



MINNESOTA ENVIRONMENTAL QUALITY BOARD

Wednesday, July 15, 2015

Meeting Location: MPCA Board Room

520 Lafayette Road North

St. Paul, Minnesota 55155

1:00 p.m. – 4:00 p.m.

****ATTENTION****

Please see attached maps for building entrance and visitor parking.

AGENDA

- I. *Adoption of Consent Agenda
Proposed Agenda for July 15, 2015 Board Meeting
February Meeting Minutes
- II. Introductions
- III. Chair's Report
- IV. Executive Director's Report
- V. Buffer Initiative, Minnesota Department of Natural Resources and Board of Water and Soil Resources
- VI. EQB Environmental Review Internship Update
- VII. FY2016 EQB Environmental Review Work Plan
- VIII. One Water, Metropolitan Council
- IX. Adjourn

Note: Items on the agenda are preliminary until the agenda is approved by the board.

This agenda and schedule may be made available in other formats, such as Braille, large type or audiotape, upon request. People with disabilities should contact Elizabeth Tegdesch, Board Administrator, as soon as possible to request an accommodation (e.g., sign language interpreter) to participate in these meetings.



MINNESOTA ENVIRONMENTAL QUALITY BOARD

Wednesday, July 15, 2015

Meeting Location: MPCA Board Room

St. Paul, Minnesota

1:00 p.m. – 4:00 p.m.

ANNOTATED AGENDA

General

This month's meeting will take place in the MPCA Board Room at 520 Lafayette Road in St. Paul. The EQB board meeting will be available via live stream on July 15 from 1:00 p.m. to 4:00 p.m. You will be able to access the webcast on our website: www.eqb.state.mn.us

Please see attached maps for an alternative building entrance and visitor parking. The Jupiter Parking Lot is for all day visitors and is located across from the Law Enforcement Center on Grove Street. The Blue Parking Lot is also available for all day visitors and is located off of University and Olive Streets.

I. *Adoption of Consent Agenda

Proposed Agenda for July 15, 2015 Board Meeting
May Meeting Minutes

II. Introductions

III. Chair's Report

IV. Executive Director's Report

V. Buffer Initiative

Presenter: Sarah Strommen, Assistant Commissioner, Minnesota Department of Natural Resources
651-259-5021

John Jaschke, Executive Director, Board of Water and Soil Resources
651-296-0878

Materials enclosed:

Water Quality Buffer Initiative, Common Questions and Answers

Background:

John Jaschke and Sarah Strommen will provide a summary of the Governor's Buffer Initiative. Their presentation will provide some background on Minnesota's water quality challenges and how buffers help us address those challenges, discuss the final outcome of the legislation and why it's a meaningful step forward, outline next steps related to implementation, and offer some insight on where the discussion on water quality might go next.

* Items requiring discussion may be removed from the Consent Agenda

**Denotes a Decision Item

VI. Environmental Review Internship Update

Presenter: Courtney Ahlers-Nelson, EQB Staff
651-757-2183

Jessica Beske, EQB Environmental Review Intern

Materials enclosed: None

Issue before the Board: The EQB's Environmental Review intern will present the draft revised "Preparing EAWs: A Guide for RGUs" document. The document is intended to help improve understanding of environmental review for responsible governmental units (RGU). Board members may discuss the revised document and provide recommendations and feedback to Environmental Review staff and intern. This is part of an ongoing youth engagement effort and partnership with the University of Minnesota.

Background: EQB staff partnered with an undergraduate environmental review class at the University of Minnesota to offer an internship opportunity and to continue to improve EQB's outreach and guidance documents. EQB Environmental Review staff presented to the class in April to discuss the role that the EQB plays as well as the importance of environmental review. Shortly thereafter, Jessica Beske joined the EQB as an Environmental Review intern to work on related projects. Jessica is utilizing what she has learned from her class work, her experiences with EQB staff, as well as working with MPCA Communication's staff and EQB Technical Representatives to improve the existing guidance document. After completion of this project, EQB staff will finalize the documents.

VII. FY2016 Environmental Review Work Plan

Presenter: Courtney Ahlers-Nelson, EQB Staff
651-757-2183

Materials enclosed: None

Issue before the Board:
Review the FY2016 Environmental Review Work Plan

Background:
As a result of Executive Order 11-32 and the 2012 Environmental Review Improvement Report that followed, environmental review improvements were identified with extensive public engagement and review by state agencies. Since that time, EQB Environmental Review staff has worked to implement some of the identified improvements with existing resources, while advocating for additional resources to support further program improvements. The 2015 legislature appropriated \$500,000 in one-time funds to enable the Board to accelerate the implementation of environmental review efficiency initiatives. To that end, a draft Work Plan for FY2016 has been developed to oversee this work.

