

Wild Rice Standards Study Advisory Committee Meeting  
October 10, 2011, 12:30 -3:30 p.m.  
Training Room 2, MPCA St. Paul offices  
Agenda

1. Welcome

2. Introductions

3. Purpose

4. Background

Break

5. Protocol discussion

6. Next steps

**Wild Rice Standards Study Advisory Committee Meeting**  
**MPCA Building, St. Paul**  
**October 10, 2011**  
**Meeting Summary**

**Advisory Committee Members Attending:** Kurt Anderson, Minnesota Power (ALLETE), Leonard Anderson, Sara Barsel, Mike Applewick, Northeast Technical Services, Craig Johnson, League of Minnesota Cities, David Hatchett, Mesabi Mining, Kathryn Hoffman, Minnesota Center for Environmental Advocacy, John P. Lenczewski, Minnesota Trout Unlimited, Paula Maccabee, WaterLegacy, Joe Mayasich, Western Lake Superior Sanitary District, Anne Nelson, Frank Ongaro, MiningMinnesota, Jon Dockter, Minnesota Cultivated Wild Rice Council, Tracy Ekola, Minnesota Environmental Science and Economic Review Board (MESERB), Timothy Peterkoski, Hibbing Taconite, Mike Robertson, Minnesota Chamber of Commerce, Nancy Schuldt, Fond du Lac Band of Lake Superior Chippewa, Robert Shimek, member of Red Lake Band, David Skolasinski, Cliffs Natural Resources, David Smiga, U.S. Steel, Darren Vogt, 1854 Treaty Authority, Ben Van Gundy, Ducks Unlimited, Rod Ustipak, Minnesota Wild Rice Company

**Others present:** Edward Swain, MPCA, Shannon Lotthammer, MPCA, Patricia Engelking, MPCA, Rebecca Flood, MPCA, Gerald Blaha, MPCA, Phil Monson, MPCA, Mark Tomasek, MPCA, Mike Hansel, Barr Engineering, Peder Larson, Larkin Hoffman, Andrew Chelseth, Leonard, Street and Deinard, Lauren Brown, ENVIRON, Steve Nyhus, Minnesota Environmental Science and Economic Review Board (MESERB)

The meeting began with a welcome and thank you from MPCA Assistant Commissioner Rebecca Flood followed by introductions from each of the advisory committee team members and others in the room or on the phone.

Following the introductions, Shannon Lotthammer gave a presentation on the purpose of the group and some background on water quality standards and the sulfate standard to protect wild rice. During and following this presentation, advisory committee members made the following comments:

- Important to look at related research efforts—published and peer- reviewed efforts—to ensure that whatever is decided will hold up under scrutiny.
- Surprised that there was no mention of protecting tribal treaty rights in the discussion of beneficial uses and why we need sulfate standard to protect wild rice.

MPCA Research Scientist Edward Swain then gave a presentation that focused on the draft wild rice study protocol including the process to develop the information and an overview of a preliminary field study that took place in August and September 2011. This included a discussion of the various hypotheses about how sulfate could affect wild rice.

### Comments by Advisory Committee Members following Ed's presentation

- It's problematic to try to determine where wild rice isn't—how can the MPCA determine that? Would need to have some sort of control to test if wild rice could be present in any given location.
- The previous comment was followed by some discussion of phytoliths—(silica structures in cell walls of plants that are similar to diatoms in that they provide a species-specific record that persists over time.)
- Another comment centered on the importance of climate to wild rice growth—In some years there can just be thin strands of rice while at the same place in other years lots of wild rice. – growth differs greatly from year to year—high vs. low water important
- Comment made about the wording of the hypotheses on one of Ed's slides "confirm" vs. "evaluate"
- Question about whether using the porewater collected in field study for subsequent studies would be problematic if not preserved correctly. Ed Swain clarified that the porewater collected in the field study would be used for analysis rather than subsequent studies and that it would be preserved for analysis. Results from the analysis of porewater in the preliminary study could be used by researchers to determine the chemical makeup of water to be used in hydroponic experiments.

Following a break, the Committee had a broader discussion of the protocol. The following questions were posed by Shannon Lotthammer to frame the discussion.

1. Any questions or issues about sulfate and wild rice that we haven't covered in the protocol draft?
2. Major concerns or fatal flaws in protocol?
3. Specific or general questions about protocol process?

