

**MINNESOTA ENVIRONMENTAL QUALITY BOARD
MEETING MINUTES**

**Thursday, September 16, 2010
MPCA Room 2A, 520 Lafayette Road, St. Paul**

EQB Members Present: Jonathon Bloomberg, Kristen Weeks Duncanson, Mark Holsten, Randy Kramer, Susan McCarville, Sheila Reger, Tom Sorel, and Erik Tomlinson (also present were Deputy MPCA Commissioner Tim Scherkenbach, Assistant Administration Commissioner Nicky Giancola, and Assistant MDH Commissioner John Linc Stine).

EQB Members Absent: Gene Hugoson, Paul Eger, Julie Goehring, Sanne Magnan, Dan McElroy, and Glenn Wilson.

Staff Present: EQB Staff: Gregg Downing, Princessa VanBuren Hansen, Jon Larsen, Bob Patton, and Augusta Paye. EQB Counsel: Robert Roche.

The meeting was called to order at 9:25 a.m. by Chair Vice Chair Bloomberg. Agenda item VI of the proposed agenda (Reassignment of the Responsible Governmental Unit for the Environmental Review of the Proposed Removal of the Minnesota Falls Dam) was moved to the beginning of the agenda.

I. Reassignment of the Responsible Governmental Unit (RGU) for the Environmental Review of the Proposed Removal of the Minnesota Falls Dam

Mr. Downing introduced the item: that the dam removal was a mandatory environmental assessment worksheet (EAW) category pursuant to the environmental review rules; that the rules provide that a local governmental unit is the RGU, which in this case would be Chippewa or Yellow Medicine Counties; however the counties have little regulatory jurisdiction or expertise, which instead resides with the Department of Natural Resources (DNR); that Mr. Downing understood that the DNR would accept RGU status; and that the EQB has the authority to transfer RGU status. Mr. Downing referred to the revised resolution at the table.

Commissioner Holsten confirmed that the DNR had met with the counties; that, if the Board chose not to approve the RGU transfer, the DNR would work collaboratively with the counties; and that the RGU transfer makes sense and the DNR would accept the RGU status. He further offered his opinion that this case was a good example of an efficiency reform that the EQB should consider in environmental review rule amendments. Commissioner Holsten suggested that, where there is agreement among parties regarding transfer of RGU status, the transfer should be able to be accomplished through a decision by the Chair.

Mr. Tomlinson asked whether this was the first time such reassignment had been made and Mr. Downing replied that he believed it was the ninth time, and that in each instance, the parties had agreed to the RGU transfer.

Commissioner Holsten moved, and Mr. Kramer seconded the motion to reassign the

RGU to the DNR. The resolution was adopted by roll-call vote. The ayes were: Reger, Tomlinson, Duncanson, Kramer, McCarville, Holsten, Sorel, and Bloomberg. There were no nay votes. The motion was adopted.

II. Adoption of Consent Agenda and Minutes

The motion to approve the consent agenda and minutes of the May 20, 2010 EQB meeting was moved, seconded, and passed.

III. Chair's Report

There was no Chair's report.

IV. Executive Director's Report

Mr. Patton: provided an update on the project to revise the EAW form and guidance in response to the charge to customize the EAW form; informed the Board that the project, *Understanding Groundwater Sustainability in the I-94 Growth Corridor*, had been given approval for funding by the Legislative-Citizen Commission on Minnesota Resources, and that a project work plan was being developed; that a national body, the Sustainable Water Resources Roundtable, co-chaired by EQB staff member John Wells, was having a meeting in Minnesota at the Freshwater Foundation on Thursday and Friday, October 21-22; and that EQB staff member Princessa VanBuren Hansen had been selected for the Emerging Leaders Institute, a leadership program for select State of Minnesota employees.

V. Legal Counsel Report

Mr. Roche stated that there were no legal actions on which to report.

VI. EQB Subcommittee Chair Report

Mr. Bloomberg reminded the members that the Chair had called for a subcommittee of the Board consisting of its citizen members to develop a strategy or roadmap for the future; that there had been excellent participation from the citizen members, staff, and technical representatives in a strategic planning process facilitated by Management Analysis Division; that at the last meeting, there was a relative consensus on recommendations; and that a report is being prepared. He welcomed questions.

