

## Weekly LWC Update 2-17-17

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*Interested reader: each week, I gather general information for Legislative Water Commission members to help keep them apprised about water issues in Minnesota. This update contains a roundup of easily attainable MN water news, as well as articles from beyond MN that may inform member thinking. It also includes summaries of meetings I have monitored and reports I have read, as well as information about upcoming events. During the Legislative Session, updates on water-related legislation and committee activities are added. Any errors or omissions are inadvertent.*

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## LEGISLATURE

### COMMITTEES ACTIVITIES THIS WEEK

In the Senate:

- The Ag, Rural Development and Housing Finance Committee passed SF315, a proposal to upgrade MDA's laboratory equipment, which is used for their testing programs to identify nitrate and pesticide in groundwater. The bill has been re-referred to the Finance Committee.
- The Environment and Natural Resources Finance Committee heard SF717, a bill that would require additional review for wastewater treatment projects receiving financial assistance; no action was taken. They also heard SF701, a bill to fund the Lower Mississippi Watershed District for their work managing MN River dredge spoils; this bill was passed and laid over for possible inclusion in an omnibus bill.
- The Environment and Natural Resources Policy and Legacy Finance Committee heard SF695, a bill that would require judicial and expert review of MPCA regulatory decisions; it was passed and re-referred to the State Gov't Finance Committee. They also heard SF179, a bill that would appropriate money for a rivers exhibit in the Great Lakes Aquarium; it was passed and laid over for possible inclusion in an omnibus bill.
- The Transportation Finance Committee heard SF326, the local roads wetlands replacement bill. It passed and was re-referred to the Environment and Natural Resources Finance Committee.

In the House:

- The Ag Policy Committee passed HF761, a bill to extend the ag fertilizer research and education program, and re-referred it to the Gov Ops Committee.
- The Environment and Natural Resources Policy and Finance Committee heard budget overviews for DNR and BWSR.
- The Job Growth and Energy Affordability Policy and Finance Committee heard HF468 to replace infrastructure destroyed in the Madelia fire; it passed and was re-referred to Ways and Means. They also heard HF653, which includes an appropriation for the MN Business Development Infrastructure Grant Program; it was passed and laid over for possible inclusion in an omnibus bill.

- The Ways and Means Committee heard HF434, the local roads wetland replacement bill and it was adopted and given its second reading. HF575, a bill to exempt the local match for the Lanesboro dam, was also adopted and given its second reading.

## WATER BILLS

As week 7 of the session comes to a close, the pace of water-related bill introductions has slowed slightly. Below are the water-related bills introductions ending 2/16/17. The gold shaded cells are those bills introduced this week that are companions to bills introduced previously. Click on the File # hyperlinks for more details. As of 2/16/17, 203 of 2,510 introduced bills (8%) are water-related. *Italicized* authors are former LWC members.