### Comments /concerns from the Advisory Committee Members are listed below.

- Concerns with the wording on pages 25 and 26 of the protocol. Question if a model can be a standard.
- Is there enough in the protocol to tell us what we are going to do? What will be asked of the scientists and in the RFP?
- Would like to see some kind of implementation plan—project schedule with decision points. When will results be available? When will the need for rulemaking be decided?
- One committee member expressed grave concerns about the *in situ* experiments from cultural and scientific perspectives. From a scientific perspective, the commenter noted that many people at the May 9 Technical Discussion thought that *in situ* experiments would be too complex and not controlled.
- One commenter suggested the team could learn from FIFRA (pesticide registration laws). Standard protocols exist for phytotoxicity tests. Valid assays exist for seed germination and vegetative vigor.
- Important to get lab evaluations first. Start small and then go to larger scales.
- Pesticide evaluations under FIFRA –proprietary but real world experiments were done.
- Advisory group needs exposure to peer-reviewed studies—sound information that can be publically accessed and discussed. If information is going to be used, need public information that has been scrutinized.

- Concern about two-year timeframe of study. Seeds can be dormant up to seven years. Some of the lakes managed for manoomin are drawn down occasionally or dry up on their own. Portions of seed beds can be exposed because of dryness.
- The in-greenhouse and in-environment (i.e. field) studies are both important.
- Need to expand the number of lakes in preliminary field study—sample porewater where there is no rice.
- Sediment core stratigraphy and phytoliths may shed some light on where there should be rice but there isn't—phytoliths are silica structures in cell wall of plants that persist over time. Species specific.
- One thing that hasn't been covered and adds a layer of complexity is competition between plants. May need some population ecologists or people with population ecology expertise— other species such as lilies and pickerelweed can have competitive advantage over wild rice.
- Find term "Protocol" confusing. Think of protocol as pretty detailed list of what needs to be done—the current document is less detailed. Could create confusion.
- Would like to see what other things will be happening and evaluated, e.g.,
  - Oral histories
  - Ambient data
  - Point source discharge data
  - Municipal discharge data
  - Cultivated rice companies
  - Mining companies
- Consideration of groundwater impacts in addition to surface water impacts.
- A hypothesis about mercury is listed in the protocol. This isn't a study about mercury—where will funding come from for mercury elements? If we piggyback (which could be okay) can the mercury work be in an appendix and funded separately?
- Another committee member noted that mercury studies could be helpful, and encouraged the team to allow for the possibility of separately funded mercury studies to avoid missing an opportunity.
- Like to know how long this process will take – more refined schedule prior to the end of 2011.
- Would like a plan/schedule prior to the end of the year—before legislative session.
- Hope there is time to evaluate the data (QA/QC) before making conclusions.
- Discussed involvement of EPA to date and going forward.

**Next Steps**—The final part of the meeting covered by Pat Engelking focused on next steps. All final comments from the advisory committee on the protocol need to be received by the MPCA by October 17, 2011. The MPCA plans to alternate meeting locations between St. Paul and Duluth with the next meeting being held in Duluth. Since Wild Rice Standards Study Advisory Committee members expressed interest in having a meeting before the end of the year, the MPCA will send out a Doodle poll with dates.

**Wild Rice Standards Study Advisory Committee Meeting November  
30, 2011, 1 p.m.-3:30 p.m.  
MPCA Duluth Office  
Agenda**

1. Preliminary Field Study
2. Schedule for Studies and Rulemaking
3. Legislative Report Discussion (Status Report Due to Legislature  
December 15, 2011)
4. RFP Update
5. Next Steps

## Wild Rice Standards Study Advisory Committee 11/30/11 Meeting Summary

The second Wild Rice Standards Study Advisory Committee Meeting took place at the MPCA's Duluth Regional Office on Wednesday, November 30 from 1-3:30 p.m. See below for a brief summary of each of the agenda items covered in the meeting along with follow-up responses to questions raised at the meeting.

### Agenda Item 1: Presentation on 2011 Preliminary Field Survey

Ed Swain provided a PowerPoint presentation describing the 2011 Preliminary Field Survey of wild rice waters that took place in August and September of 2011. The MPCA contracted with the University of Minnesota Limnological Research Center to conduct this survey of wild rice waters across Minnesota to help evaluate environmental factors potentially important in the distribution and abundance of wild rice in the state. The information from the survey will help inform the studies identified in the protocol. This preliminary field work was not part of the Wild Rice Standards Study and was funded separately by the MPCA.

**Follow-up item:** An advisory committee member asked if any paddy rice fields were sampled during the 2011 Preliminary Field Survey. No paddy rice fields were sampled during the 2011 Preliminary Field Survey because at the time when sampling was taking place paddy rice fields had already been drained in preparation for harvest.

**Follow-up item:** A member of the advisory committee asked how many of the sites from the original Moyle work were sampled in the 2011 Preliminary Field Survey.

The table below shows the lakes sampled during the 2011 Preliminary Field Survey that were identified as having wild rice stands in Moyle's 1939 Ph.D. thesis. Please note that there were two sites sampled on Lake Itasca and that Ham Lake (02-0053-00) and Mud Lake (56-0222-00) have a limited amount of data associated with the 2011 sampling effort due to the absence of wild rice. An additional four lakes from Moyle's Ph.D. thesis were initially considered as early candidate sites but were not sampled for various reasons. A map showing the wild rice sites sampled during the 2011 Preliminary Survey is attached to this e-mail for reference.