VII. 2010 Draft Minnesota Water Plan

Ms. VanBuren Hansen gave a presentation summarizing the state water plan effort and the draft *2010 Draft Minnesota Water Plan*, stating that the draft is open for public comments until October 1, 2010, whereupon comments will be synthesized and a final draft will be brought before the EQB at its November 18, 2010 meeting.

Ms. McCarville asked how many comments are expected, and who was expected to comment. Ms. VanBuren Hansen responded that she was unsure how many responses would be received, but that she hoped for broad engagement. She also stated that the success of the plan will be determined in part by the degree to which it is embraced by the agencies, the Legislature, and stakeholders.

Mr. Bloomberg stated that he thought the plan was well done, but he wondered how the

plan will be translated into action; that some of the strategies of this plan look similar to those established in previous plans, but that those previous strategies had for some reason not been done. He asked whether a reasonable next step would be to assemble the a team to develop measureable goals and milestones that would drive actions by agencies. Ms. VanBuren Hansen responded that there was energy and commitment from agencies toward implementation; that the strategies were intentionally broad; that an analogy was an incident command structure, where the strategies will be adapted for use by respective agencies; and that the plan will be revisited in five years in accordance with statute.

Mr. Scherkenbach complimented the team that generated the plan on its work. He asked about if there had been a discussion of strategies to address challenges of communication on water issues between the executive branch and the Legislature. Ms. VanBuren Hansen responded that the interagency team had recognized the importance of communication and engagement between the executive and legislative branches.

Joseph Zachman, Minnesota Department of Agriculture, gave a presentation on Appendix A of the water plan, *Biennial Assessment of Water Quality Degradation Trends and Prevention Efforts*. Ms. McCarville asked if it was possible to link improvements in lake water clarity to land practices. Mr. Zachman responded that that particular data came from the MPCA and deferred to Glenn Skuta. Mr. Skuta responded that each lake has different characteristics and data must be looked at lake-by-lake, but that improvements in clarity usually are the result in improved land practices, whether agricultural practices or urban runoff. Mr. Stine asked to what Mr. Zachman attributed decreases in atrazine levels. Mr. Zachman responded that changes in application labels and rates, education, and additional pest management tools were factors. Mr. Tomlinson asked about the scale at which data indicated trends, adding that the question related to the major watershed approach of data representation. Mr. Zachman responded that that data is collected from sentinel wells in key areas such as the Central Sand Plains, and that the DNR, MPCA, and MDA share data in-line with watershed approach. Ms. Duncanson said that the representation of trends in atrazine was confirmed by her knowledge and experience.

Glenn Skuta, Minnesota Pollution Control Agency, gave a presentation on Appendix B of the water plan, *Groundwater Monitoring Status Report*. Mr. Stine commented that one of the questions is whether agencies are starting to agree on scale; whether the groundwater monitoring plan aligns with DNR groundwater province maps.

Jim Japs, Department of Natural Resources, gave a presentation on Appendix C of the water plan, *Water Availability Assessment Report*. Mr. Stine asked what level of agreement existed between groundwater management provinces and groundwater management areas. Mr. Japs responded groundwater provinces reflect geologic areas, but there is a need to get to a resource-specific or aquifer-specific level, such as represented in county geologic atlases.

Chris Elvrum, Metropolitan Council, gave a presentation on Appendix D of the water plan, *Metropolitan Area Water Supply Planning*. Mr. Bloomberg asked to what extent there was indirect regulatory authority through plan authority. He also asked about

discussion of a water supply utility. Mr. Elvrum responded that comprehensive plans do require water supply planning consistent with the water supply plan, and also that DNR must approve master plans. As to the question about the utility, Elvrum responded that wastewater lent itself to centralization due to a common discharge, but in water supply there is benefit from the resiliency of a non-centralized system as long as there is some responsibility to the region.

Mr. VanBuren Hansen summarized the presentations, that there were many concurrent activities that provided a foundation to the plan, and the benefit of communicating the Executive Branch actions to achieve water sustainability.

VIII. University of Minnesota Water Sustainability Framework

Dr. Deborah Swackhamer gave a presentation on the Framework process, and informed the Board that there would be a webcast event launching the draft Framework at the Cowles Auditorium on November 4, 2010. Mr. Bloomberg asked if formal comments would be solicited. Ms. Swackhamer responded that there would be a number of engagement opportunities and events including two hosted by the Minnesota Environmental Initiative; that there will not be a formal response to comments, but that comments will influence the document; and that there will be an official scientific poll conducted by a third party in October and November.

The meeting was adjourned by the Chair at 11:15 a.m..