

# Wild Rice Task force Oct 25 & 26 Meetings Summary DRAFT 11/14/2018

Dates: Oct. 25 and Oct.26, 2018

Time: 10:00 am – 5:00 pm

Location: University of Minnesota North Central Research and Outreach Center, Grand Rapid, MN

**Task Force Members Present:** Kurt Anderson, Paul Austin, Chrissy Bartovich, Leya Charles, Gary Drotts, Emi Ito, Norman Miranda, Brad Moore, Al Pemberton, John Rebrovich, Catherine Neuschler, Ann Pierce, Annette Drewes (substitute for Ann Pierce), and Carol Reschke

**Staff Present:** Katie Pratt (EQB),<sup>1</sup> Mariah Levison (OCDR), Kris Van Amber (MAD)

**Presenters:** Peter David, Wildlife Biologist, Great Lakes Indian Fish and Wildlife Commission; Gary Drotts, Task Force Member and former DNR employee; Dr. Alexander Kahler, Senior Scientist and Marketing Manager, Biogenetic Services, Inc. & Molecular Genetics Consultant, Informative Genetics and Genomics, LLC; Catherine Neuschler, Task Force Member and Section Manager Environmental Analysis and Outcomes, Minnesota Pollution Control Agency; Ray Norrgard, Wetland Management Specialist, MN Department of Natural Resources; Darren Vogt, Resource Management Director, 1854 Treaty Authority

## Welcome

Katie Pratt welcomed all members and public to the third meeting of the Governor's Task Force on Wild Rice. She introduced Carol Reschke, who was recently appointed to the Task Force and represents the independent scientist with expertise in wild rice research perspective. Carol is a research program manager at the University of Duluth who specializes in plant community ecology.

Katie mentioned to the Task Force that meeting 5 will be at the MNDOT Training Center in Shoreview on Nov. 8. The meeting will start at 10:00 and go until 5:00, as will all future Task Force meetings

## Agenda Review and Introductions

Mariah Levison thanked the group for their time, provided an overview for the day, and put it into context with the larger group process. The group process has been focused on receiving information and gaining understanding from others. Today and tomorrow the Task Force will continue to focus on receiving information and some deliberation. The focus for the November 8 meeting will be a shift to deliberation. Mariah mentioned that Task Force members will be asked if there are any additional sources of information they would like to receive.

Mariah expressed her appreciation for the member's time and continued with the objectives for the day. The objectives were; building community, learning about and generating ideas on wild rice

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<sup>1</sup> For a list of acronyms and their meaning, please refer to the Acronyms section of this document.

restoration and protection, and generating a list of the shared interests or guiding principles to guide the group in developing recommendations. She thanked and mentioned that members of the Task Force brought wild rice dishes to enjoy during the afternoon break. Mariah also mentioned the dinner activity for the evening which consisted of small groups meeting at one of three dinner locations and discussing the following questions:

- What do you still need to know to begin to formulate recommendations?
- What nuances or complexities haven't been surfaced yet?
- What ideas for moving forward are starting to come together for you?
- What specific challenges do you anticipate facing as you begin to develop recommendations and how might you address them?
- Where are the opportunities in the task force process?
- Where are the opportunities in the wild rice and sulfate standard issues?

Mariah provided an overview for meeting 4 including the agenda and objectives. She mentioned that the focus of the meeting would be the listing of Wild Rice waters. She also mentioned that the group will be hearing about sulfate treatment during the November 8 meeting.

Mariah mentioned that many of the task force members have asked for specific information. As a result, a list of question has been created and Catherine Neuschler will provide information at the November 8 meeting to address it.

Mariah asked task force members to introduce themselves by stating their name, organization they represent and to mention something surprising that people don't know about them.

## Public Comment Period

Mariah introduced the public comment session and provided an overview to the various ways to submit comments. She also asked that all speakers at task force meetings including members, presenters, and the public follow the task force's communication guidelines posted in the room.

