

## Legislative Water Commission

Barb Huberty, Director

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March 22, 2016

Room 5, State Office Building

### Meeting Minutes

#### Members Present

Representative Paul Torkelson, chair  
Senator Bev Scalze, Co-chair  
Representative David Bly  
Senator Gary Dahms  
Representative Peter Fischer  
Representative Rod Hamilton  
Representative Clark Johnson  
Senator Matt Schmit

#### Members Excused

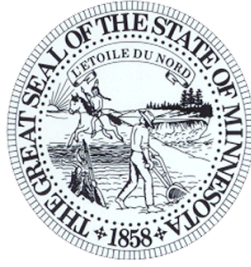
Representative Matt Dean  
Senator Carrie Ruud  
Senator Roger Chamberlain  
Senator Charles Wiger

#### Minutes

Representative Paul Torkelson called the meeting to order at 5:08 pm on Tuesday, March 22, 2016 in Room 5 of the State Office Building. A quorum was present. Representative Clark Johnson moved approval of the minutes for the February 18, 2016 meeting. THE MOTION PREVAILED.

1. Director Huberty provided an overview of the packet contents, including a corrected water appropriations graph for 2013 and a groundwater appropriations graph for 2014. She also described the most recent Clean Water Fund Report Card. Governor Dayton's Water Action week is tentatively scheduled for April 18 – 22. Members were reminded to respond to their Doodle Poll regarding this event. Members were also reminded of two upcoming meeting dates: T, 4/26, 5-7 pm for their next monthly meeting and W, 8/17 (for the all-day field tour in the Mankato area). There will be no meeting in May. The June and July dates are yet to be determined.
2. Jason Moeckel, of the Department of Natural Resources, gave an overview of the stakeholder process used to develop their *Report to the Legislature: Definitions and Thresholds for Negative Impacts to Surface Waters* and its recommendations. Concerns about the validity of groundwater data and natural climate variability were discussed. Clarifications were given about the impact of confined aquifer wells on surface waters, the variables considered when issuing an appropriations permit, and safe aquifer yields.

DNR's presentation was followed by stakeholder testimony. Cold Spring area interests were presented by Sen Michelle Fischbach – District 13, Rep Jeff Howe – District 13A, Brent Neisinger – 3<sup>rd</sup>



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Street Brewery, and Jon Stueve, City of Cold Spring. They explained the many challenges they face: high nitrates in groundwater and the various methods they use to manage that, proximity to a trout stream which allows only temporary appropriations permits, the lengthy appropriations permitting process and related constraints on business expansion, and the difficulty and expense in siting a new well. They felt the process was flawed and did not support DNR's recommendations.

Kevin Hoppe of the Minnesota Water Well Association explained his experience and expertise with the subject matter. He also felt the stakeholder process was flawed and requested that DNR's recommendations not be acted upon.

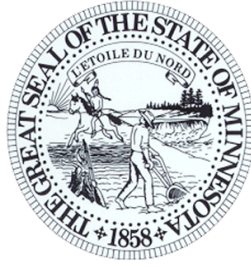
Steve Woods, Freshwater Society, was a stakeholder who supported the process, but questioned how this approach would be implemented and its impacts. He encouraged enlarging the water pie through reuse and conservation and referred members to a groundwater report they will release in April. He also advocated for more funding in this area.

Craig Johnson, League of MN Cities, was also a stakeholder who supported the process, but felt the 10% threshold was overly prescriptive and a 15% value was better, assuming case by case assessments.

Jon Eaton, MN Section of the American Water Works Association, was also a stakeholder who felt the process was fair and disagreed with the 10% threshold, indicating a 15-20% threshold was more reasonable. He also expressed disagreement with setting protection elevations that were within the range of seasonal fluctuations. Despite the disadvantages of modeling, he noted their value as a tool, if used within a controlled area, on a case by case basis, and reviewed by an unbiased third party. Special considerations should be given to wellhead protection areas and more funding needs to be allocated for monitoring.

John Lenczewski, Minnesota Trout Unlimited, explained that declining trout populations can be an indicator of dropping groundwater levels that impact drinking water supplies. He does not support the use of single a quantitative standard across the state, indicating that evaluation of impacts must be done on a case by case basis. More funding is needed to expedite groundwater modeling in areas that need certainty, like Cold Spring. He felt the definition is confusing and that a 10% threshold may show impacts in some cases and should be used as a conservative number to provide certainty to businesses and producers. He supported the process.

Written stakeholder input was also provided by the MN Rural Water Association, Ruth Hubbard and the MN Golf Course Superintendents' Association.



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Due to a lack of time, discussion of pending legislation was dropped. There being no other business, the meeting adjourned at 7:03 pm.

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