

## **Policy Committee Meeting Agenda**

Clean Water Council

August 25, 2023

9:30 a.m. – 12:00 p.m.

[WebEx Only](#)

**2023** *Policy Committee: John Barten, Rich Biske (Chair), Gail Cederberg, Kelly Gribauval-Hite, Victoria Reinhardt (Vice Chair), Peter Schwagerl, and Marcie Weinandt*

### **9:30 Regular Business**

- Introductions
- Approve today's agenda
- Approve minutes of previous meeting(s)
- Chair update
- Staff update
  - Legislative Update

### **9:45 Review of First Draft of Drainage Policy Statement**

- Public input

### **11:00 Break**

### **11:15 Review current platform and identify future topics**

### **12:00 Adjourn**

**Policy Committee Meeting Summary**  
**Clean Water Council (Council)**  
**April 28, 2023, 9:30 a.m. to 12:00 p.m.**

**Committee Members present:** John Barten, Rich Biske (Chair), Kelly Gribauval-Hite, Victoria Reinhardt (Vice Chair), and Peter Schwagerl.

**Members absent:** Raj Rajan, Jordan Vandal, Marcie Weinandt, Marcie Weinandt

**Others present:** Annie Felix-Gerth (BWSR), Justin Hanson (BWSR), Glenn Skuta (MPCA), Jeff Berg (MDA), Jen Kader (Met Council), Reid Christiansen (MDA), Brian Martinson (Association of MN Counties), Carly Griffith (MN Center for Environmental Advocacy), Jamie Beyer (Bois de Sioux Watershed District), Jan Voit (Minnesota Watersheds), Lori Cox, Molly Jansen (Nature Conservancy)

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
- Unable to meet a quorum to approve the April 28 meeting agenda or past meeting summaries.
- Staff update
  - Legislative Update: In the House, all the finance bills have been passed off the floor and the Senate is close. There is about \$12 million annually in funding for Soil and Water Conservation Districts (SWCDs) in a Senate bill right now for FY24-25, and every year going forward as base funding). The House has \$22 million annually, but as a one-time funding for FY24-25, with \$14 million annually going forward. The Legacy conference committee met this week to walk through the bill.
  - State agencies have expressed some concerns in an official letter to the Legacy conference committee. This includes the change to the Council submitting annual recommendations.

### Drainage Work Group Topics, by Tom Gile, Board of Water and Soil Resources (BWSR) (*Webex 00:17:00*)

- The Drainage Work Group (DWG) is authorized through Minn. Stat. 103B.101 for the BWSR to work with drainage stakeholder to foster mutual understanding and provide recommendations for drainage system management and related to water management. Not all stakeholders agree.
- There is currently a bill in the House on a drainage registry portal; it is not a DWG recommendation, but the DWG discussed it. Regarding “outlet adequacy,” there is ongoing DWG subcommittee discussions to refine the understanding and framework around this Minn. Stat. 103E concept. Additionally, there is ongoing discussion to better understand “early coordination” on drainage related projects.
- In 1858, Minnesota became a state and passed drainage laws.
- Drainage Authorities are a drainage system’s governing body. They administer proceedings and procedures; approve petitions; hold hearings; make findings; issue orders; appoint engineer(s), viewers, and inspector(s); engage or retain attorney(s); and apportion costs. A drainage system means a system of ditch or tile, or both, to drain property, including laterals, improvements, and improvements of outlets, established, and constructed by a drainage authority. Today, drainage authority is typically either counties, joint county boards, or watershed districts. They act as the governing body for a given system. Drainage includes the improvement of a natural waterway used in the construction of a drainage system and any part of a flood control plan proposed by the United States or its agencies in the drainage system. There are also a lot of private tile systems, so you cannot assume because there is a drainage feature in the landscape that it is administered by, or that there is any influence over it, by a drainage authority. It is not all the same, it is not all managed in the same way.
- The drainage authorities: construct and maintain drainage systems; deepen, widen, straighten, or change the channel or bed of a natural waterway that is part of the drainage system or is located at the outlet of a drainage system; extend a drainage system into or through a municipality for a suitable outlet; and construct necessary dikes, dams, and control structures and power appliances, pumps, and pumping machinery as provided by law. They also have the ability to use external sources of funding, based on the benefits of the drainage system for the purposes of wetland preservation or restoration or creation of water quality

improvements or flood control. They may also be used outside of the benefits area but must be within the watershed of the drainage system. For example, in the Red River Valley, flood control is a lot of what they do. They can bring in outside funding to help facilitate things to help with flood control within their water district boundaries.

- Drainage proceedings and procedures include drainage projects and repairs. These follow a procedurally heavy process under Minn. Stat. 103E. When the drainage system is designed there is an assumed hydrologic benefit, the landowner has a right to that drainage. The drainage authority has an obligation to maintain it, on behalf of the landowners in the system. When they are doing that work, they are acting on behalf of the drainage system, the lands around the drainage system are private owned. Drainage can be complicated. All the different projects require different processes. There are a lot of criteria to follow. When working with drainage authority, they are bound by specific procedural steps, and some of them can take a long time.
- Every drainage system is its own system. All costs for constructed “drainage projects” must be apportioned to the benefited property owners in proportion to the monetary benefits for each land unit benefited by the project, as determined by the team of viewers, and approved by the drainage authority (i.e., pro rate based on benefits). The cost of a “repair” anywhere on a drainage system based on benefits of record or can be apportioned to all property contributing runoff to the drainage system based on relative runoff and relative sediment delivery to the drainage system.
- Regarding drainage authority decisions, there are many different hats they must wear. For example, if the watershed district is the drainage authority, or the county is the drainage authority, and act within that for the landowner’s drainage system. It requires being very intentional. Not every tool is going to work everywhere.

#### *Questions/Comments:*

- John Barten: You showed the statute for environmental considerations. Are there specific limits on environmental conditions, which would preclude the construction of the drainage projects? *Answer:* The answer is it depends. The drainage authority needs to take in the other considerations as well. For example, wetland regulations or flood plain regulations. There is not a clear answer here.
- Rich Biske: How clearly defined is the public benefit? *Answer:* There is not a definition of public benefit within Minn. Stat. 103E. The benefits talked about here is specific to the drainage code.