Two people provided comments, which were documented and will be summarized in the Task Force's report to Governor Dayton.

## Reflection on the Second Task Force Meeting Presentations

Mariah asked the Task force to reflect on meeting two. She started by asking the group what were their key take-aways or gaps in their understanding regarding the Role of Sulfate on Wild Rice Health Presentation.

### Task force members response

The task force members shared their appreciation for the complexity of the natural system and water chemistry. More specifically, how oxygen, iron, mercury, sulfate and other variables, such as temperature and water level, influence the conversion of sulfate to sulfide. Some members also shared that they don't feel that enough is known to recommend a change to the sulfate standard at this time. Other members mentioned they would like to spend more time to understand the science, i.e., the impacts of iron on the plant's roots.

Some of the members believe that there needs to be a set of strategies to manage wild rice health that address, among other things, the number of receiving waters without a discharge, the unintended consequences of treating one chemical [sulfate] which results in another environmental problem [brine], and the variability of wild rice production over a 10 year time frame.

Some of the members mentioned there are missing voices from the various communities that work and live around the growing and management of wild rice, including the MN Chippewa Tribe.

## Discussion of Cultures and Communities and Tribal-State Relations Presentations Circle

Mariah asked the group to reflect on the two presentations, "What is taking shape for them regarding the cultural and social aspects of Wild Rice and the sulfate standard? "

### Task force members responses

The task force members appreciated the communities sharing their perspective and concerns. They spoke to the similar sense of "loss of community" and the Task Force's responsibility to come up with options to address all of the issues.

Many of the members mentioned Nancy Schuldt's presentation on the Fond du Lac Band of Lake Superior Chippewa Health Impact Assessment. They appreciated the information and believe the process could benefit from Nancy being more involved in the Task Force process.

The group enjoyed the Tribal State Relations presentation, specifically the history and the presenter's perspectives.

### Interest and principle list

Mariah introduced the next exercise as a way to integrate all of the concerns at the table when coming up with recommendations. She asked the Task Force to develop a list of interests and values, drawing from past and current conversations, to guide their recommendation decision process. She paired members up to discuss their individual interests & guiding principles followed by a large group discussion to generate and refine a list.

The group generated the following list. Any Task Force recommendation will honor these interests or principles.

- Awareness of uncertainties and risks
- Elevate societal value in solving problems
- Solutions are broad in scope and multifaceted
- Consider and work to address complex and changing global dynamics
- Solutions account for cultural significance of wild rice
- Mindful of implementation issues: feasible, realistic, timeliness, high confidence of success

- Protect viability of all communities, including economic and environmental sustainability
- Sharing costs, burdens, and benefits of solutions
- Prioritize recommendations
- Identify opportunities for piloting
- Solutions respect tribal sovereignty
- Integrative and innovative solutions
- Balancing clarity/certainty and flexibility
- Protection and management of wild rice
- Prioritize most impactful and meaningful factors
- Roadmap approach: including identification of unknowns and next steps and a workable path for sulfate standard
- Don't create new problems (environmental, legal, etc.)

Mariah asked the group if anything was missing or if there is anything they don't support or doesn't belong.

### Member responses

One member commented about the level of certainty or confidence the group will have to make recommendations. They advised the task force to consider pilots where experimentation may increase the Task Force's confidence as they learn what works. Pilots may allow the Task Force to take smaller risks, in stages, to get to the goal.

Another members mentioned two funding resources; the Legislative-Citizen commission on Minnesota Resources (LCCMR) and the Lessard-Sams Outdoor Heritage Council that may provide funding for a Task Force list of funding asks.

### *Interest and principle list definition*

Mariah asked the group to get into 3 small groups to write a descriptions for each of the assigned interests/principles.

## Wild rice protection and restoration panel

Mariah introduced the three presenters. Presentations will be made available to members following today's meeting. All presentation materials can be found at <https://www.eqb.state.mn.us/content/wild-rice-task-force-supplemental#overlay-context=content/governors-task-force-wild-rice>.