House File	Chief/LWC Authors	Senate File	Chief/LWC Authors	Description
<a href="#">200</a>	Lien, <i>Hamiton, C Johnson, Bly</i>	<a href="#">111</a>	Eken	Ag and Revenue Departments to study <b>the impact of taxing ag lands based on production value</b> (including identifying types of ag properties not directly used in ag production and approaches for valuing them)
<a href="#">683</a>	Backer	<a href="#">938</a>	Westrom	<b>buffer implementation deadlines extended 2 yrs and enforcement may not occur unless gov't assistance is available to pay 100% of costs or landowner denies assistance</b>
<a href="#">1265</a>	Heintzeman	<a href="#">550</a>	Westrom, <i>Dahms</i>	\$8.428M in FY2017 and \$50.728M in FY2018 from the <b>ENRTF to various recipients</b>
<a href="#">1230</a>	Swedzinski	<a href="#">761</a>	<i>Dahms</i>	\$500K bond proceeds to BWSR for <b>grant to Lac qui Parle Yellow Bank WD for engineering analysis for 2 floodwater retention projects</b>
<a href="#">1285</a>	Pugh	<a href="#">769</a>	Kiffmeyer	<b>Agencies can't adopt rules without legislative approval</b>
<a href="#">1041</a>	Marquart	<a href="#">973</a>	Eken	PFA shall provide <b>\$15M more for a PSIG grant to an entity in a compliance schedule &amp; on the PPL that requires advanced tertiary treatment via MBRs to achieve 0.08 ppm effluent limits</b>
<a href="#">1054</a>	Layman	<a href="#">979</a>	Eichorn	\$3M bond proceeds to PFA for <b>grant to Deer River for wastewater and water improvements</b>
<a href="#">1042</a>	Youakim	<a href="#">896</a>	Latz	<b>Establishes a registry for cooling towers to assist MDH with Legionella investigations</b>
<a href="#">1210</a>	Shomaker	<a href="#">949</a>	Weber	\$4.056M bond proceeds to PFA for <b>grant to Currie for sewer and water infrastructure improvements</b>
<a href="#">1076</a>	<i>Bly, C Johnson</i>	None	None	\$10M gen fund to MDA for grant to U of MN for <b>Forever Green program</b> to protect natural resources while supporting ag economy via development of perennial and winter annual crops

<a href="#">1095</a>	<i>Fischer</i>	None	None	establishes <b>Right to Water Policy</b> where every human has right to safe, clean, affordable and accessible water adequate for human consumption and sanitation
<a href="#">1151</a>	Bahr	None	None	<b>pipelines transporting crude oil, petroleum fuels or oil, their derivative or natural gas are exempt from obtaining a certificate of need prior to construction</b>
<a href="#">1156</a>	Bernardy	None	None	\$___ gen fund to MPCA to <b>assess state superfund sites in Anoka Co bordering the Mississippi to assess vapor intrusion risks and contaminated groundwater movement</b>
<a href="#">761</a>	<i>Hamilton</i>	<a href="#">960</a>	Westrom	<b>extends the ag fertilizer research and education program and council</b>
<a href="#">1240</a>	Rarick	<a href="#">962</a>	Lourey	\$1M bond proceeds to PFA for grant to <b>Pine City for water and wastewater infrastructure improvements</b>
None	None	<a href="#">1016</a>	Weber, <i>Dahms</i>	<b>modifies public comment and environmental review provisions for CAFOs; mandatory EAW not required for CAFOs &lt;2K animal units; public notice concurrent with CUPs notice by LGU</b>
None	None	<a href="#">1027</a>	<i>Ruud</i>	renames the MPCA the Dept of Environment
None	None	<a href="#">1062</a>	Sparks	\$3M bond proceeds to PFA for grant to Blooming Prairie for wastewater improvements
<a href="#">1291</a>	Fabian	<a href="#">1087</a>	Ingebrigsten, Ruud	<b>modifies permitting, rules, and environmental review processes for DNR &amp; MPCA; eliminates the EQB &amp; transfers duties to the MPCA and gives some duties to the CWC</b>
<a href="#">1297</a>	Bennett	<a href="#">275</a>	Sparks	\$1M bond proceeds to PFA for grant to <b>Albert Lea for sewer and water infrastructure</b> to serve the Stables neighborhood in the NW city limits
<a href="#">1317</a>	Newberger	None	None	\$1.2M bond proceeds to PFA for <b>Clear Lake-Clearwater Sewer Authority to remove/replace WWTF</b> to control P discharges to the Mississippi River
<a href="#">1387</a>	Newberger, <i>Hamilton,</i> <i>Torkelson</i>	None	None	<b>modifies groundwater appropriation permit requirements and well interference claim requirements</b>

## **MN NEWS**

### **WATER ACTIONS**

- Mesabi Daily News: [Federal Land Block Opposed with 4-3 Committee Vote; County Approves More than \\$500,000 to Battle AIS](#); the resolution will go before the full St. Louis County Board on 2/14
- Hiawatha World Online: [Governor Dayton announces “Clean Drinking Water Starts With Me!” poster contest](#)

