15th Minnesota River Congress Summary 6-15-23
Kato Ballroom, Mankato MN

The 16th session of the Minnesota River Congress began with Coordinator/Facilitator Scott Sparlin giving a quick overview of how the congress began and where the network is at regarding actions as of right now. He stated that 47 groups which includes 15 cities have signed resolutions or endorsement letters backing our Water Storage Initiative. He also stated that the growth of that support is critical to securing additional funding and seeking additional endorsements will be a priority going forward.

Next, Senator Nick Frentz spoke to the importance of not assuming that elected officials are knowledgeable or have current information about a particular issue. He stated that open communication and working together to achieve common goals is the best way to assure progress no matter the degree. He also talked about the value of partnerships in getting things done. "This is an opportunity to put together partnerships and coalitions with landowners, the DNR, and BWSR to pass on clean water to the next generation. Together, there isn't anything we can't do. Bring truth to the table. We'll get a lot more done pulling in the same direction," Frentz said.

State Representative Jeff Brand followed with a message of reinforcing our responsibility to stewardship and issued a challenge to recognize our future generations of the importance of a clean usable healthy surface and groundwater resource. He also emphasized the critical need for significant federal resources to assist the establishing of more water storage on the landscape. The need for education and awareness for State legislators was also emphasized by Representative Brand and if enough of the public is behind a particular initiative or changes in state statute it will ultimately be addressed in the legislative process.

The Minnesota River Drainage Collaborative was introduced next and Ted Suss presented an overview and explanation of what it was and how it operated. Brochures were made available to all attendees. He talked about flow increases in the river system and presented pictures and data from the Minnesota State Water Resources Center which showed an eight-fold rate increase on the Minnesota River from measurements taken in 1940 to 2015. He also showed pictures from the same stream during different time periods which demonstrated the negative impacts it had on a typical Minnesota River feeder stream before and after rain events. He told the attendee's that the Minnesota River Drainage Collaborative intent was not to stop drainage but to avoid the negative impacts that most improvement projects have on the river system. He stated that early notification of potential projects basin-wide would be one sure way things like water storage and other related BMPs could be included before the project process was beyond

their consideration and engineering was to far along. It was something he said would be continuing to be a focus to establish by the Collaborative.

Carly Griffith The Minnesota Center for Environmental Advocacy Water Program Director spoke further about the collaborative and their recent actions and activities. She noted that the amount of professional diversity, experience and talent of its makeup was substantial. She talked about the impacts the altered landscape and the effects that landscape has on our water quality and rate flows. She presented data from the Minnesota Pollution Control Agency which pointed out the key issues of concern as being runoff, nutrients and sediment/erosion. It was then noted that right now we have an opportunity to ensure that all public waters are protected and to rethink how we design drainage in a way that balances agricultural production needs with the critical needs to improve water quality, protect downstream landowners, and enhance natural resources such as wetlands. She then pointed out the protection of public waters tools available and gave an update on the recent language clarification of the definition of a public water in Minnesota which was just passed by the legislature and put into statute. She then explained how funding for the update of the Public Water Inventory which is managed by the Minnesota Department of Natural Resources was allocated to them at one million dollars a year for the next 8 years to comprehensively update the list. Ms. Griffith then moved into an action taken in Renville County regarding a previously inadvertently unlisted public waters creek there called Limbo Creek. She explained in detail the process of landowners petitioning to do a drainage improvement project involving the creek. The entire intervention process undertaken was covered which ended up the Minnesota Supreme Court which then, in turn was recommended to the legislature and resulted in the positive changes we saw passed in the last legislative session. Next, she talked about the weakening of Federal protections of public waters and how it was more important than ever to protect them on a state basis because of those roll backs in policy. In closing she stated. "There have been a wide range of unintended consequences from decades of intensive agricultural drainage, like increased river flows, increased erosion and sediment from stream channel instability, and increased nutrient loads.
We won't meet our water quality goals in the Minnesota River Basin until we begin to seriously mitigate the impacts from agricultural drainage. This means that right now, as more drainage improvement projects are proposed to deal with old infrastructure and climate change, we have a critical opportunity to create more transparency in the drainage process, strengthen the review of potential environmental impacts from drainage projects, and rethink how to design drainage systems in a way that balances agricultural production needs with the critical needs to improve water quality, protect downstream landowners, and enhance natural resources like wetlands. There are ways to do that – from wetland restoration and controlled drainage practices like two-stage ditches to slow water flow and minimize near channel erosion, as well as conservation drainage practices like bioreactors and saturated buffers to treat and remove nutrients from the discharge."