### Lakes Sampled During the 2011 Wild Rice Preliminary Field Survey That Were Also Identified as Having Wild Rice Stands in Dr. John B. Moyle's Ph.D. Thesis.

County	Lake Name	Lake ID Number	Comment
Anoka	Ham Lake	02-0053-00	No wild rice-2011 survey
Becker	Height of Land Lake	03-0195-00	
Beltrami	Gull Lake	04-0120-00	
Clearwater	Elk Lake	15-0010-00	
Clearwater	Lake Itasca	15-0016-00	Two sites sampled
Kandiyohi	Monongalia (Mud) Lake	34-0158-00	
Otter Tail	Mud Lake	56-0222-00	No wild rice-2011 survey
St. Louis	Wolf Lake	69-0143-00	

## **Agenda Item 2: Status and Schedule for Standards Study and Rulemaking**

Pat Engelking presented information about the anticipated schedule for the Wild Rice Standards Study and rulemaking efforts. The Request for Proposal for the Wild Rice Standards Study was published in the State Register on Monday, December 5, 2011 with proposals due to the MPCA on January 12, 2012. Anticipated times for rulemaking and completion of the standards study research were also discussed. The schedule will be included as part of the status report to the Legislature due in December. To receive a copy of the RFP, contact

Kurt Soular  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St Paul, MN 55155-4194  
**Email:** [Contracts.pca@state.mn.us](mailto:Contracts.pca@state.mn.us)  
**Telephone:** (651) 757-2748  
**TTY:** (651) 282-5332

All questions about the RFP must be submitted in writing to Kurt Soular at [Contract.pca@state.mn.us](mailto:Contract.pca@state.mn.us)  
All other MPCA staff members are not allowed to discuss the RFP with outside parties.

**Follow-up item**—Committee members wondered if a proposer’s meeting could be held where people could ask questions about the Request for Proposal.

The MPCA has decided not to hold a proposer’s meeting for two reasons: it would be difficult to share all the information with those who were unable to attend and also because the timing of the RFP is such that the meeting would need to take place right before the holidays which would likely make attendance difficult.

**Follow-up item:** Committee members had a question about whether and when the submitted proposals would become public. We checked with Kurt Soular, our contract representative, and received the following information from him.

It is expected that the evaluation and selection process will be completed by February 3, 2012. Proposals and evaluation data remain non-public until contract negotiations are complete in accordance with Minnesota Statute §13.591. You can obtain the results by contacting Kurt Soular. See the references below for a description of nonpublic data and also an explanation of when submitted responses become public.

### *Nonpublic data information*

#### **13.591 BUSINESS DATA.**

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##### **Subdivision 1. Not public data when benefit requested.**

The following data, that are submitted to a government entity by a business requesting financial assistance or a benefit financed by public funds, are private or nonpublic data: financial information about the business, including credit reports; financial statements; net worth calculations; business plans; income and expense projections; balance sheets; customer lists; income tax returns; and design, market, and feasibility studies not paid for with public funds.

### ***When submitted RFP responses become public***

(b) Data submitted by a business to a government entity in response to a request for proposal, as defined in section [16C.02, subdivision 12](#), are private or nonpublic until the responses are opened. Once the responses are opened, the name of the responder is read and becomes public. All other data in a responder's response to a request for proposal are private or nonpublic data until completion of the evaluation process. For purposes of this section, "completion of the evaluation process" means that the government entity has completed negotiating the contract with the selected vendor. After a government entity has completed the evaluation process, all remaining data submitted by all responders are public with the exception of trade secret data as defined and classified in section [13.37](#). A statement by a responder that submitted data are copyrighted or otherwise protected does not prevent public access to the data contained in the response.

### **Agenda Item 3: Legislative Report on Status of Wild Rice Rulemaking and Implementation**

Pat Engelking briefly walked through the organization of the *Status of Wild Rice Rulemaking and Research Implementation* legislative report and then the committee provided comments on the draft report. A committee member suggested that the Preliminary Field Survey discussion be separated from the other implementation items because it was not actually part of the Wild Rice Standards Study and was funded separately. Committee members also suggested that the statutory language be included as an Appendix to the report. These changes were made; the final report is attached. Another advisory committee member asked if the budget would be included in the legislative report, but we did not include it because that information is available elsewhere.

### **Agenda Item 4: Next Steps**

The MPCA and advisory committee members discussed the best time for a third meeting. It was decided that the best time to meet would be sometime in March after the draft report from the 2011 Preliminary Field Survey and contracts resulting from the RFP process were in place. Committee members requested that discussion of the definition of "water used for production of wild rice" be on the agenda of the March meeting.