#### **Where Can the Council Be Most Helpful in Promoting Drainage Water Management? (Webex 01:18:00)**

Review State Water Plan goal on drainage.

- How would you define an environmental consideration? There have been discussions on water storage goals, which vary on ambition and details. Do those water plans help provide greater clarity on what to consider for environmental impacts on a project? *Glenn Skuta, MPCA:* In terms of Watershed Restoration and Protection Strategies (WRAPS), they bring the science into the conversation. Groups working together look at what greater impacts may be needed and put in the local water plan. This is looking at everything water quality related like aquatic life etc. Altered hydrology is a big issue. This is how we have changed the landscape by land use in general (surface usage, drain tile, etc.), even climate change. There are goals and 10-year targets. There are watersheds that have set annual flow reduction goals, two-year peak reduction goals, and others. Some watersheds have chosen not to set goals related to flow but have focused more on increasing water storage instead. There is a full sweep of best management practices (BMPs) to help meet these goals.
- There is a One Watershed One Plan (1W1P) handout that includes the water storage goals of different comprehensive watershed management plans. Many of the goals are ambitious.

#### *Discussion:*

- Paul Gardner: There is talk about policy versus funding, and even persuasion for landowners to try something different. Is it better to try to get landowners to start making these changes, having that discussion to start something, is that more impactful? This is trying to find out where the Council’s skillset is best used to help nudge people along. *Answer from Tom Giles, BWSR:* Even considering the WRAPS goals and broader 1W1P goals, it is important to consider the obligations of the drainage authority. Their focus is narrow, it is about the system. So, having these conversations, the drainage authority may not have a lot of a role to play.
- Rich Biske: How do we encourage those folks participating in the 1W1P to make those connections, so they are ready to act along side the drainage authority.

- Justin Hanson, BWSR: The benefits of having Clean Water Funds (CWFs) involved in these drainage projects and drainage authority is the original drainage authorities are right at the table talking holistically about all these things together. It has opened a lot of opportunities to work more collaboratively.
- Rich Biske: Engineers play a big role here. Where are they in training and understanding of these designs and presenting them to the drainage authorities. *Tom Giles, BWSR*: Engineers who support these projects are capable to incorporate these into the projects. It is more about separation of a repair, and if it is within authority to change things. If it is associated with a repair, any cost past what is needed to fix the repair is on the landowner to do that. If you are going to do an improvement to a drainage system, there is another set of requirements to adhere to as well. There is a monetary calculation that takes place. Even time and money to explore a different repair – there are institutional impediments to consider. Costs all count if tied to a drainage project. If the costs exceed benefits, it dies. It is about being intentional, to find the dialog. The engineers are good at finding ways to incorporate water quality benefits, but there are a lot of considerations.
- John Barten: I see acres of tile drainage being placed, and all that water will run into the drainage systems and alter that hydrology more. Is there anything we can do with CWFs that helps manage this water from entering these stream systems and prevent the negative impacts? Is there a way to better manage these tile drainage systems? *Tom Giles, BWSR*: That is the million-dollar question. How do we find the right niche? One of the challenges is that some of the BMPs are suited to upland land management. Also, are there opportunities to add tools to the toolbox for the drainage authority when an opportunity presents itself?
- Rich Biske: Some of these practices have been around for a while. Looking at why they have not adopted them would be good to pinpoint where these decisions are being made. The practices exist, they are not incredibly complicated. How often are these used? *Tom Giles, BWSR*: I don't know. It may depend on having a specific feature, the landowner needs to be willing, it is more of an opportunity that presents itself. There is a lot of procedure to make it part of the drainage system. That is one of the challenges. This is scratching the surface, there will be a need for work and collaboration to get there.
- Paul Gardner: Occasionally statutes and rules need to be redone to promote change. Could water quality elements help create fewer procedural hoops because there is more certainty? Perhaps the Council would like to look at the Minnesota Agricultural Water Quality Certification Program as a potential area to investigate, if something around drainage could be prompted here? There is no draw for those farmers with the current certification process. Perhaps before the next recommendations come out.
  - Rich Biske: We can bring this forward for review.
  - Lori Cox (They are on the Ag Water Certification Advisory Board): The limitation with that program is the tool itself. Nothing is built into the tool to certify a farm, related to drainage or water storage, you cannot integrate it into the program. Unless, you suggest for drainage or water storage, and somehow get that moved into the tool. The tool is there so that it is objective result versus a subjective result.
  - Paul Gardner: I was thinking that was something that would have to be added in. Also, thinking about how far that would really impact in these measurements.
  - Rich Biske: This context within drainage law, the limitation and opportunities will be helpful to continue the conversations in this area. Perhaps looking more at the barriers to this larger implementation of practices. We may be looking at a policy recommendation in the future.

**Adjournment** (*Webex 02:15:42*)

**Policy Committee Meeting Summary**  
**Clean Water Council (Council)**  
**May 19, 2023, 9:30 a.m. to 12:00 p.m.**

**Committee Members present:** Rich Biske (Chair), Marcie Weinandt.

**Members absent:** John Barten, Victoria Reinhardt (Vice Chair), Kelly Gribauval-Hite, Raj Rajan, Peter Schwagerl, and Jordan Vandal.

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**Regular Business**

- Introductions
- Unable to meet a quorum to approve May 19 meeting agenda and past meeting summaries.
- Chair update
- Staff update
  - Legislative Update: The Legacy Finance bill was signed yesterday. Other than a few small changes in policy language and inserting funding for the River Water monitoring program, the Clean Water Funds (CWFs) recommendations for \$318 million have been adopted in full. Additionally, the Environment and Natural Resources Finance bill included many appropriations associated with policy, and connections to Clean Water Legacy Act, or interests to the Council. There is money for PFAS, significant money for soil health, common carp management (allows for “wanton waste” of carp, pesticides, groundwater management, and the Environment and Natural Resources Trust fund.