The first speaker was Peter David, Wildlife Biologist, with the Great Lakes Indian Fish and Wildlife Commission. He emphasized the cultural significance of wild rice and how this is the center of genetic diversity in the world (Minnesota, Wisconsin, Michigan, and Canada). He also presented on the many threats to wild rice and what can be done to both protect and restore wild rice stands.

The next speaker was Dr. Alexander Kahler, Senior Scientist and Marketing Manager with Biogenetic Services, Inc. as well as a Molecular Genetics Consultant, with Informative Genetics and Genomics, LLC. Dr. Kahler spoke to the genetic diversity of wild rice in Minnesota, how paddy rice or cultivated wild rice is the result of seed selection not genetic engineering, and the unique genetics of each wild rice population Ray Norrgard, Wetland Management Specialist, with the MN Department of Natural

Resources (DNR) reviewed the practices used by the DNR to foster statewide wild rice growth on up to 200 lakes.

### Task Force and presenters discussion

The Task Force and presenters engaged in a discussion about protection and restoration practices.

The group discussed the absence of wild rice area monitoring at this time with the exception of some fly overs and tribal government monitoring. The DNR surveys harvesters each year for harvest conditions. The group discussed negative impacts to wild rice such as stagnant or low water flow, invasive plants and brown spot fungus

The group also discussed the needs for specific funding. The Annual Harvesting License is the primary designated funding source for wild rice. Other funding sources have been the Outdoor Heritage Fund for hybrid cattail management.

The group discussed the need to increase wild rice harvesting recruitment and the reasons for the decrease in wild rice harvesters, such as an aging population, lack of information or knowledge about wild rice.

The group also discussed how this is a systems level issue and the need to make sure current and future actions are integrated. They discussed that money that is provided for specific wild rice issues needs to be integrated to focus on the areas of most impact.

### Consensus building workshop

The task force spent the remaining time on identifying ideas to answer the question:

Given your current understanding, what ideas do you have for the protection and restoration of wild rice?

### Classify waters

- Identify wild rice waters and prioritizing/classify
- Tiers of waters based on culture and productivity

### Analysis

- Threats analysis
  - type of threat
  - location
- Risk analysis by water body
- Funding
  - research on stressors and helpful actions
  - What makes a good rice stand/system?
- Long term study of natural disturbance regimes
- Additional research to close knowledge gaps
- Long term monitoring with funding (all agencies/organizations use same metrics)

### Funding

- Dedicated wild rice funding (come from main budget)
  - ongoing and base funding specific to wild rice

- Specific funding for people and projects
- Great Lakes States Cooperation as a funding source

### Partnership

- Improve tribal consultation and coordination (defer to tribal wild rice expertise)
- Wild rice committee (Tribes/annual)
- Wild rice biologist (consider expectations of one person – the position would need to be at a higher policy level)

### Restoration

- Restore natural hydrology (ex. ditch removal etc.)
- Pilot seeding programs on targeted waters
- Wetland/Clean Water Act Concept- “No net loss”
  - mitigation
  - in lieu fee
- Enforce standard to address sulfate
- Application of the standard
- Best Management Practices toolbox for watersheds
  - culverts
  - dams

### Education & Outreach

- Build a constituency for wild rice
- Educational outreach- recognition of the plant, harvesting, etc.
- Develop a process to make harvesting easier (daily/hourly permit for new harvesters)
- Interagency coordination through EQB
- Annual wild rice harvesting week – Joint statement with tribes
- DNR/MPCA integrate their Lake and watershed information, include wild rice (WHAF-DNR)
- Statutory changes, ex. recruitment and licensing (example solution- couples license)

### Permitting

- Evaluate potential permitting constraints/ address issues up front (ex. environmental review)

### Wrap up

Mariah covered a two topics before bringing the meeting to a close.