Board of Soil and Water Resources State Drainage Engineer, Rita Weaver followed with an update on the recently created Water Quality and Storage Grant Program.
She began by explaining the statutory obligation of the program. That being (a) The board must establish a program to provide financial assistance to local units of government to control water volume and rates to protect infrastructure, improve water quality and related public benefits, and mitigate climate change impacts. (b) In establishing a water quality and storage program, the board must give priority to the Minnesota River basin and the lower Mississippi River basin in Minnesota. A project or practice must result in a reduction in peak flow rates and/or volumes. Applicants must show how a project improves flooding concerns, water quality issues, or addresses vulnerabilities to climate change. A feasibility study is required and planning must be done. Project lifespans must be 25-years with a plan for maintenance.
Ms. Weaver then reported that in fiscal year 2022, 1million dollars were made available. Seven applications with a total of $3.8 million dollars were requested. Subsequently three projects were chosen to be funded, with a total award of $843,85. In fiscal year 2023, Six applications with a 3.075-million-dollar total request. Only two of the six applications were within the priority area with three applications being fully funded for approximately 1.7M (using partial FY24-25 funding). She then reported that modeling and conceptual design can now be funded, and that project readiness is a very large component of scoring. She said the idea is to get projects to the point where they can apply for final design and construction funds and that it is a small subset of the funding for fiscal year 2024.
As far as fiscal year 2024 projects go, 3 million dollars were made available for the RFP, of which up to $500,000 would be used for modeling and conceptual design. There were 18 applications and 8.99 million dollars requested for final design and construction work. There were 9 applications and $350,000 for modeling and conceptual design. Of that, four applications were ineligible because hydrographs were needed.

Ms. Weaver then reported that a total project summary to date was, approximately 5.5 million dollars spent with all but one project in the priority area, with 1,200+ acre-feet of storage added. There were 10 thousand+ tons total suspended solids captured, with12 thousand+ pounds of phosphorus retained and 723 cfs* reduced during the 10-year storm and 198 cfs* reduced during the 100-year storm.

She noted that during her presentation she commented that what she used is technically not an accurate way to summarize peak flow reduction, as the projects are spread across the landscape. She stated BWSR is working on a better way to summarize this information, and these numbers for cfs reduction should not be used without plenty of context.

Next, she spoke on prioritizing efforts and that a request has been submitted to the USACE (through PAS) for a MN River statistical and hydraulic analysis. That will help guide

locations and design for storage practices and PAS automatically matches 50% of their funding.

In summary she spoke to funding and how vitally important it is to have significant federal available funds for the program in order to have a positive effect on the river. She reported that 19 million dollars has been appropriated for the program to date with 13 million remaining. A request for federal funding in the amount of 22 million dollars from the RCPP application is being submitted in July. The request will extend the effort to include edge-of-field practices and that the average project cost is $500,000.

Next, Julie Blackburn Business Unit Leader for ISG Engineering gave a presentation on generating a greater understanding of the challenges to incorporating water quality into projects as well as possibilities for removing potential barriers. She presented a PowerPoint entitled Removing Barriers and Improving drainage Project Outcomes. The presentation began with a review of general drainage history to the current point it is at now. She then gave an overview of hydrologic changes that have taken place in the Minnesota River system. From that part of the presentation she moved into environmental review as a tool bringing into question if it was in fact effective as such. A case study was then presented which involved Watonwan County ditch #11. She presented graphs indicating that planned engineering would decrease nitrogen runoff as well as rate flows which countered the EAW petitioners claims. Following that segment she presented what solutions exist to remove barriers to drainage projects could be. She goes on to state that agriculture needs more grants and outside assistance to continue with drainage improvement projects and suggests not using cost-benefit to justify projects especially if storage is required.

She then referred to a cost-benefit analysis graph for multiple projects with storage and discussed the impediments and various cost scenarios with various projects. Next The Board of Soil and Water Resources available funding was discussed and she closed with several examples under varying scenarios in multiple counties and watersheds and the need for drainage improvement projects to be implemented in a way that all the goals of improvement can be accomplished if barriers are removed that impede or make it impossible for them to move forward under the current set of restrictions and availability of funding access. In closing she offered the over-arching pathway involving the removal barriers in order to move forward on
clean water projects then mitigate the impacts of drainage while improving water quality and ecology, leverage planned investments in the
most extensive infrastructure system in southwestern Minnesota and strive for fairness and equity for all parties involved.