Discussion:
EQB Environmental Review staff and the Executive Director have developed an Environmental Review Work Plan that establishes goals and timelines, to augment ongoing efforts to identify and implement program efficiencies, public engagement and program maintenance. Staff will provide an overview of the Work Plan seeking Board input on goals, timelines, and any other additional recommendations and priorities.

VIII. One Water

Presenter: Sam Paske, Metropolitan Council
651-602-1015

Materials enclosed: None

Background:

The Met Council will discuss its role in the region, as refreshed by the Thrive 2040 collaborative planning process, and how that translates to water resource sustainability efforts.

IX. Adjourn

**MINNESOTA ENVIRONMENTAL QUALITY BOARD
MEETING MINUTES**

**Wednesday, May 20, 2015
MPCA Room Board Room, 520 Lafayette Road N, St. Paul**

EQB Members Present: Dave Frederickson, Julie Goehring, Brian Napstad, Matt Massman, Erik Tomlinson, Kristin Eide-Tollefson, Dr. Ed Ehlinger, Mike Rothman, Tom Landwehr, Kate Knuth, John Saxhaug, John Linc Stine, Adam Duinick

EQB Members Absent: Charlie Zelle, Katie Clark-Sieben

Staff Present: Will Seuffert, Megan Eischen, Anna Henderson, Erik Dahl, and Courtney Ahlers-Nelson

Chair Dave Frederickson called the meeting to order.

I. Adoption of Consent Agenda and Minutes

A motion to adopt the Consent Agenda and approve the March 18, 2015, meeting minutes was made and seconded.

II. Introductions

Welcome to the new EQB intern, Jessica Beske; she is a senior at the University of Minnesota. Welcome also to Elisabet Jupesta who is a Professional Fellow from Indonesia.

III. Chair's Report

IV. Executive Director's Report

Will Seuffert gave a brief Legislative update and touched on a couple of policy provisions. He also shared a proposal that EQB has been working on with MMB; the Board participated in a strategic planning effort facilitated by the Governors Institute on Community Design a couple of years back. This effort is trying to look back on lessons learned, to operationalize some of the work better; we want to make sure we are being efficient and can quickly move forward on Board priorities as they are directed. This effort will be supported by FY15 and 16 dollars.

The Board will not be meeting in June.

V. Elisabet Jupesta, Professional Fellow with the American Council of Young Political Leader's (ACYPL) program

Elisabet gave a presentation on "Indonesia, Deforestation and Climate Change".

VI. Designation of the Responsible Governmental Unit for Environmental Review

Presenter: Courtney Ahlers-Nelson

Designation of the responsible governmental unit for environmental review to the Minnesota Pollution Control Agency for the Owatonna Energy Station by the Southern Minnesota Municipal Power Agency (SMMPA) was presented.

Staff recommends adoption of the Resolution and approving the Findings, Conclusions, and Order assigning RGU duties to the MPCA.

The Resolution was adopted and approved.

VII. EQB Website Migration Update

Presenter: Megan Eischen

Megan walked through the improvements and new features of the website.

Discussion followed.

VIII. Building Efficiency Presentations

Presenter: Janet Streff, Department of Commerce

The Climate Solution and Economic Opportunity (CSEO) assessed a policy option to implement Minnesota's Sustainable Building 2030 (SB2030). Janet gave an overview and status update of Minnesota's work on SB 2030.

More information about these policies can be found at <http://www.environmental-initiative.org/projects/policy-options-cseo-stakeholder-engagement>

Discussion followed.

IX. Building Efficiency Presentations

Presenter: Sara Hoverter, Georgetown Climate Center

Sara Hoverter of the Georgetown Climate Center described state policy, administrative and programmatic options that could provide more flexibility for Minnesota cities to increase resilience of their building environment to a changing climate.

Discussion followed.

X. Water Report Overview and Work Plan

Presenters: Anna Henderson, EQB and Weston Merrick, DEED

Staff presented an overview of the interagency working groups' process for completing the report and provided an overview of the intended format and focus topics. EQB was mandated to submit a 5-year update to the state water plan to the Legislature on September 15, 2015.

Discussion followed.

XI. Adjourn

The audio recording of the meeting is the official record and can be found at this link: ftp://files.pca.state.mn.us/pub/EQB_Board/

Webcast is also available on the EQB website: <https://www.eqb.state.mn.us/>

Water Quality Buffer Initiative

Common questions and answers

Date: 6/18/15

Q: What is the bill's purpose and who helped craft it?

