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Meeting Minutes: Attorney General's Advisory Task Force on Future of Minnesota's Water

Meeting Date and Time: June 11th 1:00 pm – 4:00 pm
Minutes Prepared By: Abdulaziz Mohamed
Location: Mankato State University, and Microsoft Teams

Attendance

Members Present
Representative Kristi Pursell (Ex-Officio)
Representative Isaac Schultz (Ex-Officio)
Senator Ann Johnson Stewart (Ex-Officio)
Senator Keri Heintzeman (Ex-Officio)
Assistant Commissioner Jess Richards (Ex-Officio)
Brad Jordahl Redlin (Ex-Officio)
Assistant Commissioner Dana Vanderbosch (Ex-Officio)
Kelly Applegate
Darin Broton
Erick Francis
Peg Furshong
Caroline Griffith
David Leuthe
Julie Lucas
Neva Maxwell
Jeff Pagel
Tessa Parks
Nancy Schuldt
Harvey Thorleifson

Attorney General's Office (AGO) Staff Present
Oliver Larson
Carin Mrotz
Abdulaziz Mohamed
Christina Carolan

Call to order, opening remarks, and roll call

Co-chair Nancy Schuldt called the meeting to order at 1:00 pm. Tom Weber from the Minneapolis Foundation welcomed everyone to the space and highlighted some of the foundation's own work on water and environmental issues. A quorum was present.

1. **Approval of meeting agenda**

A motion was made and seconded to approve the agenda, as amended. A vote was taken, and the motion passed unanimously.

2. Approval of December 9th minutes

A motion was made and seconded to approve the February minutes. A vote was taken, and the motion passed unanimously.

3. Discussion on Recommendations and Final Report

- Carin Mrotz frames our process for moving through recommendations:
    - We sent out the full list of draft recommendations as a survey to determine which items would likely find agreement and while would require more time in discussion.
    - We'll prioritize the items most likely to be adopted and then, time permitting, we will get to the second list, which are the things that mostly had majority support, but will probably take more time.
    - All the draft recommendations, whether adopted or not, will remain on our website as the resources and record of what we did together. What is adopted today goes into into the final report, but all your work together has been captured and will be preserved and accessible.
    - The wordsmithing and editing is a collaborative process that everyone will participate in but voting is limited to voting members, and requires a 2/3 majority and a roll call each time, so we may choose to pass multiple recommendations in a group to save time on voting.
- Nancy offers some context for our work together, drawing from the presentations and testimony we heard as well as in some of the small group meetings:
    - Common thread of how historic and current management of our water resources is falling short of what is needed to protect them into the future.
    - We're losing natural shorelines that provide water quality protection and habitat, losing safe drinking water supplies, losing healthy aquatic ecosystems that support recreation, tourism and cultural uses. We can't eat much of the fish that we catch from Minnesota waters.
    - These losses are not isolated incidents, they are cumulative outcomes of regulatory and policy frameworks that don't necessarily do all that they need to do to provide for our resources in the future. We've got these cross-cutting things that are tricky to try to weave together: surface water and groundwater, wetlands, hydrology, agricultural resource extraction, et cetera. And on top of all of that, we acknowledge that climate change is already impacting our waters and we'll have more impacts in the near future and long term future.
    - "What really rose to the top for me is that we really need to figure out how to value water differently. We need to encourage and promote a culture of stewardship. Water has been held in trust for our citizens at the beginning of our statehood in Minnesota, and we were supposed to manage it and protect it for future generations."
    - A reminder that the survey results, that wasn't intended to be an actual vote. It was intended to give us some way of kind of winnowing our efforts and our time and allocate our time and priorities today. So we're gonna start with the ones where there was almost entirely clear consensus or very little caution or concern raised about them.

  - Gratitude to ex-officio members, particularly from the agencies, who are not voting members of the task force. We very much appreciate the time that you and your staff put towards reviewing what we came up with. We tried really hard to incorporate that in refining this final list of recommendations that went out for everybody's review. It was helpful to see where there was alignment in between agencies in some cases. That made me feel pretty good about what we were doing.