### Governor's report outline and report timeline

Mariah mentioned that the planning group is putting together a section of the report to articulate a wild rice narrative. The Task Force will receive it by the end of November to provide comment. The report draft will be ready the first week of December and we will be sending it to you for comment. The last meeting will be about report refinement and moving the groups work forward.

### Group Dinner and Activity

Mariah handed out the small group names and questions for the dinner activity. She emphasized the need to enjoy dinner and to getting to know each other. She requested that one form from each group be handed in to the facilitators in the morning.

Mariah thanked the Task Force member's for their participation.

## Friday morning check in

Mariah asked the Task Force members if they had any reflections or thoughts from Thursday.

The Task Force members discussed the need for active management to protect, restore, and maintain wild rice. They also shared that they were glad Peter David discussed how wild rice is only found in this part of the world.

The group discussed the remaining meeting dates and the time line for submitting the Task Force's report to the Office of the Governor. The group discussed meeting on Thursday Dec.13 rather than Dec. 20. Any edits to the report would happen on Dec. 14. Mariah mentioned that she would check in with Kathryn Hoffman to confirm moving the date.

## Public Comment Period

Mariah introduced the public comment session and provided an overview to the various ways to submit comments. She also asked that all speakers at task force meetings including members, presenters, and the public follow the task force's communication guidelines posted in the room.

Mariah asked if anyone wanted to provide public comment. No one indicated their need to provide public comment.

## Wild Rice Waters panel

Mariah introduced the panel presenters and the focus of the panel; for Task Force members to will learn about the development of existing wild rice waters lists. The Department of Natural Resources, the 1854 Treaty Authority, and the Minnesota Pollution Control Agency have all created their own water lists. Mariah mentioned that following the panel, Task Force members will explore possible criteria and processes for developing or refining a list for regulatory use.

All presentation materials can be found at <https://www.eqb.state.mn.us/content/wild-rice-task-force-supplemental#overlay-context=content/governors-task-force-wild-rice>.

The first presenter was Darren Vogt, Resource Management Director, with the 1854 Treaty Authority. Darren provided an overview of the 1854 Treaty Authority mission and geographic area. He mentioned that his involvement in the panel was to provide information and was not a tribal consultation. The 1854 Treaty Authority wild rice water list was development from the 2008 DNR Fisheries Report and currently includes 512 waters, large basins and river segment. The 1854 Treaty Authority updates the list annually as new information is collected. Darren also discussed the importance of rice managers who have a depth of expertise on wild rice.

Gary Drotts, Task Force Member and former DNR employee presented on the differences between cultivated rice and wild rice. He spoke about the importance of water level control when managing wild rice. He provided an overview on the Wild Rice Management Project, a cooperative effort between Ducks Unlimited and the Minnesota Department of Natural Resources, to assess wild rice waters and enlist contractors in beaver dam removal and in the maintenance of a free flowing unobstructed outlets.

The third presenter was Ray Norrgard, Wetland Wildlife Program Leader, with MN Department of Natural Resources. Ray distributed a handout to update the Task Force on the activities taking place at the DNR to identify and update their wild rice waters list.

The last presenters of the panel were Catherine Neuschler, Task Force Member and Section Manager Environmental Analysis and Outcomes, Minnesota Pollution Control Agency and Jerry Blaha, Minnesota Pollution Control Agency.

Catherine provided an overview of the MPCA Wild Rice Waters including the initial review of the DNR's report, exploration of using fixed criteria and the MPCA's process for determining wild rice waters using a variety of sources.

### Task Force and presenters discussion

The group discussed the variability of wild rice density and how the same water can produce annual harvests that vary greatly over the course of many years. In order to get an accurate assessment as a wild rice water, monitoring needs to occur over many years. They discussed the differences in agency lists including the number of waters and the purpose of each list. They also discussed if and how the listed wild rice waters are monitored or assessed.