- **Improving Water Quality** – The Buffer Initiative will protect Minnesota's water resources from erosion and runoff pollution by establishing 110,000 acres of perennial vegetative cover adjacent to Minnesota's waters.
- **Cooperation and Compromise** – This proposal was crafted with input from agriculture groups, environmental groups, local government groups, legislators from both parties, and landowners.
- **A Multi-Agency Effort** – The four lead state agencies are: Minnesota Department of Agriculture, Minnesota Board of Water and Soil Resources, Minnesota Department of Natural Resources, and the Minnesota Pollution Control Agency.

Q: Will it improve water quality?

- **Yes.** Studies by the Pollution Control Agency show that buffer are critical to protecting and restoring water quality and healthy aquatic life, natural stream functions and aquatic habitat due to its immediate proximity to the water. However, buffers will not solve every water-quality problem.

Q: What is required?

- **110,000 Acres of Vegetation** – The bill will establish perennial vegetation buffers of up to 50 feet along lakes, rivers, streams and ditches.
 - The buffer width will be an average of 50 feet on public waters.
 - The buffer width will be a minimum of 16.5 feet on public ditches
 - Buffer widths on other waters will be determined by soil and water conservation districts (SWCDs)
- **Landowner Control** – Landowners retain use of the buffer, as long as perennial vegetation is maintained.
- **Landowner Choice** – Landowners may choose to adopt other practices aimed at protecting water if those practices provide the same level of protection as a buffer.
- **Additional Flexibility** – There are exceptions for areas covered by a road, buildings or other structures; areas enrolled in the Conservation Reserve Program (CRP); public or private water access or recreational use areas; and municipalities in compliance with federal and state storm water requirements.

Q: Where are buffers required?

- Buffers will be required on public waters and public drainage systems. The DNR will establish and maintain a map of each county that shows the waters that are subject to the buffer requirements. Additionally, other waters may be subject to local requirements established by SWCDs.

Q: How will the new law be implemented, and enforced?

- **Local Implementation** – SWCDs will implement the buffer requirement, including planning, technical assistance to landowners, approval of alternative practices, and tracking and reporting progress.
- **Help with Compliance** – If a landowner is out of compliance with the requirement, the county or watershed district will provide a correction letter and work with the landowner on a reasonable timetable for completion.
- **Penalties for Noncompliance** – Counties and watershed districts, with assistance from the Minnesota Board of Water and Soil Resources (BWSR), may issue an order requiring violations be corrected and administratively assess monetary penalties for violations.
- **State Level Enforcement** – The state may withhold funds from a local government for failure to implement buffer requirements.
- **Additional Enforcement Authority** – If the local government chooses not to take action, BWSR can use its Administrative Penalty Order authority and issue a penalty and fine.

Q: When will this take effect?

- **July 2017** – Local water resources riparian protection requirements will be developed by July 1, 2017
- **November 2017** – Buffers on public waters will be in place by November 1, 2017
- **November 2018** – Buffers on public drainage systems will be in place by November 1, 2018

Q: How will this be paid for?

- **Funds for Landowners** – Landowners can use federal Farm Bill resources, such as CRP, to get buffers installed. Other state program conservation dollars, such as Reinvest in Minnesota (RIM) easements are also available. Landowners may also be eligible to be reimbursed by the drainage authority.
- **Additional Federal Funds** – Governor Dayton is committed to working with the federal government to provide funds through the Conservation Reserve Enhancement Program (CREP). This allows landowners to take their land out of production in exchange for payments. He has proposed \$20 million in bonding to match the \$18 million appropriated through the 2016-17 Legacy Amendment bill.

- **Funds for Local Agencies** – The initiative provides \$5 million from the Clean Water Fund for SWCDs to work directly with landowners in order to find the best solution for their property. SWCDs are also receiving \$22 million from the Clean Water Fund to boost local capacity. It is anticipated that this funding will be transferred to the General Fund in the next biennium.

Q: How will the DNR map areas that will now require buffers?

- A: The DNR will create a buffer protection map that will include the public waters subject to the statewide 50' average width buffer requirement and the Public Drainage System ditches that are subject to the statewide 16.5 minimum width buffer requirement. The DNR is receiving \$650,000 from the Clean Water Fund in order to complete the maps.

Q: And when will that happen?

- A: The DNR anticipates completing the buffer protection map by about July 2016.

Q: How will public water be defined under the law?

- A: The buffer protection map will depict public waters, as defined in Minnesota Statute 103G.005, subdivision 15, that are subject to the requirements of the new buffer law. The buffer protection map does not otherwise update the Public Waters Inventory as it relates to any other requirements.