- The Miami County Republic: [Doran: Minnesota joins water-quality effort](#)
- Ely Echo: [Volunteer to Help Minnesota's waters](#)
- Isanti County News: [Cambridge receives Water Fluoridation Quality Award](#)
- MPCA: [Open for comment: water quality report for Long Prairie River watershed](#); [Comments invited on draft Nemadji River watershed reports](#); and [Open for comment: water quality report for Leech Lake River watershed](#)
- Hometown Focus: [E-G students learn about the importance of water](#)
- MSR News Online: [Protecting water from salt and pollution this winter](#)

## WATER BUSINESSES

- DEED: [Getting Hydroelectric Power from Water – Without the Dam](#); Venterra Energy, a young Minneapolis company, has designed an ecologically-friendly turbine to generate renewable energy from moving water
- American Laundry News: [Ecolab Named 2017 Visionary Award Winner by WomenCorporateDirectors](#)

## SURFACE WATER/STORMWATER

- Hometown Focus: [New DNR app will help with groundwater research](#); did you know that springs are locations where groundwater becomes surface water?
- Country Messenger: [Restoring Bone, Moody lakes with watershed approach](#)
- LMC: [Legislation Would Fund Local Road Wetland Banks](#)
- Duluth News Tribune: [Minnesota Slip contaminants will be capped, not removed](#) and MPCA: [Minnesota Slip cleanup one step closer to completion](#)
- Brainerd Dispatch: [MPCA releases report on Long Prairie River watershed](#)
- MPR: [Construction work to begin on Red River diversion project](#)
- DNR: [Owners of resorts, campgrounds and rental businesses required to take aquatic invasive species training](#); Inforum: [Minnesota lake businesses must take aquatic invasive species training](#)
- Northland Press: [Protecting Lake Roosevelt Through a New Aquatic Management Area](#)
- Post Bulletin: [Who's watching the water?](#)
- MPR: [Why you're watering your lawn all wrong](#)
- Bemidji Pioneer: [Water quality report for Leech Lake River watershed](#)
- Hometown Source: [Open for comment: Water quality report for Long Prairie River watershed](#)

## WATER SUPPLY

- Strib: [Massive water project in SW Minnesota wants Trump to open the money tap](#)
- Hometown Focus: [Eveleth receives CDC Water Fluoridation Quality Award](#)
- ABC Newspapers: [Blaine has second water system problem in 2017](#); the January incident was a software related issue while this one was a mechanical-electrical issue; MPR: [City officials say Blaine's water safe to drink again](#); Fox9: [Results of Blaine water police investigation released](#)

## WASTEWATER

- LMC: [Bill Aims to Protect City Investments in Wastewater Treatment Improvements](#)

## AG & WATER

- MN Corn Growers' Association: [Legislative update: Rural issues remain top of mind](#); including water
- Echo Press: [MDA encourages farmers to participate in nutrient initiative](#)

- Owatonna.com: [Appeals Court to decide Dodge County hog farm lawsuit pitting pollution vs. water](#); Strib: [Appeals Court to decide Dodge County hog farm lawsuit pitting pollution vs. water](#); Farm Forum: [Appeals Court to decide Dodge County hog farm lawsuit pitting pollution vs. water](#); Steele Co Times/Dodge Co Independent: [Area Feedlots At Center Of State Appeals Court Decision](#)
- Discover Farms of MN and WI: [The WaterWay Network](#) has been launched as an online, peer-to-peer forum for WI and MN farmers and crop consultants to share information and collaborate on topics related to water quality and soil conservation

## EXTRACTIVE INDUSTRIES

- Duluth News Tribune: [Enbridge closes on Dakota Access stake](#)

## OPINIONS

- Brainerd Dispatch: [Minnesota Legislature: Water quality efforts require collaboration](#)
- Strib: [Trump should reverse Obama order on northeast Minnesota mineral leases](#)