- For the purposes of these minutes, we will provide the draft recommendation and the final language that was voted on after discussion, as well as a breakdown of the vote. The full discussion on each individual recommendation can be viewed and heard in the video of the meeting at: https://www.ag.state.mn.us/Taskforce/Water/Meetings/20260612/Meeting-Recording.mp4

- **Recommendations: Pollutants/Contaminants of Concern**
  - Recommendation 1 as drafted: Adopt a comprehensive policy and provide funding for county programs to collect and properly dispose of unused pharmaceuticals.
    - *Recommendation 1 as adopted:* Adopt a comprehensive statewide policy and provide funding for county programs to collect and properly dispose of unused pharmaceuticals. (unanimous yes)
  - Recommendation 2 as drafted: The Task Force recommends that the state continue to invest in MPCA's ambient groundwater monitoring program's capacity to test for emerging contaminants, and for MPCA and MDH to coordinate on when ecological and public health risk assessments need to be conducted for new contaminants of concern.
    - *Recommendation 2 as adopted:* The Task Force recommends that the state continue to invest in MPCA's ambient groundwater monitoring program's capacity to test for emerging contaminants, and for MPCA and MDH to continue coordinating on when ecological and public health risk assessments need to be conducted for new contaminants of concern. (unanimous yes)
  - Recommendation 3 as drafted: The Task Force endorses implementation of practices defined in Chloride reduction program | Minnesota Pollution Control Agency, including:
    i. Institute a Smart Salting certification program that exempts certified operators for private sector businesses from liability.
    - *Recommendation 3 as adopted:* The Task Force endorses implementation of practices defined in Chloride reduction program | Minnesota Pollution Control Agency, including:
      - Institute a Smart Salting certification program that exempts certified operators for private sector businesses from liability. (unanimous yes)
  - *Recommendation 4 written in person and adopted:* Provide ongoing funding and support for research to improve practices in winter maintenance. (unanimous yes)

- **Recommendations: Hydrologic Disruption**
  - Recommendation 1 as drafted: The Task Force recommends that the MN Department of Agriculture strengthen and expand the Minnesota Agricultural Water Quality Certification Program, to both support and better document implementation

of functional best management practices that will accelerate achievement of watershed improvements and attain both surface and groundwater protection goals. The Task Force anticipates the imminent release of an audit from the Office of the Legislative Auditor this year and supports MDA's implementation of the recommendations that emerge from that audit.

- *Recommendation 1 as adopted:* The Task Force recommends that the MN Department of Agriculture strengthen and expand the Minnesota Agricultural Water Quality Certification Program, to both support and better document implementation and outcomes of functional best management practices that will accelerate achievement of watershed improvements and attain both surface and groundwater protection goals. (unanimous yeas)

- Recommendation 2 as drafted: Run incentives in the right direction:
  - Create a property tax exemption for all land used to store or slow stormwater, including buffer strips, saturated buffers, drainage water recycling, and retention ponds and reservoirs.
  - Remove regulatory barriers that prevent landowners from building temporary retention ponds to store stormwater on their property and then using stored water to irrigate cropland. Suggested edit: Provide exemption to water appropriations permit for agricultural crop irrigators who build temporary stormwater retention ponds on their property and use stored water for irrigating their cropland.
    - *Recommendation 2 as adopted:* Run incentives in the right direction:
      - Create incentives, which could include property tax exemptions, for all land used to slow or store stormwater, including buffer strips, saturated buffers, drainage water recycling, and retention ponds and reservoirs, subject to relevant performance standards.
      - Review the viewer's assessment process for public drainage projects and whether water storage practices should be considered benefits in a cost benefit analysis.
      - Remove regulatory barriers, including consideration of exemptions to certain water appropriations permits, that prevent landowners from building temporary retention ponds to store stormwater on their property and then using stored water.
      - In agricultural areas, the barriers to more sustainable land and water practices need to be explored to see where disincentives exist, with a goal to incentivize BMPs. This could include farm loan processes that incentivize or even require tile drain or irrigation as improvements; non-operating landowner/renter payments that do not include land stewardship and soil and water health incentives. (unanimous yeas)

- **Recommendations: Water Quantity**
  - Recommendation 1 as drafted: At the same time, the Task Force encourages the use of community benefit agreements (CBAs) by local governments that incorporate large-volume users. Data centers and other large-volume commercial and industrial water users should be required to cover the cost of additional infrastructure (water

utility, wastewater) necessary to handle their water demand, which can be negotiated in a transparent manner via CBAs.