**Drainage with Jeff Stroch**, by University Extension, Southwest Research and Outreach Center at Lamberton, MN  
(Webex 00:24:00)

- Soils need to be drained for different reasons. There can be a restrictive layer, called glacial till. There could be high clay content. The landscape can cause poor drainage. The depth of the bedrock can cause issues. If there is a seasonal high-water table, as well as seasonal flooding, especially during the growing season.
- In general, there are three types of drainage systems. An open drain (like a ditch), a subsurface drain (like tile) and a shallow open drain (for surface runoff). These all help to get moving water off the landscape quickly.
- Drainage in the state has been around for a long time. The first drainage law was established before Minnesota became a state. Looking back to the 1850s, drainage in the western part of the state, there is documentation that water was the common enemy of everyone related to human health concerns (insect borne viruses at the time), so there was a big push to drain those standing water areas to keep mosquitos’ population down. Additionally, transportation infrastructure was put in place in the late 1800s, so a lot of areas were also drained that would be protected today. In the dustbowl, there was a big push. A second big push was after WWII. From the 1950s to 1960s, there was a lot of artificial drainage put in place as well, mostly in agriculture, so that area is more recent.
- Benefits of drainage: improve trafficability; warmer, drier conditions for planting; protect from excessive soil-water conditions; salinity control; improved yield; delayed and reduced surface runoff volumes; reduced loses of sediment, phosphorus, ammonium-nitrogen, pathogens, and pesticides.
- Agricultural drainage concerns include both quality and quantity. For quality issues, looking at “fishable”, “swimmable”, and “drinkable” water concerns. Regarding the quantity of water, sometimes there is too much, too little, and timed just right. The weather really impacts quantity. The EPA Science Advisory Board noted that the Mississippi River is disproportionally enriched with nitrogen and phosphorus during the spring (when the upper Midwest has a lot of subsurface drainage). This includes some pesticides, sediment, and fecal coliform. It has a direct impact to the Gulf’s hypoxic zone.
- Regarding the Nutrient Reduction Strategy, looking over time, there has been some achievement on the reduction of phosphorous, but we have not hit the goals yet (45 percent reduction by 2040). There is a lot of work with nitrogen as well.
- Looking at edge of field practices:
  - Bioreactors:

- A first-generation bioreactor has a drainage system with an inflow control structure, then wood chips to slow down the flow (can collect carbon and nitrogen), and an outflow control structure. Originally, they were horizontal, but can be different. They do not always collect all the nitrates, and then the water flows out to surface waters. When they work, they work well. Example is the Rice County Bioreactor.
    - A second-generation bioreactor is often at the edge of a tile. The bioreactor is situated above the surface water. They are a vertical flow. They target nitrate and phosphorous. They often use woodchips and corn cobs. They have some experimental sites right now, looking into more of these nitrogen reduction strategies (phosphorus reducing and nitrogen reducing options).
    - Benefits of bioreactors: minimal crop land is taken out of production, require minimal maintenance, and show high nitrogen removal capacity.
    - Limitations of bioreactors: concerns about greenhouse gas emissions, concerns about methyl-mercury generation, system by-pass during “high” flow conditions, questions about longevity of carbon source, and scalability.
  - Controlled drainage:
    - This uses a water control structure to raise the depth of the drainage outlet, holding water in the field during periods when drainage is not needed.
    - Benefits of controlled drainage: reduced drainage volume, reduced nitrate load, reduced phosphorus load, and modest yield increase.
    - Limitations of controlled drainage: potential adverse impacts on crop establishment and growth, system management and maintenance, topographic limitations, modest yield increase, works well under moderate drought conditions, and questions on the return on investment.
  - Ditch management:
    - This is a practice that has a lot of opportunity (about 27,000 miles of drainage ditch in the state). They have a lot of vegetation and can work a bit like a little wetland. There is a control channel, and a treatment channel. There is also a low-grade weir.
    - Benefits of ditch management: potential mitigation of sediment and nutrients (“linear” wetlands during low flow”), reduced maintenance cost, lower erosivity of ditch flows, and improved bank stability.
    - Limitations of ditch management: Fluvial transport systems during “high” flow, maintenance disrupts buffering capability, greater initial cost of construction, modest loss of land for production, potentially increase flow handling capacity, and increases sediment storage capacity.
  - Wetlands
    - They are working on research now in this area as well looking at surface flow, vertical flow, and horizontal flow of these constructed wetlands. They are trying to store a little more water on the treatment (versus the control) to see how they compare.
    - Benefits of wetlands: mitigation of sediment and nutrients, reduced peak runoff volume, carbon sequestration, and increased ecosystem services (habitat and biodiversity).
    - Limitation to wetlands: construction costs, disrupted continuity of farming (depending on location), and loss of land for production.
  - Saturated buffers
    - There is limited research in this area. Iowa has 19 site years and has the most research in this area.
    - Benefits of saturated buffers: effective as a nitrate removal practice, if the site is correctly set it will not impact adjacent crop yields, it increases ecosystem services (like habitat and biodiversity).
    - Limitation to saturated buffers: bank stability and slope issues, certain soil textures (like sandy soils) are not suitable, requires adequate soil carbon (at least 1.2 percent to depth of 2.5 feet), and minimize woody vegetation in the buffer (the roots get in the distribution pipes).
  - Economics:
    - The most expensive practice is cover crops (not covered here) at \$25 per pound of nitrogen removed. Controlled drainage at \$0.91 per pound of nitrogen removed. Bioreactors at \$0.95 per pound of nitrogen removed. Constructed wetlands at \$1.32 per pound of nitrogen removed. Saturated buffers is at \$1.22 per pound of nitrogen removed.

- We can look at nutrient reductions by practice, or by systems. The better way to do it is to mix and match items, to help get to better water quality in Minnesota.