## BEYOND MINNESOTA

### REGIONAL

- Milwaukee Journal Sentinel: [EPA OKs slower rollout of water rules for Wisconsin](#); pertaining to phosphorus
- UW Milwaukee: [Sensors to Address Ebola and Water Crisis](#); nanometers used to develop highly sensitive, low-cost sensor that could be used to detect lead in water
- Milwaukee Journal Sentinel: [Bad science? Growers' water-use theories disputed](#) and the referenced Wisconsin Potato & Vegetable Growers Association: [High Capacity Wells Fact Book](#)
- Superior Telegram: [Superior gets training to protect water quality](#); USDA's [ThinkWater](#) project seeks to improve U.S. agriculture by transforming how education and outreach related to water is designed, delivered and evaluated
- ABC: [Official sides with Georgia over Florida in water lawsuit](#); court-appointed Special Master Ralph Lancaster said Florida may not seek to cap Georgia's water use; FL had blamed farmers and Atlanta's growth for low FL river flows that harmed the environment and fisheries; Lancaster said Florida provided "no evidence" that a cap would help the state outside of drought periods and questioned FL's decision not to include the Army Corps of Engineers, which manages dams that affect the river basin; the court's review of Lancaster's report and responses from each state could take months, so the decision is not final
- Pork Network: [Practical Phosphorus Reduction Practices Farmers Implement](#) and for nitrogen
- Strib: [Ohio moves forward with strategy to combat Lake Erie's algae](#)

### NATIONAL

- CSO: [Researcher develops ransomware attack that targets water supply](#)

### GLOBAL

- The Guardian: [Microfibers are polluting our food chain. This laundry bag can stop that](#); soon, you can buy a "Guppy Friend" at cost from Patagonia's US retail stores and online

## **MEETINGS**

### **DRAINAGE AND WETLANDS**

Each year, the Rinke Noonan law firm hosts a Drainage and Wetlands Conference exploring legal and technical issues associated with ditch and wetland management. One of this year's topics was a review of public drainage repair laws (103E and their relationship to public water laws (103G), associated case law, and DNR policies. It should come as no surprise that with its 150+ year history, drainage law is quite complex. One contentious issues facing ditch owners is DNR's determination of whether they need to get a permit for ditch repair work or whether they can do so under a commissioner "permission" provision. Confusion has resulted because DNR guidance written in the 1980's is not being consistently applied. DNR is working on an updated guidance document that is already being viewed with some skepticism by drainage authorities and their attorneys. Once DNR releases the draft guidance document, the Drainage Work Group will begin the tedious task of evaluating and commenting on it.

Another hot topic in the drainage world is ditch maintenance. Just like city water infrastructure, rural drainage infrastructure (ditches and tiles) is also experiencing age-related problems. As drainage authorities assess ditch maintenance priorities, they are being encouraged to consider multipurpose drainage management options to increase the potential for water storage and water quality treatment when repairs are made. However, since ditches were created for the sole purpose of conveyance, repair assessments are generally limited to the cost of conveyance maintenance. In order to proceed with multi-purpose drainage projects, outside funding has to be obtained to provide the additional benefits. The traditional landowner cost-share funding approach is not well suited to these types of projects, particularly when commodity prices are low. Ideally, funding should be provided to drainage authorities for them. As an example of added cost for more benefits, constructing a two-stage ditch (like CD57 near Mapleton) cost an additional \$21/foot, which provided an additional 1/1 acre-feet of sediment storage. There is a suite of several practices that can be used to develop multi-benefit projects, but a drainage area specific multipurpose drainage management plan is needed before the most appropriate tools can be selected, the benefits calculated and the incremental cost increases determined.

Attendees also had an introduction to BWSR's recently released MN Public Drainage Manual, reviewed public drainage case law, and learned about best management practices for public drainage systems and their associated real estate issues.

