

Policy Committee Meeting Agenda

Clean Water Council

December 16, 2022

9:30 a.m. – 12:00 p.m.

WebEx Only

2022 Policy Committee: John Barten, Rich Biske (Chair), Kelly Gribauval-Hite, Raj Rajan, Victoria Reinhardt (Vice Chair), Peter Schwagerl, Phil Sterner, Jordan Vandal, and Marcie Weinandt

9:30 Regular Business

- Introductions
- Approve today's agenda
- Approve minutes of previous meeting(s)
- Chair update
- Staff update
 - Carp Removal Update
 - Budget Forecast

10:00 Selecting Presentation/Discussion Topics for 2023

10:30 Break

10:45 Suggesting Policy Ideas for Discussion in Strategic Plan Discussions in 2023

12:00 Adjourn [We may be able to adjourn earlier]

Policy Committee Meeting Summary
Clean Water Council (Council)
October 28, 2022, 9:30 a.m. to 12:00 p.m.

Committee Members present: Rich Biske (Chair), Kelly Gribauval-Hite, Raj Rajan, Victoria Reinhardt (Vice Chair), Peter Schwagerl, Marcie Weinandt, and Phil Sterner.

Members absent: John Barten and Jordan Vandal.

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

Regular Business

- Introductions
- Motion to approve October 28 meeting agenda moved by Victoria Reinhardt and seconded by Peter Schwagerl. Motion approved by vote unanimously.
- Approve minutes of previous meeting(s)
- Chair update: Rich Biske attended the Water Resource Conference. The drought session was very informative. There was an interesting extended workshop on drainage. All around great conference and good discussions.
- Staff update
 - The Minnesota Pollution Control Agency (MPCA) has been updating the webpages for the whole agency. We are continuing to work with our staff to make sure everything is accessible on our webpages.
 - Paul moderated a panel at the Water Resources Conference on the past, present, and future of the Clean Water Fund. Guests included John Linc Stine, John Barten, and Rep. Patty Acomb.
 - The Board of Water and Soil Resources (BWSR) board approved the Water Partners Legacy small grants program. Paul reached out to the Indian Affairs Council and the MPCA Tribal Liaison about it.
 - Ten Council members have terms that will be up in January 2023. The link to the application has been sent out to those members to reapply.

Review of Policy Statements and/or Discussion on “Narrowing the Focus” on Several Topics (WebEx 00:13:30)

This is to review the current policy statements.

- Second Draft on PFAS Policy Statement
 - The update expanded on what was originally done to show what the CWFs are currently supporting.
- Living Cover: Looking at State Water Plan Goals (WebEx 00:16:30)
 - Jeff Berg with the Minnesota Department of Agriculture mentioned there was a state water plan on living cover. The meeting packet includes about four pages from it, highlighting the goals. This plan was last done in 2020. As this is in the works, the committee may not want to put together a statement yet. This state water plan covers the areas the policy was looking to tackle.
 - Victoria Reinhardt: It does not hurt to reinforce the message. They reference the Clean Water Council Strategic Plan; would the Council want to include a paragraph that connects to the Water Plan? Then, it would provide support for the state water plan. Answer: That can be done in the recommendations.
- Carp Removal Update (WebEx 00:23:30)
 - Paul followed up with the Minnesota Aquatic Invasive Species Research Center (MAISRC) on non-statutory ways to streamline the permitting process so research harvesting and water quality work could be simpler. There is discussion happening, but no reply yet.
- Outline for Any Shoreland Development Policy Statement (WebEx 00:25:15)
 - There was a lot of discussion on this topic, but nothing set up as a policy statement yet. It could have more of a funding or program approach or social science, networking, and education.
 - Rich Biske: How do we make note of this and tuck it away for future discussions? Answer: It is added to the ongoing list of future topics.
 - Marcie Weinandt: Watershed districts often issue shoreline variances but also do a lot of shoreline restoration through its own funding and the CWF. At a certain point there need to be fines.
 - Paul Gardner: It sounds like there may be some interest in capacity to help local practitioners work with lake associations and perhaps do enforcement too. The CWFs do fund capacity at the state and local level.