*Questions:*

- Marcie Weinandt: What are you finding are barriers to producers for these practices? *Answer:* There are policy issues related to thinking about ditch management. The local folks here are asking and trying things because we have connected. There are some farmers that are interested and have adopted practices, restoring these lands. Farmers are reluctant for two reasons. First, if they are updating the tile, there are greater expenses. Second, there is an issue to manage these systems manually. There can be a lot of sites to manage. Technology has come up, to monitor these sites, but that is also expensive. So, there are barriers there. One more to note, we do not do a good enough job of connecting sociologists with the work we are doing. The reason people have their opinions will vary from person to person. There are many more reasons why farmers are reluctant to try these new things. We need to do what we can to help in this area.

**Where Can the Council Be Most Helpful in Promoting Drainage Water Management for Water Quality? (Webex 01:33:00)**

- The Council is in a different lane than other groups. It's not the Legislature or drainage work group. The Council has to do with the Clean Water Legacy Act and Clean Water Fund. A policy statement can be a tool in the Council's toolbox to promote adding water quality elements to the ditch improvement process, as well as take advantage of grants and technical assistance resources available.
- The Environmental Quality Board (EQB) has a goal in the State Water Plan to manage landscapes to hold water and reduce runoff. They have several strategies. One is to identify opportunities to retain and store water and manage drainage. Another strategy is to develop multipurpose drainage water management standards, guidelines, and incentives. It does not include rates or dates to achieve these things.
- There are water storage goals in comprehensive watershed management plans developed through the Board of Water and Soil Resources (BWSR's) One Watershed One Plan (1W1P) program. Some plans articulate both a short-term goal (ten-year timeframe) and a long-term goal (like a desired future condition). These are being tracked. They have been called ambitious.
- Public input:
  - Carly Griffith, Water Program Director at the Minnesota Center for Environmental Advocacy (MCEA) provided written comments (included in meeting packet). First, studies show the importance of near-channel erosion and the impacts of drainage system discharge downstream. Secondly, we should hold individual drainage projects accountable for watershed scale sediment and nutrient reduction goals. A more comprehensive stream gauge network, especially at key sites below the outlet of major public drainage systems in impaired watersheds, would be a strong data collection tool to "ground truth" hydrological models for individual drainage projects and ensure that they adequately account for more frequent peak flow discharges. Response by Rich Biske: Thank you for your input and research papers.
  - Jan Voit: I am a farmer. Just like there is infrastructure to manage flooding, protect roads and bridges, and private properties, outside of cities, Greater Minnesota uses drainage systems and culverts to protect. Public drainage systems can be found in Metro locations as well. I have farmed for over 39 years and can attest to the fact that public drainage systems and private tile are a necessity in a farming operation. Without those tools to manage water, a farmer would be unable to produce food products to feed people. Public drainage systems are managed by a public government entity. The landowners that own the system pay for every dime for everything that is done for administration, repairs, maintenance, and improvement. The public does not contribute any funds to these systems. Agricultural producers must weigh market costs, input costs, construction costs, with their need to farm productive land to produce a crop. Repairs and improvements are not done on a whim; there are statutory requirements. It is unrealistic to expect drainage to handle 100-year floods. Every system has the potential to be inundated. To find common ground, people need to understand the necessity of agriculture and agricultural drainage in Minnesota. Programs proposed and implemented on a statewide basis are having, and will continue to have, a positive impact to improve water quality and reduce flooding. The 1W1P program allows stakeholders to prioritize projects that provide clean water benefits and work in partnership in projects that reduce erosion (like sediment catch basins, lined ditch waterways, culverts, and cover crop

programs). The MAWQCP is important for the agricultural industry. Funding is limited and there is a multi-year waiting list. Thank you CWC for the programs in place.

- Todd Kolander: One obvious option not readily applied to drainage improvement projects is a design standard of 3/8", yet most all project start at 1/2" as the goal citing it as Natural Resource Conservation Service (NRCS) standard. However, that is an NRCS recommendation, not a design standard. This would store a significant amount of water within the soil and ground water profile, rather than in surface storage basin, and still allowing improvement but not at the cost of downstream water resources.
- Peg Furshong, CURE MN: I appreciate being able to make a comment, as a private landowner. I live in Renville County. There are more miles of drainage than actual roads in our county. There is one public water way left, and it is not continuous; there are sections of it which are ditched. There will be different elements of success in different parts of the state. Cover crops are working well in our area, in improving sediment reduction and water quality. In some places they work better than others. Additionally, I want to highlight that the average age of a ditch viewer is 70! There is a backlog for ditch viewing. There are a lot of issues around drainage that are segmented and fragmented. It is hard to know who to turn to help do better. It is not straightforward. Landowners upstream or downstream will have to end up paying for incidents. Our drainage is a mess and is causing issues. There is not a good system in place. I am hoping we can look at this holistically to help fix these issues. Thank you for the opportunity to comment and thank you for your work today.
- Rich Biske: It is good to acknowledge these comments, and the work already being done, as well as the understanding that there is new information. There is hopefully a path to improve performance while not overly complicating things for private individual for the public good. There are private drainage systems, too, where lessons could be applied. I am interested in looking at these different practices and lat how the 1W1P can work together with this as well.
- Jamie Beyer, administrator for Bois de Sioux Watershed District: Thank you for this discussion today. I want to share that I am constantly reminding landowners is no matter what is built, there will always be a flood bigger than what it is built for (and overwhelm that system). We have to pick an event to design to, and that is what we go with. There is always a need for a constant repair of these systems. I also want to promote the multipurpose drainage management grant by BWSR. It is a great program. It provides a little bit of a carrot for these projects. Landowner support is so important, and they need to be interested in the project to get it moving. There is a host of places where the projects can fall apart, and it can be expensive. Again, thank you.
- Paul Gardner: I am interested in the willingness of landowners. What should the expectations be in this area? What will it take to get there? Also, are we able to sort the data (and grant funding) on drainage related items. The data on this area to see what we are already supporting would be nice.
- Rich Biske: To add to that, how is it being incorporated in the practice delivery, and are we being diligent about it. Thank you to everyone who provided expertise, experiences, and good questions. This has been a good discussion.
- Paul Gardner: I have a list of ideas to fill in the gaps, which could maybe turn into a statement. The next meeting may include new Council members, so there may need to be some orientation at the next meeting.