### **LCCMR**

The Legislative Citizens Commission on MN Resources met to introduce new members, elect their co-chairs and co-vice chairs, and get an update on their appropriations bill and extensions that are needed for specific projects. The 3 co-chairs will be:

- House: Rep Heintzman (R)
- Senate: Sen Bill Ingebrigtsen (R)
- Non-legislative: Jeff Broberg

The 3 co- vice chairs, who take over if their respective chairs are absent, will be:

- House: Rep Jean Wagenius (D)
- Senate: Sen David Tommasoni (D)
- Non-legislative: Nancy Gibson

A pro-rated appropriation to the Legislative Coordinating Commission for the LCCMR share of the Legacy website management is needed; members preferred that it be included in the LCCMR bill rather than a Legacy bill. Their next meeting will be on June 7<sup>th</sup>.



## **REPORTS**

### **STATE OF MN WATER**

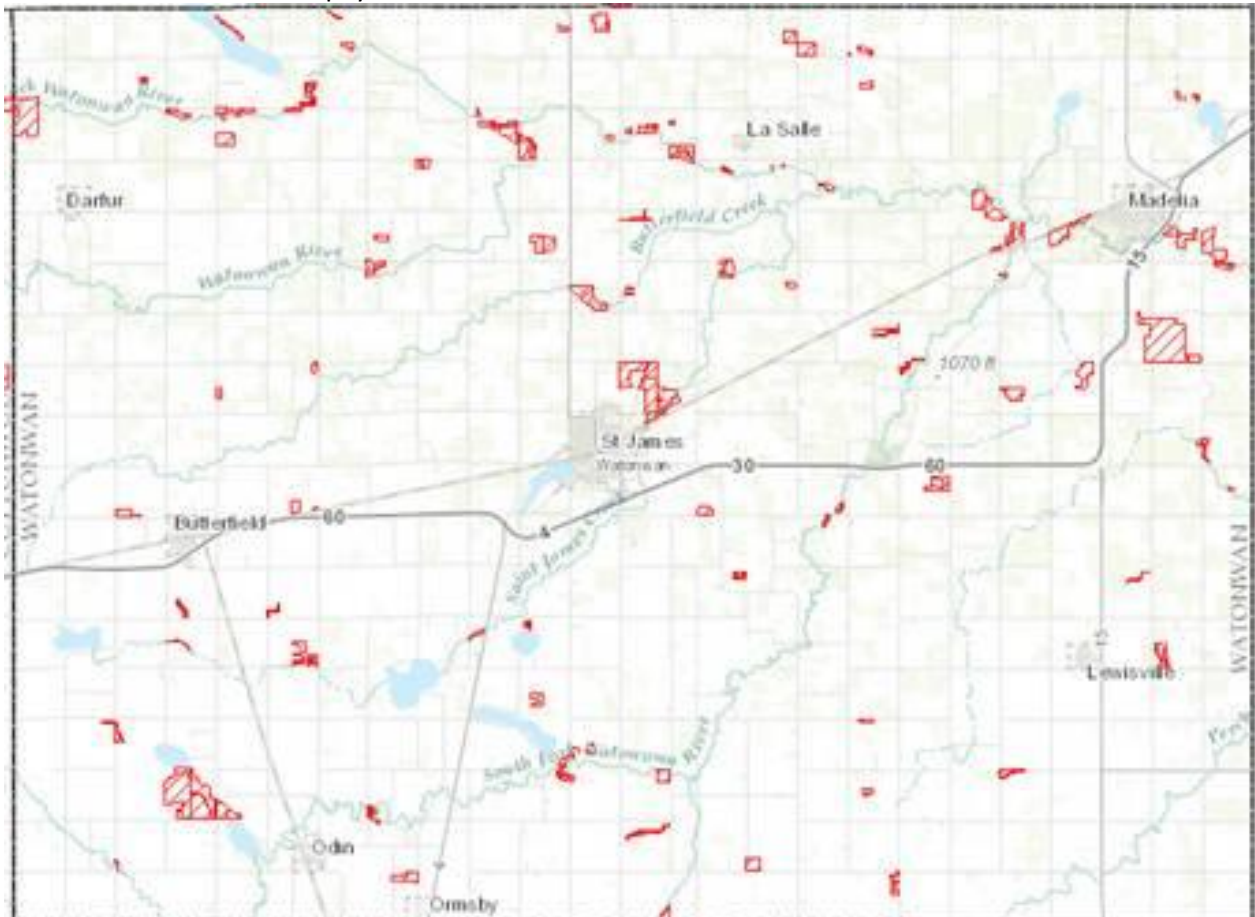
- DNR: Stream Flow Report – discontinued until spring
- National Drought Mitigation Center: 2/14/17 MN [Drought Monitor](#)