A panel discussion from State agency representatives was assembled next in order to address the current need and potential for collaboration among the various agencies to accomplish more water storage. Scott Roemhildt Regional Administrator for the MNDNR opened the discussion with an indication that the agency was seeking to collaborate among the other agencies by identifying opportunities for working with other agency staff on projects that are water storage related and have storage outcomes in multiple various ways. He also stated how important it was to have citizen support to continue to address all aspects and impacts drainage has on the river system. He also said that public input on actions taken by the agency was a high priority and is always needed to help find solutions to complex issues and that good science can provide a roadmap to those often-difficult decisions. Next, John Jaschke, Executive Director of the Board of Water and Soil Resources spoke to the same topic and also stated that working with the other agencies will be critical moving forward. He agreed that accountability to address these issues will be at the forefront of their work in the area of water storage and drainage. He gave examples and shared the multiple opportunities to take advantage of for storing water on the landscape and slowing down the rate flow of water as well. In many cases other agencies are already working with them and will be working with them more to accomplish the goal of storing more water. However, much more federal and state resources will be needed to accomplish a significant change in the flow regime in our tributaries and main stem and it is up to the public will to request for that from their elected officials. Next, Mark Dittrich, Minnesota Department of Agriculture spoke on collaboration which had taken place among agencies like the work they had done with the Area 2 who has been involved with creating impoundment projects for decades in the upper to middle part of the basin counties. He also spoke and gave examples of particular farmer/producers who had to work with multiple agencies to accomplish conservation projects and on-going soil health best management practices. He stated that the Minnesota Department of Agriculture has been reaching out to other agencies on an on-going basis and will continue to do that going forward. Next Dana Vanderbosch, Minnesota Pollution Control Agency Assistant Commissioner spoke on collaboration and the various opportunities which they had identified and are seeking to engage the other agencies in. She gave examples of how and where the various agencies can accomplish common goals of water quality improvement and quantity storing more water on the landscape. She stated that monitoring, testing, and data compilation has been, and are a main part of their input into multi agency efforts. Good science and data have and will have the ability drive many efforts to store more water on the land and in the soil.

Next, the participants were given questionnaires to answer regarding guidance and future priorities those results are in a separate document and have been distributed and will available on the Minnesota River Congress website at http://mnrivercongress.org or upon request at sesparlin@gmail.com

The last item on the agenda was a review of the 1994 recommendation to the Minnesota Pollution Control Agency from the agency appointed Citizens Advisory Committee which at the time was assembled to give recommendations for the restoration of water quality in the Minnesota River. One of the 10 recommendations listed was to establish a Minnesota River Commission. A copy of this was handed out to all participants.

Below is that recommendation. A ballot accompanied it to vote for or against legislatively pursuing the establishment of this entity or a similar one at the state level with space for comment on the back. The results of the canvassing were 84% in favor with some adjustments and minor stipulations and 16% not in favor. Those comments are included at the end of the questionnaire document referred to prior.

ESTABLISH A MINNESOTA RIVER COMMISSION TO OVERSEE RESTORATION
Rationale
A new institutional structure is needed to ensure government accountability and citizen participation in meeting Minnesota River cleanup goals. The Citizens' Advisory Committee proposes the creation of the Minnesota River Commission.
Action Plan The functions of the Commission will include:

- Establishing goals for the cleanup effort. (It is hoped that this report and the work of the Minnesota River Assessment Project will guide and expedite the planning efforts of the Commission.)
- Providing broad oversight of major agency activities related to the Minnesota River and facilitating inter-agency cooperation.
- Evaluating the effectiveness of expenditures.
- Advocating for and educating people about the river and the cleanup effort.
- Holding an annual conference on the state of the river.
- The Commission will not be involved in the day-to-day operations of agencies, but will have access to information and the decision-makers within those agencies. In addition to being accountable to the citizens of Minnesota the Commission will report to the Governor and the Legislature.

The following structure is recommended.
Citizens-These members should be chosen to represent the diversity of interests in the river basin farmers, businesspeople, educators, and conservationists. These citizens should be knowledgeable about and actively interested in the Minnesota River. To convince the general public that the Commission is not just another government agency, it is essential that at least half the members of the Commission come from this group.
Local organizations
These members should be elected officials or agency staff who have already been working to clean up the river and who have been cooperating with other local organizations in that effort.
State agencies

These members should be the Commissioners or Deputies of agencies directly involved in Minnesota River issues, including MPCA, BWSR, MDA, and MDNR. In addition, one or more top representatives from Minnesota Extension Service (MES) or the University of Minnesota should be included.

Dakota communities

Members should include representatives of the Shakopee Mdewakanton, Lower Sioux, Upper Sioux, and Prairie Island Dakota communities.

Costs The costs, estimated at $100,000 per year, will include staff and administrative support as well as per diem expenses for Commission members.