**Adjournment** (*Webex 02:13:45*)



# Clean Water Council Drainage Policy Statement DRAFT 18 Aug 2023

The State of Minnesota should:

1. Support **ditch and tile outlet inventories** by soil and water conservation districts and watershed districts to identify MDM and water storage opportunities that complement Watershed Restoration and Protection Strategies (WRAPS) and One Watershed One Plan (1W1P). This will support **earlier coordination** among watershed managers and landowners before initiating a project or repair and increase the likelihood of water quality elements on drainage projects.
2. Provide adequate **funding for wetland and stream restoration opportunities** as they arise, especially those identified in Watershed Restoration and Protection Strategies (WRAPS) and comprehensive watershed management plans (One Watershed One Plan) that would provide the greatest water quality and drinking water source protection benefits.
3. Encourage more applications for BWSR's Multi-Purpose Drainage Management (MDM) grants by **aligning BWSR's grants calendar** with drainage improvement timelines.
4. Request data to **quantify the effectiveness of Multi-Purpose Drainage Management** relative to nutrient transport and hydrologic changes compared to traditional drainage systems.
5. **Train drainage engineers and drainage commissioners** on the benefits of MDM and resources available, to encourage line-item estimates for conservation practices, and to encourage cost-benefit analysis of water storage and its resulting impact on drainage system and maintenance costs.
6. Develop a **drainage endorsement** for the Minnesota Agricultural Water Quality Certification Program (MAWQCP) with the input of the Drainage Work Group and other stakeholders.
7. **Prohibit use of the Clean Water Fund** for drainage activities or components that are required by Minnesota statutes or rules (Drainage Law, Groundwater Protection Rule).
8. Require an estimate of the hydrologic impact of drainage projects on downstream rivers and streams to ensure that channel destabilization is not exacerbated by projects using CWF resources.

## Background

There are almost 20,000 miles of open agricultural drainage ditches and countless miles of subsurface agricultural drain tile in Minnesota. This altered hydrology caused by these drainage features is among the factors resulting in higher peak flows in rivers and streams, leading to higher erosion and channel destabilization. Channel destabilization in the Minnesota River basin, for example, is responsible for the majority of sediment and nutrient transport downstream into Lake Pepin. In addition, drain tile can transport nitrogen/nitrate and dissolved phosphorus directly to ditches, lakes, rivers, and streams without the benefit of treatment. Improving water quality from drainage systems must be part of our water management framework to meet water quality goals.

Several statutes govern drainage in Minnesota:

- Minnesota Drainage Law in [Minn. Stat. 103E](#)
  - [Changes in 2014](#) to the statute require drainage authorities to consider a proposed project's impacts on water quality, peak flows, sedimentation, etc., explore different funding and technical assistance sources that could address these impacts, and use early coordination among stakeholders to bring about these changes.
- Minnesota Buffer Law in [Minn. Stat. 103F.48](#)

## Clean Water Council Drainage Policy Statement DRAFT 18 Aug 2023

- Requires a vegetated buffer for 16.5 feet (one rod) on each side of a public ditch.
- Minnesota Wetland Conservation Act (WCA) in [Minn. Stat. 103G](#)
  - The WCA follows the policy of no net loss of wetlands.

There are several entities that discuss drainage regularly or provide oversight.

- [Drainage Work Group](#) (DWG): According to BWSR, the Drainage Work Group's purpose is to: 1) to foster science-based mutual understanding about drainage topics and issues and 2) to develop consensus recommendations for drainage system management and related water management, including recommendations for updating Minnesota Statutes Chapter 103E Drainage and related provisions. Clean Water Council staff attends DWG meetings.
- **Drainage Authorities:** According to BWSR, Drainage Authorities (usually counties or watershed districts) “act as the drainage system’s governing body – administer proceedings and procedures; approve petitions; hold hearings; make findings; issue orders; appoint engineer(s), viewers, and inspector(s); engage or retain attorney(s); apportion costs; etc.”
- [Minnesota Department of Natural Resources \(DNR\)](#): The DNR must receive the following from drainage authorities: 1) repair and maintenance-related documents that affect public waters; 2) redetermination of benefits affecting DNR lands; 3) reestablishment of records; 4) technical guidance documents; 5) project and improvement-related documents; and 5) assessments.

Finally, there are several key documents guiding drainage activities in Minnesota.

- [State Water Plan](#): This 2020 plan by the Minnesota Environmental Quality Board (EQB) includes:
  - Strategy on identification of opportunities to retain and store water and manage drainage.
  - Strategy to develop multipurpose drainage water management standards, guidelines, and incentives.
  - Strategy to incorporate drainage water management into local water planning.
- [Drainage Manual](#): According to BWSR, “The MPDM is a detailed reference document about Minnesota Statutes, Chapter 103E Drainage, for drainage authorities, their advisors (attorneys, engineers, county auditors, watershed district secretaries, viewers, drainage inspectors), and others involved with state drainage law.”

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

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

# Clean Water Council Drainage Policy Statement DRAFT 18 Aug 2023

## Specifics on Policy Recommendations

### Inventory and Prioritize Opportunities for Water Storage and Multi-Purpose Drainage Management That Complement WRAPS and 1W1P and Support Earlier Coordination

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

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

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

Since that time, there have been many examples of collaboration among soil and water conservation districts (SWCDs), watershed districts (WDs), the state, drainage authorities, and landowners. The Board of Water and Soil Resources (BWSR) makes regular grants through the Multi-Purpose Drainage Management (MDM) program, competitive grant opportunities, and Watershed Based Implementation Funding (WBIF) that improve water quality in drainage systems. The DNR is adding a Drainage Coordinator position in FY24 to better assist with early coordination work.

However, the Council believes that many more opportunities exist for conservation drainage.