### **ADVANCING WATER STEWARDSHIP**

The Alliance for Water Stewardship is on a mission: to unite organizations to lead a global network that promotes responsible use of freshwater that is socially and economically beneficial and environmentally sustainable. In their [Reflections on Progress 2014-2016](#), they describe 12 lessons learned to date that will guide their continued efforts to meet their mission.

### **TRACKING EASEMENTS**

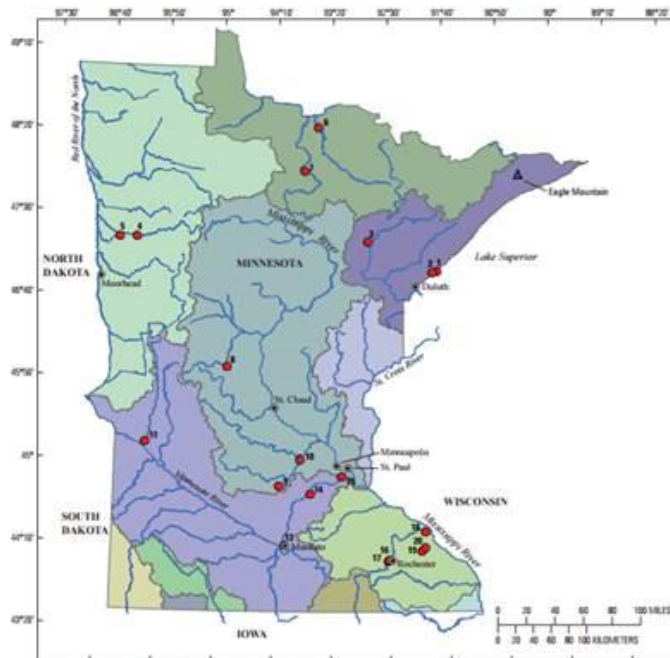
Over the last 30 years, BWSR has executed about 7,000 easements over nearly a half million acres. The track the location of each easement and the data associated with each in their [Easement Database](#). Below is an example of the easement locations in Watonwan County, along with some of the information recorded for a perpetual easement outside St James that protects groundwater; Clean Water Funds were used to pay for this easement.





### NEW USGS REPORTS FROM THE MN WATER SCIENCE CENTER

USGS published a study that evaluated Dimensionless Sediment Rating Curves to predict measured suspended-sediment concentrations, bedload, and annual sediment loads for selected rivers in MN. Models developed using MN data were effective at compensating for differences in individual stream characteristics across a variety of watershed sizes and flow regimes. Model estimates of suspended sediment concentration and bedload can be used for stream restoration activities and for estimating annual sediment loads for streams where few or no sediment data are available. Read the full report: [Application of Dimensionless Sediment Rating Curves to Predict Suspended-Sediment Concentrations, Bedload, and Annual Sediment Loads for Rivers in Minnesota](#). Red dots below are MN sampling sites.