- *Recommendation 1 as adopted:* The Task Force encourages the use of community benefit agreements (CBAs) by local governments that incorporate large-volume water users. (11 Yeas , 1 Nay - Broton)
- *Recommendation 2 as adopted:* Large-volume commercial and industrial water users should be required to cover the cost of additional infrastructure (water utility, wastewater) necessary to handle their water demand, which can be negotiated in a transparent manner via CBAs. (11 Yeas , 1 Nay - Broton)

- Recommendation 2 as drafted: Run incentives in the right direction: Data center tax breaks must be tied to mandatory water conservation practices such as water reuse, clean energy use with less indirect water footprint. For large-volume commercial and industrial water users, encourage alternate water sources other than groundwater: water reuse, surface water sources, etc. Promote efficient design with emphasis on water circularity. Incentivize closed loop geothermal systems and water reuse systems.
  - *Recommendation 3 as adopted:* Run incentives in the right direction: Tax breaks for large water users, such as data centers, must be tied to mandatory water conservation practices such as water reuse, clean energy use with less indirect water footprint. (unanimous yeas)
  - *Recommendation 4 as adopted:* For large-volume commercial and industrial water users, encourage alternate water sources other than groundwater: water reuse, surface water sources, etc. Promote efficient design with emphasis on water circularity. Incentivize closed loop geothermal systems and water reuse systems. (unanimous yeas)
- Recommendation 3 as drafted: The Task Force strongly recommends maintaining an adequate funding base for the Minnesota Geological Survey and continued support for developing county geologic atlases. This will allow for the continued use/refinement/distribution of county geologic atlases which provide the basis of our groundwater supply knowledge in Minnesota.
  - *Recommendation 5 as adopted:* The Task Force strongly recommends maintaining an adequate funding base for the Minnesota Geological Survey and continued support for developing county geologic atlases. This will allow for the continued use/refinement/distribution of county geologic atlases which provide the basis of our groundwater supply knowledge in Minnesota. (unanimous yeas)

- **Recommendations: Agriculture Practices/Nutrients**
  - Recommendation 1 as drafted: Continue to promote and incentivize policy and programs with the goal of increasing living cover. Many BMP options exist that increase the amount of living cover across the landscape.

        - *Recommendation 1 as adopted:* Continue to promote and incentivize policy and programs with the goal of increasing living cover. Many BMP options exist that increase the amount of living cover across the landscape. (unanimous yeas)
    - Recommendation 2 as drafted: Promote viable market opportunities for small grain farmers as well as hay and pasture-based livestock producers.
        - *Recommendation 2 as adopted:* Promote viable market opportunities for small grain farmers as well as hay and pasture-based livestock producers. (unanimous yeas)
    - Recommendation 3 as drafted: Utilize existing programs by expanding access and tailoring to promote nitrate reduction. (i.e., access to Agronomist, funds for testing nitrate in GW, expanded Agriculture Water Quality Certification program in SE MN karst region, MDA's Nitrogen Fertilizer Management Plan)
        - *Recommendation 3 as adopted:* Utilize existing programs by expanding access and tailoring to promote nitrate reduction. (i.e., access to Agronomist, funds for testing nitrate in GW, expanded Agriculture Water Quality Certification program in SE MN karst region, MDA's Nitrogen Fertilizer Management Plan and Groundwater Protection) (unanimous yeas)
    - Recommendation 4 as drafted: Build awareness of the critical need for ongoing funding, including Clean Water Fund renewal that must be completed by 2033, and continuation of the Environment and Natural Resource Trust Fund (ENRTF), funded through 2050.
        - *Recommendation* 4 *as adopted*: Build awareness of the critical need for ongoing funding, including Clean Water Fund renewal that must be completed by 2033, and continuation of the Environment and Natural Resource Trust Fund (ENRTF), funded through 2050. (unanimous yeas)

- **Recommendations: Shoreland/Landscape/Nonpoint Source**
    - Recommendation 1 as drafted: Provide LGUs Equal and Practical Enforcement Tools. Cities, operating under Minnesota Stat. 462 and broader municipal authority, often have the ability to adopt administrative (civil) citation processes. Counties generally do not have equivalent authority. If the state expects consistent enforcement of shoreland regulations, counties must be given equal and practical civil enforcement authority.
        - *Recommendation 1 as adopted*: Provide LGUs Equal and Practical Enforcement Tools. Cities, operating under Minnesota Stat. 462 and broader municipal authority, often have the ability to adopt administrative (civil) citation processes. Counties generally do not have equivalent authority. If the state expects consistent enforcement of shoreland regulations, counties must be given equal and practical civil enforcement authority. (unanimous yeas)