- This topic will be tabled to discuss in the future.
- Data Privacy Follow-up on Private Wells (*WebEx 00:36:00*)
 - As a follow-up to questions at a previous meeting, Paul summed up state statutes about informed consent on well testing data in a handout. Tannie Eshenaur from the Minnesota Department of Health (MDH) and Jeff Berg from the Minnesota Department of Agriculture (MDA) provided some information to the Council on this area. Anything that would identify their name, testing site or address, or anything to identify someone's identity, would be protected. The aggregated data could be public, but not the address. Also, if testing a well, the owner must have access to their own test results.
 - Raj Rajan: For the private well data, is there a way to avoid privacy data concerns? If there is a cluster of well data, could you average it and show that average on a map instead? Then, you would not be identifying specific properties. *Answer from Tannie Eshenaur, MDH:* Yes, we can do that. I think there is a similar process being done now, where the arsenic data for a census tract would be somehow averaged and put online. If there are only a few wells, there could be a way to identify the specific home that could be suppressed. The MPCA has a good groundwater monitoring map showing algal blooms this way.
 - Tannie Eshenaur, MDH: This is an area where social science is important to understand people's tolerance for risk, be it drinking water or real estate, and how they perceive risk. If people think there is no solution, they don't want to get their private well tested. If people cannot get treatment, they probably don't want to know to know what they are drinking. It is important to provide a solution whenever you are doing free testing, and to offer a way to support these folks financially so they can fix the issue. As much as the privacy data piece is a barrier, so too is the economic piece is a barrier.

Policy Elements of Public Input to Clean Water Fund Recommendations (*WebEx 01:00:45*)

- The CWF recommendations are ready to go, pending the November forecast. The Council looked at a lot of public input at the Budget and Outcomes Committee (BOC) meeting. There were other parts of the public input received that was not about specific programs, but more about the general efforts of the CWF. At the request of the committee chair, this is to dive deeper into more of a philosophical approach.
- Rich Biske: This was an observation. There were many letters from stakeholders, for the most part they were about the recommendations. Within that, there were directional questions, about where this is headed and expectations. The recommendations are ready to go, so it is a good time to have a broader discussion. Responding to some of the stakeholder comments beyond this round of budget recommendations would be useful. Think about how to get these perspectives, how do we use them to inform what this policy committee does, and then how that policy compliments the CWF programs. This conversation is to look at how to get those different perspectives. We have roughly eighteen months until we are at the next recommendations.
- Victoria Reinhardt: It sounds good, and we want input on the policies as well. The statutory requirements are for the Council. The policy committee reports to the Council. I think there is a way to get input but should probably not do it separately. I feel strongly it needs to be through the main Council. Perhaps, we can talk about this process with the Council's leadership.
- Marcie Weinandt: I agree with Victoria. However, the committee could pick up the additional responsibility of some early work on how information goes out to support the continuation of Clean Water Fund. It is not too early to have this conversation.
- Rich Biske: To clarify, I do not want to seek independent input from stakeholders, rather discuss the timing of seeking this input from stakeholders, and any action more than reacting to a spreadsheet. I think it would be important to converse about our expectations for the CWFs over the next ten years. The Freshwater Society did a report on the trajectory, thinking about that impact. So, if there is a gap between an expectation from the state, what the funding is, and what the policy is. They should work together well.
- Justin Hanson, BWSR: Thinking about the connection piece. There is often a disconnect between the work that is happening in the field and the committee. Paul talked about an opportunity to have folks come in and talk about some of the work going on. That would be important to discuss at the full Council.
- Glenn Skuta, MPCA: How do you see the Council's Strategic Plan guiding the policy spreadsheet. Perhaps it is good to look again at the Strategic Plan and see what needs to be dropped or added and include public engagement.