### Small Group Workshop I

Mariah introduced the small group questions by first summarizing the MPCAs presentation. The MPCA provided their process to listing wild rice waters which included fixed criteria was determined to be unfeasible. They landed on a process for verifying wild rice waters. Mariah asked the Task Force to consider MPCA's process and come up with ideas about what is helpful by posing the question:

*How could the process that MPCA used to generate the regulatory list of wild rice waters be improved?*

### Small group report

- Move beyond single snap shots in time
- try to separate waters choice from standard implementation
- group a list of waters – highest attainable condition
  - yes
  - potential
  - Discussion: wild rice management list and sulfate list

### Small group report

The group suggested a tiered triage approach.

#### Tier 1

- Identify the best of the best wild rice waters- those that are the most productive, best history of harvest, highest cultural significance, and best wild life use.

#### Tier 2

- Identify significant wild rice waters with long term history of harvest, wildlife use or cultural significance

### Tier3

- Leave "IIs" (Insufficient Information) waters on the list, and recommend that funding be provided over a multi-year (4-5) cycle to gather information on these lakes from field surveys, drone surveys, or harvester surveys. Funding priorities would be to work first on II waters near or downstream from discharge sites, then in watershed of discharge sites, and then in watersheds lacking discharge sites.
- Lists should be updated as new information is compiled.

### Small group report

- Formal consultation with tribes
  - co-management
- Rule change: including cultural use or/and taking out of agriculture classification
- Tiered list
- Recognize variability in rice beds
  - 10 year timeframe
  - do away with density criteria
- Public information sharing

### Large group reflection on small group reports

Some of the members like the idea of maintaining one list geared towards management and another for regulatory purposes. There was concern about how to integrate the two lists if they were a part of a tiered system. The group discussed the differences in water listing approaches, in terms of being inclusive with the possibility of delisting if the water body was found to not support wild rice and exclusive, listing it as a wild rice water if proven to support wild rice. Some of the members mentioned the distrust they have heard from tribal members about the process to list a water as a wild rice water. The group reiterated the need to monitor and assess waters.

### Small Group Workshop II

*What measures would enable MN to feel comfortable with an inevitably imperfect list?*

### Small group report

- Public information sharing
  - Cultural perspective
  - Being able to communicate to people about the ecological significance of shoreline issues
- Respect tribal criteria, inclusion in process
- Revisiting the list would include tribal consultation again

## Small group report

- Clarity of implications and very prescriptive guidelines would value everyone
- An inclusive (non-regulatory) list would make tribes/conservation interests more comfortable
  - Question: How do we sell it?
  - Comment: Encourage DNR/MPCA to share sulfate information across the organizations website and other information sources.

## Small group report

- Communicating up front, what being on the “list” means and doesn’t mean
- Criteria for inclusion/exclusion
- Rationale for exclusion
- Process for addition that’s enforceable/accountable

## Group discussion

### Any other pieces of information that would be helpful?

- Understand how MPCA rulemaking interacts with the standard. To know what you can and can’t do and what are the hard side boards?
- Know what the outside boundaries are. Perhaps go back to regulatory framework with highlights for 15 minutes.
- At the same time, consider approaching it with innovative ideas and see what the impact could be to the regulatory framework
- Include a facility that has gone through the variance process

## Closing

Mariah asked the members to fill out their meeting form including if there are other things they want to hear more about.

She mentioned that the next meeting would focus on treatment options, answers to some of the Task Force member’s questions, and for the group to start generating.

Mariah thanked the group.

## Acronyms

DNR – Department of Natural Resources (State of Minnesota)

EOB – Environmental Quality Board (State of Minnesota)

EPA – Environmental Protection Agency (United States Government)

OCDR – Office of Conflict and Dispute Resolution (State of Minnesota)

MAD – Management Analysis and Development (State of Minnesota)

MPCA – Minnesota Pollution Control Agency (State of Minnesota)

MIAC – Minnesota Indian Affairs Council (State of Minnesota)

NPS – Nonpoint Source

TAS – Treatment as a State

WQS – Water Quality Standards