Also of interest are the USGS reports: [The Science of Harmful Algal Blooms](#) and [Potential Corrosivity of Untreated Groundwater in the U.S.](#)

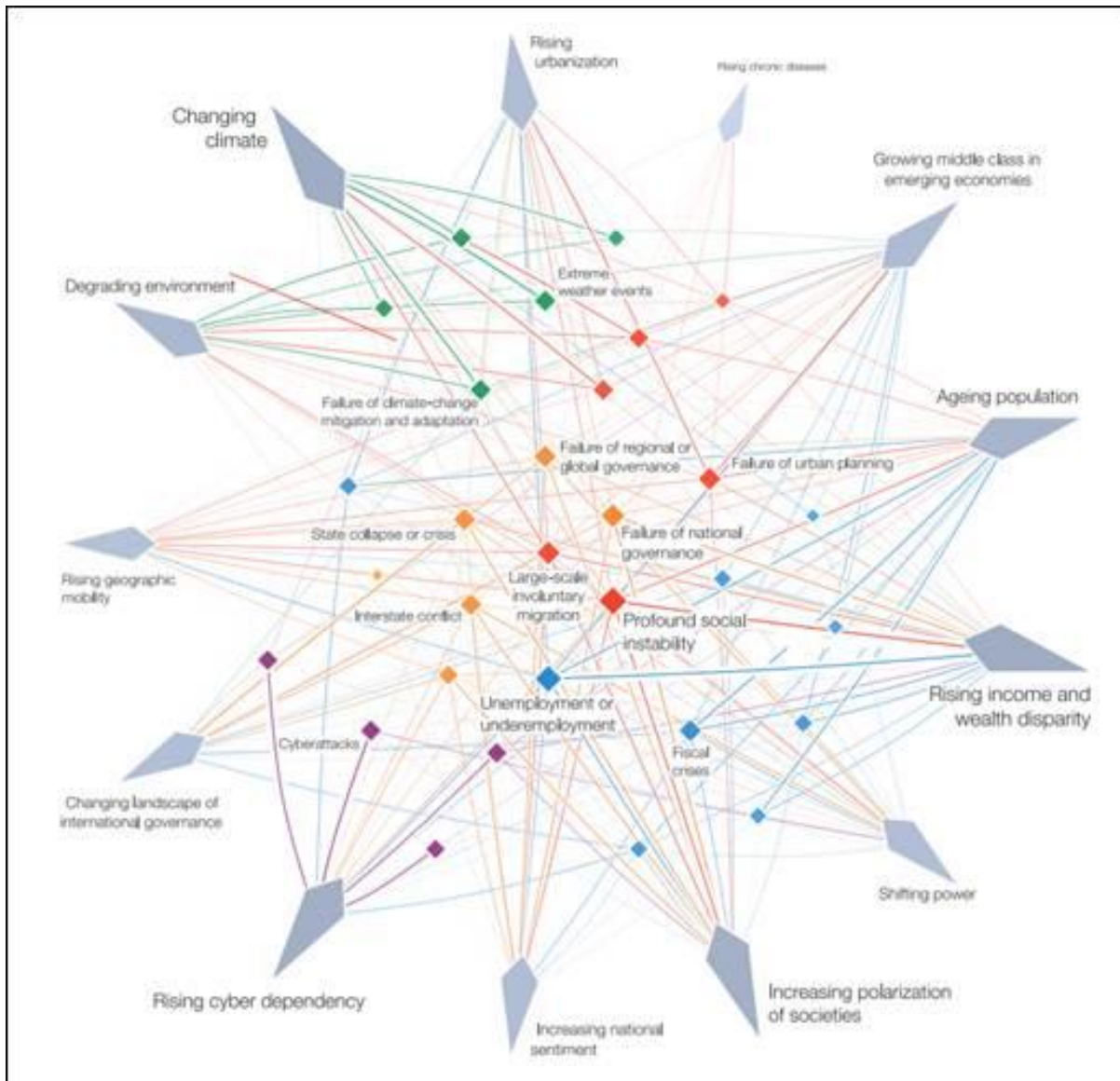


To access links to more recent USGS reports resulting from efforts of the MN staff, go [here](#). [Note: the second chapter of a 2-chapter report on lake-level fluctuation in the NE metro area is still awaiting publication.]