- Recommendation 2 as drafted: Local agency implementation – encourage and support collaborative processes between LGUs, state agencies and stakeholders to leverage resources and enhance shared stewardship.
  - *Recommendation 2 as adopted:* Local agency implementation – encourage and support collaborative processes between LGUs, tribal governments, state agencies, soil and water conservation districts, and stakeholders to leverage resources and enhance shared stewardship (unanimous yeas)
- Recommendation 3 as drafted: Provide counties with clear statutory civil enforcement authority comparable to municipal administrative citation authority.
  - *Recommendation 3 as adopted:* Provide counties with clear and consistent statutory civil enforcement authority comparable to municipal administrative citation authority. (unanimous yeas)
- Recommendation 4 as drafted: Standardize state technical assistance expectations across agencies to reduce variation in LGU support.
  - *Recommendation 4 as adopted:* Standardize state technical assistance expectations across agencies to reduce variation in LGU support. (unanimous yeas)
- Recommendation 5 as drafted: Expand incentives and technical assistance for shoreline restoration and maintenance of native vegetation, building upon existing cost-share and demonstration programs. Incentives should prioritize lakes and river reaches identified as high-risk for erosion, nutrient loading, or habitat loss. Provide consistent direction on what approach to use when evaluating shorelines (Score your shore[1] vs. Restore your shore[2]).
  - *Recommendation 5 as adopted:* Expand incentives and technical assistance for shoreline restoration and maintenance of native vegetation, building upon existing cost-share and demonstration programs. Incentives should prioritize lakes and river reaches identified as high-risk for erosion, nutrient loading, or habitat loss. Provide consistent direction on what approach to use when evaluating shorelines (Score your shore[3] vs. Restore your shore[4]). (unanimous yeas)
- Recommendation 6 as drafted: Consider adding a recommendation supporting continued technical, financial and monitoring resources to prevent/mitigate spread of aquatic invasive species.
  - *Recommendation 6 as adopted:* The task force strongly encourages continued investment in research, monitoring, and implementation efforts to prevent

[1] https://www.dnr.state.mn.us/scoreyourshore/index.html
[2] https://www.dnr.state.mn.us/rys/index.html
[3] https://www.dnr.state.mn.us/scoreyourshore/index.html
[4] https://www.dnr.state.mn.us/rys/index.html

and mitigate the spread of aquatic invasive species, including maintaining AISPA funding at 2026 levels. (unanimous yeas)

- **Recommendations: Regulatory Enforcement**
  - Recommendation 1 as drafted: Fund the creation of an interagency data and information portal. This portal would provide a single door, or entry, via the Internet to access all state water-related databases. It would provide an alignment of the data but not require all data to conform to the same single database or structure.
    - Convene a one-time Minnesota Water Congress to review all current state statutes and rules for alignment with water sustainability goals. A congress to review progress on environmental issues currently exists in Minnesota statute (see MN Stat. 2010 §116C.04). This review should include areas of law both directly and indirectly related to water sustainability (e.g., land use, see Issue D; energy, see Issue F; building codes; transportation; economic development; drainage; food and fiber production), using water sustainability as a core principle throughout. The review should consider maximizing multiple benefits across issues (e.g., achieving water quality improvements and energy cost savings over the life of a building, reducing stormwater runoff impacts and addressing climate change impacts). The review is not intended as a comprehensive rewrite of water statutes; rather the charge of the Congress is to identify overlaps, gaps, conflicts in current statutes and rules, and alignment with sustainability principles. State law should be reviewed in the context of federal and local laws and rules. The Congress should recommend specific and comprehensive statutory changes based on the review.
  - *Recommendation 1 as adopted:* Fund the creation of an interagency data and information portal. This portal would provide a single door, or entry, via the Internet to access all state water-related databases. It would provide an alignment of the data but not require all data to conform to the same single database or structure. (unanimous yeas)

- **Recommendations: Wetlands**
  - Recommendation 1 as drafted: Affirm its commitment to robust implementation of current state wetland protections under the Wetland Conservation Act.
    - *Recommendation 1 as adopted:* The task force affirms its commitment to robust implementation of current state wetland protections under the Wetland Conservation Act. (10 yeas, 1 abstain – Broton, 1 nay – Pagel)
  - Recommendation 2 as drafted: Continue implementing programs that restore wetlands such as Minnesota Conservation Reserve Enhancement Program (CREP) and the Reinvest in Minnesota (RIM) programs, which rely on landowners to apply

to participate in the program, both of which strategically place or protect water storage on the landscape.

- *Recommendation 2 as adopted:* Continue implementing programs that restore wetlands such as Minnesota Conservation Reserve Enhancement Program (CREP) and the Reinvest in Minnesota (RIM) programs, which rely on landowners to apply to participate in the program, both of which strategically place or protect water storage on the landscape. (unanimous yeas)

4. **Adjourn. A motion was made and seconded to adjourn the meeting. A vote was taken, and the motion passed unanimously.**