BWSR and watershed managers have quantified water storage goals in comprehensive watershed management plans (One Watershed One Plan). Drainage systems could provide opportunities for temporarily storing water to reduce peak flows or installing BMPs for water quality, but the plans rarely identify specific segments of those drainage systems that collectively add up to the volume needed to meet a watershed's water storage or water quality goals.

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

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

# Clean Water Council Drainage Policy Statement DRAFT 18 Aug 2023

## Funding for Wetland and Stream Restoration Opportunities

The Clean Water Fund supports funding opportunities to improve water quality from drainage system discharges. Support should continue in future Council recommendations to meet demand over time.

Examples include:

- BWSR Wetland restoration easements (\$10 million appropriated for FY24-25)
- BWSR Watershed Based Implementation Funding (\$79 million) with some funds for restoration
- DNR Nonpoint Source Restoration and Protection Activities (\$3.2 million)
- DNR Water Storage (\$1 million)

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

- MDA Minnesota Agricultural Water Quality Certification Program (\$7 million and see below)
- DNR Buffer Map Maintenance (\$50,000)
- BWSR Watershed Based Implementation Funding (\$79 million) for on-field practices
- MDA Conservation Drainage Management and Assistance (\$2 million)
- BWSR Buffer Law Implementation (\$4 million)
- BWSR Working Land and Floodplain Easements (\$5 million)
- MDA Agricultural Best Management Practices Loan Program (\$9.598 million)

## Align BWSR grants calendar

BWSR's annual grant calendar for MDM makes it harder for watershed managers to apply for funding. Landowners need to make decisions on drainage improvement for ditches on a timelier basis. BWSR is proposing to make grants on a quarterly basis instead of an annual one for MDM to increase the number of applications. Alternatively, a proposed inventory through One Watershed One Plan would support funding in priority order without need for competitive MDM grants.

## Quantify Effectiveness of Multi-Purpose Drainage Management

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

## Train Drainage Engineers and Drainage Authorities

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

## Clean Water Council Drainage Policy Statement DRAFT 18 Aug 2023

improving water quality would be useful. The MPCA Smart Salting certification program would be a possible model.

### Drainage Endorsement at MAWQCP

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

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

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

MAWQCP also includes endorsements for several categories where farmers are going beyond certification requirements in a certain area: integrated pest management; climate smart farm; soil health; irrigation management, and wildlife. The Council recommends the development of a conservation drainage endorsement. (The Environmental Quality Committee in the 2020 State Water Plan makes this recommendation as well.)

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

### Use of the Clean Water Fund

While agencies are currently using this recommended approach, the Council would like to state explicitly that the Clean Water Fund should not be used for drainage practices required by Minnesota Drainage Law, the Groundwater Protection Rule, or the state's Buffer Law. The Clean Water Fund should not support drainage projects that do not provide measurable improvement in discharge water quality or do not reduce peak flows that cause stream destabilization in downstream channels.

## Clean Water Council Policy Implementation Progress

Policy	Adopted	Key Policy Recommendations	Progress	Future Actions Needed
Advancing Drinking Water Protection	FY 24-25	<b>Property Transfers:</b> Direct the Minnesota Department of Health to promote adoption of county ordinances that require well testing and a disclosure of the testing at the time a property is transferred, and develop model ordinances. Ordinances should reflect the contaminants of particular interest to the geology of a given county.		
		<b>Private Well Testing:</b> Use the Clean Water Fund to provide opportunities for all Minnesota private well owners to test their water for five major contaminants (nitrates, lead, arsenic, manganese, and bacteria).		
		<b>Private Well Mitigation:</b> Develop cost-effective strategies for private well owners to help mitigate wells that do not meet Minnesota health-based guidance for those five contaminants, with a particular focus on low-income households.		
De-icing Chloride Reduction	FY22-23	Fully fund the Smart Salting applicator training and certification program, and MPCA chloride reduction program aimed at reducing salt use.		CWC recommended funding and Legislature appropriated it in 2023
		Request that the Legislature give MPCA the authority to charge a fee for chloride training.		Legislature passed in 2023
		Provide liability protection for the Smart Salting program certified private winter de-icing applicators to reduce salt use.		
		Provide research funds to develop new technology, alternatives and best management practices		

## Clean Water Council Policy Implementation Progress

		Encourage and support the adoption of the MPCA's Chloride Reduction Model Ordinance language by local government entities.		
		Have the MPCA convene and lead a stakeholder process to develop recommendations for new labelling requirements on bags of de-icing chemicals sold in Minnesota.		
Pharmaceutical Pollution Prevention	FY24-25	Fund research on the pathways of pharmaceuticals into surface water and ground water, identify priority pharmaceuticals that pose the greatest risk to human health and aquatic life, identify and support practicable solutions to reduce their entry into Minnesota waters, and recoup reasonable costs through an industry-funded safe medication return program.		
		Require the words or symbols for “do not flush” be printed on all prescription pharmaceutical labels, and remove any existing instructions to flush unused portions.		
		Adopt a “Safe Medication Return Program” funded by the pharmaceutical producers.	Washington State and several other states have passed similar legislation and are going through rulemaking or are just starting their programs.	
		Require the words or symbols for “do not flush” be printed on all prescription pharmaceutical labels, and remove any existing instructions to flush unused portions.		