### THE GLOBAL EFFECT OF TOO MUCH/TOO LITTLE WATER

Extreme weather events (such as flooding and drought) tops the risk lists in the World Economic Forum’s [The Global Risks Report 2017, 12th Edition](#). These events can cause major property, infrastructure and/or environmental damage, as well as the loss of human life. The interconnections between global risks and trends shown in the 2<sup>nd</sup> figure are startling: social instability, involuntary migration, unemployment, and more. Is MN ready?

Top 10 risks in terms of Likelihood	Top 10 risks in terms of Impact
1 Extreme weather events	1 Weapons of mass destruction
2 Large-scale involuntary migration	2 Extreme weather events
3 Natural disasters	3 Water crises
4 Terrorist attacks	4 Natural disasters
5 Data fraud or theft	5 Failure of climate-change mitigation and adaptation
6 Cyberattacks	6 Large-scale involuntary migration
7 Illicit trade	7 Food crises
8 Man-made environmental disasters	8 Terrorist attacks
9 Interstate conflict	9 Interstate conflict
10 Failure of national governance	10 Unemployment or underemployment



## **UPCOMING EVENTS**

- Feb 25-Apr 9: **Smithsonian Water/Ways and MN We Are Water exhibits** on display in Detroit Lakes; the grand opening is from 10-11 on 2/25 at the Becker County Historical Society; additional activities will be posted [here](#)
- Mar 1: MN Green Step Cities March Workshop & Webinar: **Water Conservation and Reuse**; 9-11 am; free; LMC (145 University Avenue West, St Paul); agenda and registration link [here](#)
- Mar 1: **Water Technology Listening Session: A New Path Forward For Water Technology Testing and Pilot Projects**; 11:00am-1:00pm (lunch included); U of MN St Paul Campus, Cargill Building (1500 Gortner Ave; parking validation provided); free, but [registration](#) is required
- Mar 7-9: 33<sup>rd</sup> Annual **MN Rural Water Association Water & Wastewater Technical Conference**; River's Edge Convention Center in St Cloud; \$280 early registration/\$305 on-site registration; agenda and registration [here](#)
- Mar 11: Izaak Walton League of America – MN Division's **2017 Watershed Summit**; 8:30 am to 4:30 pm; Bloomington; \$30; registration and program info [here](#)

- Mar 22-23: **19th Joint Annual Conference of the Red River Watershed Management Board and Red River Basin Flood Damage Reduction Work Group**; Courtyard by Marriott in Moorhead; details to come
- Mar 23: **Shared Water, Shared Responsibility: Engaging Minnesota’s Communities, Students, and Policy-Makers**; co-sponsored by the U of MN’s Humphrey School of Public Affairs’ Center for Science, Technology, and Environmental Policy and the U of MN’s Water Resources Center; 5:15 p.m.—reception & poster session in Humphrey Atrium; 6:30 p.m.—panel discussion in Cowles Auditorium (301 19th Ave S); event, livestreaming and registration details [here](#); free, but register is required by March 15<sup>th</sup>
- Mar 27: **Agricultural Drainage Workshop**; Best Western Willmar; details to come
- Mar 29-31: **Design-Build for Water/Wastewater Conference**; Minneapolis Convention Center; registration costs vary; agenda and registration info [here](#)
- Mar 30: Rain Bird’s **MN Efficient Irrigation Summit** re: water-efficiency information and cost-effective retrofit and upgrade solution, with product fair; U of M, McNamara Alumni Center (200 SE Oak St., Minneapolis); 9am-4 pm; \$10 (includes lunch); register [here](#) by March 10<sup>th</sup>
- Apr 18: DEED **MN Water Technology Export Roundtable: The Water Energy Nexus**, 10:00 a.m. to 1:00 p.m. @ Aeration Industries (4100 Peavey Road, Chaska) \$30 (includes lunch)
- Apr 19: **Water Action Day**; 8-4 pm meet with legislators, rotunda rally @ 1 pm; more info [here](#)
- May 9: Minnesota Day at the **National Climate Adaptation Forum**; registration can be found [here](#)
- Aug 7-9: **WaterWorks! Drinking Water Institute for Educators**; Lakeville; details [here](#)