- Raj Rajan: I think it is good to think about clean water policy beyond clean water funding. As the funding starts winding down, the policy positions taking place may be independent of funding. There could be more policies that can translate into legislation at the state and local levels.
- Tannie Eshenaur, MDH: The Future of Drinking Water arose out of policy and became funded by CWFs. Out of that came the Future of Drinking Water Report, which is moving forward with a statewide drinking water plan. It will take the next year and a half to develop this plan. The plan will run from 2024 to 2034. One of the recommendations from the university was to take the governance assessment framework. It looks at how drinking water is integrated into the larger water resource management framework. This framework could be used to assess the committee's progress, and the direction to go. It would be good to see the systems operating now within the state, to see where they are working well and opportunities of improvements. Then, identify policies that could enhance or improve those systems to get broader change.
- In statute, the Council is to advise on the Clean Water Legacy Act, so it doesn't just include the CWFs. It will be good for the Council to deliberate on the bigger questions in 2023. There are some topics to cover, and so it is good time to review some of these items (i.e., dealing with chloride, how funding is divided within the watersheds across the state).
 - Marcie Weinandt comment: I would suggest workforce and leadership on local governance and understanding of the CWFs flow. Additionally, how have attitudes changed from the start of the Clean Water Legacy Act to now? Are we on track?
 - Rich Biske: Sometimes the Council's Strategic Plan can be used as a reference point to justify work, but it isn't always aspirational. So it could be worth revisiting, perhaps looking at the intention of it as well. Also, how are we doing aligning on the path for that? It should be in the context of what the statute says. So, we should be careful as well. It does take about a year to come up with that direction. Some of these presentations, especially the new ones, could have a meaningful and lasting impact on the water resources. Often, the new ones are the most vulnerable, so there may be more the Council can do the frame it up to meet those needs. Adapting is important, and maybe we need to spend some time thinking about it to make a good argument for shifting things. I would value this group discussing this more.
 - Justin Hanson, BWSR: Thinking about the long-term impacts, over twenty-five years, they will go by fast. The local government units have transitioned to the watershed management organizations, which with all the groups together takes time to be successful. It has been such an impact. Transformational change takes time. Establishing the trust within the system and committing to staying with that system is huge. Cultural change happens in communities. The planning work is still happening. It will be important to pay attention to that side of things too. There are many wonderful examples of success.
 - Glenn Skuta, MPCA: The human resource infrastructure at the local and state level is amazing compared to where we were, also comparing it to the rest of the country. There are a lot of people graduating from colleges with environmental degrees that didn't exist before. Thinking about the big picture, what can the Clean Water Fund do that other funds cannot do? It is not about throwing money, these are well investigated ideas that could prove to be very impactful if given a chance. Balancing this now and in the future is important.
- In reflection, it would be good to review the Council's Strategic Plan, the Freshwater Trajectory report, and perhaps connecting with the G16 folks, and have a facilitated discussion at a full Council meeting. The BOC may also want to be involved in this process as well. This meeting may be best to have a face-to-face discussion, to encourage in-person contributions. It would be good to flag that meeting as in-person a few months ahead of time.

Adjournment (*WebEx 02:02:47*)

2023 Council Meeting Topic Suggestions for Policy Committee

Lake Topics

1. **Long-term trends in our lakes** (Leif Olmanson, who is using [frequent satellite images of lakes](#) to detect water quality changes; Gretchen Hansen, who is focusing on [ecosystem changes](#); DNR; and/or MPCA)
2. **Zoning Issues with Lakeshore/Riparian Properties** (DNR)

Groundwater

1. Review of **water reuse and groundwater recharge** efforts to address drought
2. Research on **groundwater governance** in the Midwest ([new report](#) from Freshwater), including work with tribal governments (Carrie Jennings, Freshwater)
3. **Minnesota Drought of 2021**, (Water Resources Conference presentation by Luigi Romolo, Dan Miller, Ellen Considine, Amanda Yourd, Carmelita Nelson from DNR)
4. **Legacy and Future Direction of the 1989 Minnesota Groundwater Protection Act** (David Crisman, Minnesota Groundwater Association)
5. Groundwater Restoration and Protection Strategies (**GRAPS**) using **3D modeling** (MN Geological Survey, MN Department of Health)
6. **Technological advances in groundwater hydrology** (USGS) (examples: impact of climate change on groundwater recharge, lakes and rivers and lag time for groundwater quality BMPs, and the impact of groundwater on lakes.
7. **Wellhead Protection for Every Vulnerable Municipal Water System Complete** (MDH)
8. **Groundwater Management Areas e.g., N & E Metro** (DNR)

