
  - Adjust staffing and budgeting process
- A word from former Freshwater staffer Jen Kader



Thank you!

January 2019

Putting Minnesota on a Clean Water Trajectory



Prepared by

FRESHWATER

INTRODUCTION FROM FRESHWATER

Fourteen years ago, a group of interest and agency representatives developed a consensus about how to tackle Minnesota's impaired waters in a way that was effective, met the requirements of the federal Clean Water Act, and removed a significant threat to economic development. The Impaired Waters Stakeholder Process pulled together 16 organizations for 18 meetings in 2003-2004. The group produced 31 recommendations, of which an amazing 27 are either completed or in progress (see list in Appendix B).

Though the real world results will play out over the coming decades, a lot has happened already. CWF spending is now around $120M per year and driving most of the Clean Water Act compliance the group sought. The end of a ten-year monitoring cycle that established a baseline of water quality conditions is in sight, and soon after, the completion of TMDLs for the entire state.

It's a good time to pause and assess where we are now, where we want to go, and what we still need to do to get there.

Our first table describes where the state started and where it is after ten years of CWF spending.

Minnesota's Impaired-Waters Approach – Then and Now

THEN…	NOW
Extremely focused on impaired waters and satisfying Total Maximum Daily Load (TMDL) requirements for the EPA...	Meeting federal requirements for TMDL completion and driving on-the-ground improvements including protection of non-impaired waters
Needing thousands of TMDLs for individual pollutants on individual stream reaches…	Hundreds of TMDLs are conducted on a major watershed basis for multiple pollutants, thereby lowering time and costs
Greater than four years per TMDL…	About four years for a more comprehensive TMDL that leads to more implementation
Spotty baseline monitoring that was mostly chemistry based…	Hundreds of coordinated water quality, biologic-indicator, and flow-monitoring sites that provide load and condition data
Hundreds of barely coordinated local (nonpoint) water plans of variable quality…	Evolving toward fewer plans overall, built on solid data and coordinated on a major watershed-scale
Erratic state funding with declining general fund contribution, and dependent upon federal EPA funds…	More stable state funding, but both general and federal (EPA, USDA) funding is shrinking, leading to less federal leveraging than anticipated
"Pretty good" state for water management…	Minnesota in top tier of states with integrated water management approaches

The changes summarized in the table above have resulted in a transformed system for water management in Minnesota. Significant investment in TMDL completion, major watershed assessment, addressing wastewater and industrial site discharges, LiDAR coverage for the state, and project data reporting has Minnesota on a much better trajectory than fourteen years ago.

The 2003 recommendations focused heavily on MPCA's need to comply with regulatory requirements of the Clean Water Act. Freshwater's position is that it is time to shift towards approaches that increase on-the-ground changes, especially since Clean Water Land and Legacy funding is only guaranteed through 2034. It will take time to see water quality and quantity improvements from some of these recommendations, but we have confidence that Minnesota can improve the quality of its waters if the State can recommit to a new, updated vision.

> The changes have Minnesota on a much better trajectory than fourteen years ago.

Trajectory Project process

Unlike the 2003-2004 process that met 18 times, the Trajectory Project was designed for participants to be able to recommit to a new vision in only three meetings, with the option to convene more if needed. To accelerate progress, a survey was sent to participants at the start of the process to take the pulse of the group. We asked about different topics or metrics for water quality and quantity to get a general sense of whether the group felt the state was on the right path to achieve water resource goals.

What participants told us in this pre-survey was:

- Generally speaking, we're on track for monitoring and assessment of surface water issues
- Runoff from forested lands and erosion from construction sites are on a decent trajectory
- Top priorities are developing strategies to address nitrogen, phosphorus, and row crop runoff
- Given current spending and focus, there was low confidence that we'll be able to achieve even the state's modest water quality goals
- For everything else, the group as a whole was uncertain about how much of a difference the state will be able to make in cleaning up impaired waters and protecting unimpaired waters

The uncertainty surprised us because we see quite a few water issues as having sound management strategies that are on good trajectories. We quickly altered our project to explore why confidence in the current strategies was lacking, and what could be done to increase the return on the state's investments. In the first meeting, participants identified the barriers to meeting the stated goals for water quality and quantity. The second meeting began to provide shape to a new vision for CWF spending. The third meeting then refined the vision, actions to take, timelines, and the parties responsible for leadership. An additional meeting was held after review of the draft report to address a few areas where group members felt additional discussions were needed.

Through the meetings, we discovered that the uncertainty was less a question of confidence and more one of, "which direction *now*?" With 2034 on the horizon, we're at a critical juncture to choose how and where to make tangible changes to move the state closer to its water resource goals.

To do this, participants identified three broad strategies, explored in more detail in the remainder of this report:

1. Update the vision to produce (and document) durable successes
2. Narrow the focus for state investments
3. Adjust staffing and budgeting process