## Clean Water Council Policy Implementation Progress

PFAS	FY24-25	The CWF should be a partial source of funding to implement Minnesota's comprehensive PFAS Blueprint. Of the ten key issue areas prioritized in the Blueprint, there are three in which the CWF would fulfill both the Clean Water Legacy Act and the Blueprint: 1) Quantifying PFAS risk to human health; 2) Limiting PFAS exposure from drinking water; and 3) Reducing PFAS exposure from fish and game exposure.		The CWC recommended funding in its FY24-25 CWF recommendations for: 1) adding capacity to Contaminants of Emerging Concern; 2) regular river and lake monitoring for PFAS; and 3) including PFAS in fish contamination assessments. The Legislature appropriated the funding.
Chloride Reduction: Water Softening	FY22-23	Provide financial support and technical assistance to municipalities to reduce chloride discharges and allow flexibility for how municipalities achieve these reductions.		The CWC has recommended funding for the Chloride Reduction Program for FY24-25 and the Legislature appropriated it.
		Update the state plumbing code to effectively prohibit the installation of new water softeners in Minnesota that use timers rather than on-demand regeneration systems.		
		Fund a program for activities, training, and grants that reduce chloride pollution. Grants should support upgrading, optimizing, or replacing water softener units.		The CWC has recommended funding for the Chloride Reduction Program for FY24-25 and the Legislature appropriated it.
Underground Utilities	FY24-25	To create an accurate inventory of Minnesota's underground utility infrastructure, the Clean Water Council (CWC) recommends that the State of Minnesota develop an accurate map of all underground utilities installed in the state and require Minnesota's public and private sectors to support sharing of necessary data in a secure and confidential manner.		



## Clean Water Council Policy Implementation Progress

Carp	FY24-25	Possible options: 1) Remove carp from list of "rough fish" in Minn. Stat. 97A and list as regulated invasive species; 2) Remove prohibition on traps and nets for capturing carp in 97C.325 to allow for effective removal; 3) Remove prohibition on selling of carp by non-commercial fishing operations in 97C.391 to reduce cost of carp management; 4) Remove carp from definition of commercial fish and allow commercial fishing operation to take fish with tools over than seine nets, and allow commercial fish licensees to take carp year-round when using corn-baited box nets and electric barriers along common carp migratory routes in 97C.811	Based on presentation and follow-up from MAISRC and related stakeholders.	MAISRC forum held in 2022; awaiting new ideas?
Shoreland Management	FY24-25	Possible statement on need to tighten variance/exemption process for shoreland development rules.	DNR presentation in June 2022	John Barten talking to MNLRA 7/2022

## Clean Water Council Policy Implementation Progress

<p>Water Storage &amp; Drainage</p>	<p>FY24-25</p>	<p>Options: 1) Ensure compatability between required water storage feasibility studies and One Watershed One Plan; 2) develop model applications for drainage projects to show benefits of water storage; 3) support local staff capacity to carry out modeling, design, and construction; 4) provide incentives for storage when drainage is improved under 103E; 4) develop stronger partnerships with drainage authorities to identify potential storage opportunities</p>	<p>Based in part on BWSR presentations and background information</p>	<p><b>Need more info:</b> BWSR carrying out water quality and storage pilot program. Info requested: review Crow Wing drainage presentation; being specific about multi-purpose drainage management grants not promoting more tile; compile water storage acreage goals from 1W1P; how to encourage more water storage as part of drainage authority process; would capital improvement plans give more detail to broader storage goals; what tech support needed; put guard rails on what the Council is asking to avoid "slippery slope" argument</p>
<p>Manure</p>	<p>FY24-25</p>	<p>Options: 1) View manure not as a waste but as a resource; 2) Increase capacity at University of Minnesota to research and promote more precision manure application; 3) Promote more trial manure application plots and precision application field days; 4) Develop more precise N crediting method; 5) Provide more education to small producers who are not subject to large feedlot permit</p>	<p>based on discussions with MPCA feedlot staff</p>	<p>CWC recommended funding in FY24-25 CWF recommendations for N crediting update, and Legislature appropriated it in 2023.</p>

## Clean Water Council Policy Implementation Progress

Soil Health	FY24-25	Hold off a bit as efforts start to synchronize; focus on goals, focusing resources on DWSMAs, fit with NFMP, GPR, MAWQCP soil health endorsements		<p><b>Need more info:</b> MN Office of Soil Health has a stakeholder process going. MDA got 2022 funding to develop a Healthy Soils Plan. Does the Council want to express support for these efforts, and specifically ask for certain topics to be included? For certain stakeholders to be consulted? For there to be targets like number of acres?</p>
Micro- and nano-plastics	FY24-25	Too early for specific policy recommendations 7/2022	<p>2019 CWF appropriations used in 2022 for groundwater sampling by MPCA/UMD and in 2023 for surface waters by MPCA/USGS</p>	<p>We are likely to find microplastics wherever we look; what can Minnesota contribute to the global discussion that no one else is doing? Refine info on pathways into our water? Better identify resins to narrow down sources? Develop health-based guidance for drinking water? Develop aquatic toxicity values for fish?</p>
Neonicotinoids	FY24-25		<p>MDA has identified several neonics as Surface Water Pesticide of Concern; awaiting presentation in 7/2022 from MDA</p>	

## Clean Water Council Policy Implementation Progress

Living Cover for Drinking Water Protection [Request update in 8/2022 to consider revisions]	FY16-17	Require the establishment of living cover in vulnerable areas such as wellhead & upstream of surface water intakes	These areas are targeted, but voluntary, the progress is limited.	
Increasing Continuous Productive Vegetative Cover [Requesting	FY18-19	Establish a Minnesota Agricultural Diversification Steering Council	The Council recommended funding to establish the Minnesota Agricultural Diversification Steering Council at the University of Minnesota.	Legislature to approve the CWC's recommendation.
		Create a Minnesota Agricultural Diversification Network		

## 2023 Council Meeting Topic Suggestions

### 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) [**Jennings presented at Policy Committee 1/23**]
3. **Minnesota Drought of 2021**, (Water Resources Conference presentation by Luigi Romolo, Dan Miller, Ellen Considine, Amanda Yourd, Carmelita Nelson from DNR) [**DNR gave drought presentation at 1/23 full Council and at January and 2/23 Policy Committee**]
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 imidaclopid (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 (Sterner)** [**MPCA presented at BOC 2/23**]

### Agriculture

1. **Conservation Drainage Management** [**Policy Committee 3/23 and 4/23**]
2. **Linking drainage to One Watershed One Plan** [**Policy Committee 3/23 and 4/23**]
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 (Sterner)**
8. **Groundwater Protection Rule update** (MN Department of Agriculture)
9. **Water storage (Weinandt, Sterner)**