Drinking Water

1. **Metro Area Water Supply Advisory committee (MAWSAC) recommendations** to support water supply sustainability in the metro (Met Council)
2. [Minnesota Source Water Protection Collaborative](#) (MDH)
3. [State Resource Needs Report](#) (critical assessment of drinking water programs nationally; insight to current challenges and how states are coping with emerging issues; lack of national guidance; and COVID demands (Sandeep Burman, MDH public water supply unit)

Emerging Contaminants

1. **Neonicotinoids**: clothianidin, and imidacloprid (idea from Minnesota House of Representatives)
2. **Tire chemical and salmon/smelt in Lake Superior** (idea from Minnesota House of Representatives)
3. **Plastics in water and state of affairs of all plastics** (Sternier)

Agriculture

1. **Conservation Drainage Management** (Find speakers from 2022 Water Resources Conference)
2. **Linking drainage to One Watershed One Plan**
3. The Potential for Improving Water Quality and Habitat in Minnesota by **Repurposing Unprofitable Cropland with Perennial Vegetation**, Jason Ulrich, Shawn Schottler, Science Museum of MN, St. Croix Watershed Research Station (Water Resources Conference presentation, shows how one could prioritize protection strategies)

4. **Assessing Agricultural Producers' Motivations to Participate in the Minnesota Agricultural Water Quality Certification Program** (Water Resources Conference presentation by Amit Pradhananga, University of MN)
5. **Precision manure application/Manure storage grants** for water quality
6. **Regenerative farming (Besser)**
7. **Development of oil producing and zero carbon plants (Sternner)**
8. **Groundwater Protection Rule update** (MN Department of Agriculture)
9. **Water storage (Weinandt, Sternner)**

Stormwater

1. **Stormwater retrofits at several metro Target stores**, (Paige Ahlborg, Ramsey-Washington Metro Watershed District)
2. **Metro stormwater ponds including clean-up (Weinandt)**

Monitoring, Assessment, Characterization & Strategy Development

1. **WRAPS Roundup**: Watershed Restoration & Protection Strategies (WRAPS) approved in the last 12 months (Glenn Skuta, MPCA)
2. **Metropolitan Council's Priority Waters List**: A Tool for More Effective Water Resources Management (Water Resources Conference presentation by Emily Ressenger, Met Council)
3. **Interagency surface water monitoring** (Bill VanRyswyk, Surface Water Subteam; shows who does what for monitoring and why)
4. **State Climate Change Framework**
5. **Update on the 2020 State Water Plan (EQB)**

Implementation (including non-CWF)

1. **Report from One HUC-8 watershed on several years of implementation projects** and comparing it to the WRAPS and One Watershed One Plan (BWSR and an SWCD)
2. **Clean Water Partnership** loans (MPCA)
3. [Water Quality Trading](#) (MPCA)
4. **How wildlife/aquatic management areas intersect with watershed-based approach to address impaired waters** (Steve Besser request; concerned about prioritizing economic uses over fish and wildlife management; possible presentation on DNR management)

New or Timely Topics

1. **Wakeboard impacts** on Shorelines
2. [Removal of lock and dam on Mississippi River](#) by Ford Plant in St. Paul;
3. [Five Takeaways to Advance Diversity, Equity, and Inclusion in Watershed Management](#), Melanie Bomier, Carlton SWCD
5. [MPCA's environmental justice mapping tool](#), including how [recent updates](#) increased areas of concern for environmental justice in Minnesota. The MPCA uses this tool to focus our work in areas where low-income Minnesotans, people of color and tribal members may experience more impacts, and to increase public engagement. (Quinn Carr, MPCA)
6. **Climate benefits of wetland and peat restoration and protection** (Peter Ciborowski, MPCA)
7. **Multiple benefits of [grasslands](#)** (Jewell)
8. **Culverts as a new idea**: Evaluation of Hydrological Change (Jason Moeckel, DNR)
9. **Data privacy on private wells (Kader)**
10. **Human resources/meeting labor force need in water**