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May 12, 2010

Meeting Location: MPCA Board Room
St. Paul, Minnesota

TO: EQB Members

RE: **ANNOTATED AGENDA FOR
May 20, 2010 Board Meeting**

General

This month's meeting will take place in the **MPCA Board Room** at 520 Lafayette Road in St. Paul. The meeting will begin at 9:00 a.m. Staff will be available for briefing and questions at 8:30 a.m.

I. *Adoption of Consent Agenda

- Proposed Agenda for **May 20, 2010** meeting
- Minutes for **February 18, 2010** meeting

II. Chair's Report

III. Executive Director's Report

IV. Legal Counsel Report

V. EQB Subcommittee Chair Report

At the February meeting, Chair Hugoson announced the formation of a subcommittee to study and make recommendations on the future activities of the EQB. The subcommittee consists of the five EQB citizen members (since they are the members who will continue into the next administration), chaired by Vice Chairman Bloomberg, and assisted by staff and the Technical Representatives.

Note: Items VI through IX are intended to provide an overview of current institutions and activities pertaining to water, to provide context for the presentation on the EQB 2010 State Water Plan (Item X).

** Items requiring discussion may be removed from the Consent Agenda.*

VI. Clean Water Fund Interagency Coordination Team – Informational Presentation

Presenter: Rebecca Flood, Assistant Commissioner, Minnesota Pollution Control Agency (651-757-2022)

Materials enclosed: none

Background: The 2009 MN Legislature passed, and Governor Pawlenty signed into law, the Clean Water, Land and Legacy funding bill, establishing the Clean Water Fund and appropriating approximately \$150 million for the FY2010-2011 budget. Funding was distributed among state agencies and organizations to achieve specific purposes generally aimed at protection and restoration of Minnesota water resources and protection of drinking water.

Because several agencies/organizations have responsibilities in administering the fund, a Clean Water Fund Interagency Coordination Team was established for the purposes of:

- Coordinating state agency clean water activities to achieve Clean Water Fund outcomes
- Coordinating and leveraging funding opportunities to achieve Clean Water Fund purposes
- Enhancing institutional knowledge for future water management activities
- Providing consistent Clean Water Fund information for public use, reporting and administrative procedures

VII. Clean Water Council – Informational Presentation

Presenter: Marilyn Bernhardson, Clean Water Council Chair

Materials enclosed: none

Background: The Clean Water Council was created through the Clean Water Legacy Act, which was signed into law June 2, 2006. The Council's role is to advise on the administration and implementation of the Clean Water Legacy Act, including:

- Fostering coordination among public agencies and private entities to ensure cooperation with relevant plans and programs
- Prioritization strategies for TMDLs, restoration and protection activities
- Development of appropriate processes for expert scientific review
- Development of education and participation strategies for citizens and stakeholders

VIII. University of Minnesota Water Sustainability Framework Project Update – Informational Presentation

Presenter: Deb Swackhamer, Water Resources Center Director and Framework project leader (612-626-0435)

Materials enclosed: none

Background: The 2009 session of the Legislature directed the University of Minnesota to develop a “comprehensive statewide sustainable water resources detailed framework to protect, conserve and enhance the quantity and quality of the state’s ground water and surface water.” The University’s Water Resources Center is managing the project under the leadership of Professor Deborah Swackhamer.

State agency staff has been involved with a number of the project’s technical work teams, which are charged with framing issues under the first phase of the project. The teams include Policy, Educational,

Agricultural, Ecological, Domestic Use, Valuation, Manufacturing/Industrial Use, and Recreational/Spiritual/Cultural. Six teams presented their preliminary findings to the Headwaters Council, the guiding committee established to advise the Center, on March 31 and May 5. The Manufacturing/Industrial Use and Recreational/Spiritual/Cultural teams will do so in July.

The University is in the process of appointing members of the project's Synthesis Team, which will work through the summer to draft recommendations for presentation to the Headwaters Council in September.

The framework plan is to be delivered to the Minnesota Legislature in January 2011

IX. Presentation on a Series of DNR Reports and Projects – Informational Presentation

Presenter: Dave Leuthe, Department of Natural Resources (651-259-5709)

Materials enclosed:

- Executive summary from *Groundwater: Plan to Develop a Groundwater Level Monitoring Network for the 11-County Metropolitan Area*, October 2009 (report available at http://files.dnr.state.mn.us/publications/waters/groundwater_level_monitoring_report_october_2009.pdf)
- Executive summary from *Long-Term Protection of the State's Surface Water and Groundwater Resources - Report to the Legislature*, January 2010 (report available at http://files.dnr.state.mn.us/publications/waters/long-term_protection_surface_ground_water_201001.pdf)

Background. The 2009 Legislature required the DNR to prepare two reports to address water sustainability measures. The first challenged the DNR with evaluating groundwater in the 11-county metropolitan area, while the second requested an analysis of the long-term protection of the state's groundwater and surface water resources.

The first report was produced in response to Minnesota Session Laws 2009 Chapter 37 Section 4 Subd. 3., which states:

By October 1, 2009, the commissioner shall develop a plan for the development of an adequate groundwater level monitoring network of wells in the 11-county metropolitan area. The commissioner, working with the Metropolitan Council, the Department of Homeland Security, and the commissioner of the Pollution Control Agency, shall design the network so that the wells can be used to identify threats to groundwater quality and institute practices to protect the groundwater from degradation. The network must be sufficient to ensure that water use in the metropolitan area does not harm ecosystems, degrade water quality, or compromise the ability of future generations to meet their own needs. The plan should include recommendations on the necessary payment rates for users of the system expressed in cents per gallon for well drilling, operation, and maintenance.