### Stormwater

1. **Stormwater retrofits at several metro Target stores**, (Paige Ahlborg, Ramsey-Washington Metro Watershed District [[will be on 2023 field tour](#)])
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) [[full Council 2/23 and 3/23](#)]
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**

# Clean Water Council Legislative Summary 2023

## Legacy Finance Bill ([2023 Session Laws, Chapter 40](#))

- Adopts the Clean Water Council's recommendations for the Clean Water Fund, with a few changes:
  - Appropriates \$326,000 for the River Watch program in the Red River Valley as part of the **MPCA's monitoring program**.
  - Appropriates funds for the **Contaminants of Emerging Concern** program but for the purpose of developing health risk limits rather than health-based guidance values.
  - Requires Met Council program for **Metropolitan Area Water Supply Sustainability Support** to look at radium, manganese, and selenium contamination of drinking water sources in addition to PFAS. [Seems to be based on report about pollution from an oil refinery: [Minnesota's Flint Hills refinery is one of the largest polluters of a toxic metal, according to new report - Minnesota Reformer.](#)]
  - Sets a goal of 2050 for waters to meet all their designated uses.
  - Increases per diem for Clean Water Council members to \$125/day.
  - Requires the Clean Water Council to submit recommendation bill language direct to the Legislature rather than through MMB.
  - Requires assessment in recommendations on how Clean Water Fund projects involve diverse and/or low-income communities and encourages diversity of students entering the environmental field.

## Environment & Natural Resources Finance Bill ([2023 Session Law, Chapter 60](#))

- **PFAS**
  - \$4,140,000 for carrying out the PFAS Blueprint
  - \$25,000,000 in one-time funding to help public water suppliers dealing with PFAS
  - Bans intentionally added PFAS from the following eleven types of consumer products by January 2025: carpets or rugs; cleaning products; cookware; cosmetics; dental floss; fabric treatments; juvenile products; menstruation products; textile furnishings; ski wax; or upholstered furniture.
  - Bans intentionally added PFAS from all products in Minnesota by January 1, 2032
  - \$4,420,000 for PFAS prevention and reduction activities
  - Requires that the MN Department of Health create or adjust health risk limits for certain PFAS compounds and that the MPCA create water quality standards for certain PFAS compounds
- **Soil Health and Other Land Use with Water Quality Implications, etc.**
  - \$21,114,000 for the creation of a Soil Health Practices Program
  - Establishes Reinvest in Minnesota (RIM) Working Lands program
  - Requires the Drainage Work Group to report on outlet adequacy and public notice requirements proposals
  - \$17,000,000 for water storage projects



## Clean Water Council Legislative Summary 2023

- \$3,000,000 in one-time support for the Conservation Reserve Program (to make up for lower federal payment rates)
- Substantial funding for peatlands, wetlands, and grasslands easements
- **Common Carp Management**
  - Funding for the MN Aquatic Invasive Species Research Center to implement a watershed-scale carp management plan
  - Allows for "wanton waste" of carp
- **Pesticides**
  - Prohibits use of neonicotinoid pesticides on certain types of state land
  - Restricts use and disposal of neonicotinoid treated seed
- **Groundwater Management**
  - \$2,000,000 for a comprehensive water plan for White Bear Lake
  - Creates a more precise definition of sustainable groundwater diversion limit
  - Increases fine for exceeding sustainable groundwater diversion limit, and increases fees for the highest groundwater users
- **Environment and Natural Resources Trust Fund**
  - Approves the annual recommendations of the Legislative Citizens Commission on Minnesota Resources (LCCMR) for the Environment and Natural Resources Trust Fund, which include numerous water-related projects
  - Tweaks the membership of the LCCMR
- **Miscellaneous**
  - Makes grants for metro inflow and infiltration
  - Allows the MPCA to charge a fee up to \$350 for its chloride reduction training
  - Prohibits storing or leaving garbage or other waste on ice
  - \$500,000 for microplastics monitoring
  - \$477,000 to implement new fish kill response protocol and related policy
  - \$200,000 for the University of Minnesota to complete a 50-year clean water plan

### Agricultural Finance and Policy Bill ([2023 Session Law, Chapter 43](#))

- Appropriates \$1.25 million for soil health equipment grants
- Appropriates \$1.604 million to the **Forever Green Initiative**.
- Appropriates \$500,000 for Continuous Living Cover (CLC) value chain development grants.
- Allows Department of Agriculture to set fees on fertilizer instead of the Legislature, with a minimum and maximum amount listed in the bill.

## Clean Water Council Legislative Summary 2023

### Lead Service Lines ([2023 Session Law, Chapter 39](#))

- Will infuse \$240 million into replacing lead service lines in public water systems. It also sets a goal of removing all lead service lines by 2033.

### Omnibus Tax Bill ([2023 Session Law, Chapter 64](#))

- Provides \$30 million for FY24-25 for **Soil and Water Conservation Districts** (SWCDs). In FY26-27, support drops to \$24 million, or \$12 million per year. SWCDs have advocated for \$44 million every biennium going forward. (The Legislature had appropriated \$18 to \$24 million to SWCDs from the Clean Water Fund for several biennia. This new appropriation will avoid cuts to Clean Water Fund appropriations.)

### Capital Investment ([2023 Session Law, Chapters 71 and 72](#))

- Appropriates \$120,402,000 from the General Fund for the **Public Facilities Authority** from one bill and \$61,770,000 in another bill for water treatment projects at numerous specified locations
- Appropriates \$319,310,000 from bonding proceeds for the **Public Facilities Authority** for water-related infrastructure, including \$800 million for the **Point Source Implementation Grant (PSIG)** program.
- Appropriates \$10,700,000 in bonding for **Reinvest in Minnesota** (RIM) Reserve program, which is the last remaining state match required to receive all available federal funds for the **Conservation Reserve Enhancement Program** (CREP).
- Provides \$12 million for inflow and infiltration grants to cities through the Met Council.