The statutory requirement for the second report is found in Minnesota Session Laws 2009 Chapter 37 Section 4 Subd. 3, which reads:

By January 15, 2010, the commissioner shall submit a report evaluating and recommending options to provide for the long-term protection of the state's surface water and groundwater resources and the funding of programs to provide this protection.

The long term protection of the state's surface water and groundwater resources involves every activity where we alter the land or the flow pathway of water moving across it or through it. It therefore involves the land use activities of everyone from individual landowners or managers, to local units of government,

state agencies and the federal government. While the authors have engaged many people and professionals, particularly staff in other state agencies having environmental protection programs, such as the Departments of Agriculture, Pollution Control Agency, and Health, plus the Board of Soil and Water Resources, the Environmental Quality Board, Metropolitan Council, U.S. Geological Survey, Minnesota Geological Survey, University of Minnesota and other professionals, this report is not an exhaustive evaluation on all protection measures or funding required to provide long-term protection of all surface and groundwater resources.

Concurrently, DNR staff has engaged a team of expert hydrologists to evaluate models and tools needed for managing ground water sustainably. This Groundwater Technical Work Group is the next step in the state's ongoing dedication to advancing water management. In 2008 the Environmental Quality Board established an interagency working group to consider water availability issues in Minnesota, devising a broader framework in which the state might evaluate current and future water uses. The EQB adopted its report, *Managing for Water Sustainability: A Report of the EQB Water Availability Project*, on November 20, 2008. Also at this meeting, the EQB directed the DNR to help begin to implement some of the board's recommendations by taking the lead to evaluate models and tools to assess water availability and sustainability. Mr. Leuthe will provide the EQB with an overview of the process and preview a report being drafted in response to the EQB charge.

Lastly, Mr. Leuthe will share with the board information related to the DNR's recent selection as a state I which to profile and support a national groundwater monitoring pilot project.

X. EQB 2010 State Water Plan

Presenter: Princesa VanBuren Hansen, EQB staff (651-201-2478)

Material enclosed: Relationship of statutes and reports

Background. The core EQB powers and duties pertaining to water are contained in *Minnesota Statutes*, sections 103B.151 (coordination of public water management and development of the state water plan), 103A.204 (coordination of ground water policies), and 103A.43 (water quality and quantity assessments and analysis). With changes adopted by the Legislature and Governor in 2008, the EQB is required to submit a consolidated report to the Legislature under all three laws by September 15, 2010 (the 103A.204 and 103A.43 reports must be incorporated into the state water plan every 10 years). In addition, EQB must incorporate legislative reports of the Metropolitan Council water supply planning activity into the state water plan (under 473.1565).

The EQB has prepared a state water plan every 10 years since adoption of the 103B.151 mandate in 1983. This year the EQB finds itself in a unique circumstance with the Legislature's mandate to the University of Minnesota Water Resources Center to produce a water sustainability framework by January 2011. Through coordination with U of M staff, EQB will ensure a beneficial and open exchange of information and promote efficiencies in addressing the respective mandates.

The EQB and its member agencies:

- Are committed to be active participants in the U of M framework process
- Have an opportunity to provide information to the framework process that will improve the products of the effort
- Have statutory mandates to produce a report in September 2010
- May need to make further water policy recommendations once the outcomes of the framework process have been produced (i.e., after January 2011)

EQB staff has actively engaged a team of agency staff in preparation of the decadal state water plan. This effort is benefitting from coordination with several other water-related planning efforts. Additionally, EQB staff is working with the Minnesota Pollution Control Agency, the departments of Agriculture, Health and Natural Resources, and the Metropolitan Council to develop information and a means in which to consolidate work under the EQB groundwater policy coordination and water assessment and analysis authorities (103A.204 and 103A.43).

XI. EQB Land and Water Policy Project – Informational Presentation

Presenters: Lisa Thorvig, Minnesota Pollution Control Agency staff, (612- 757-2189)
Princesa VanBuren Hansen and John Wells, EQB staff
(651-201-2478; 651-201-2475)

Materials enclosed: none

Background: The Minnesota Environmental Initiative undertook Land and Water Policy Project to bring focused attention to the interplay between land use and water policies in Minnesota and how they are implemented. MEI designed and facilitated a dialogue among stakeholders responsible for implementing and managing statewide land and water policies. Recent reports prepared by a variety of organizations had generated numerous recommendations on how to best manage Minnesota’s land and water resources for the future. The stakeholder dialogue provided a forum for discussing and evaluating these recommendations. The goal was to develop strategies for improved coordination of land and water policies among state agencies and local units of government. Work group membership included representatives from state and local government, as well as the non-profit and private sectors.

A meeting of work group participants and state agency leadership took place on July 7, 2009. Agency leadership recommended that the Environmental Quality Board refine and further develop next steps for two areas of recommendations:

- Coordinated Planning for Improved Implementation – working to align planning schedules between state agencies to create efficiencies at all levels and enable more effective implementation of protection and restoration activities
- Integrated Community Assistance – developing, communicating and coordinating resources and approaches to enhance the effectiveness of outreach within and between all levels of government to improve land use decisions that affect land and water quality

MPCA and EQB staff will provide updates on the numerous activities taking place to move forward both these efforts.

XII. Adjourn