

April 22, 2022

Representative Rena Moran  
Chair, House Ways and Means Committee  
449 Rev. Dr. Martin Luther King Jr. Blvd  
St. Paul, MN 55155

Representative Rick Hansen  
Chair, House Environment and Natural Resources Finance and Policy Committee  
449 Rev. Dr. Martin Luther King Jr. Blvd  
St. Paul, MN 55155

Dear Chair Moran and Chair Hansen:

I am writing on behalf of the Minnesota Department of Natural Resources (DNR) regarding the House Omnibus Environment and Natural Resources Supplemental Budget and Policy Bill, House File 4492 1<sup>st</sup> Engrossment. The DNR appreciates Chair Hansen's and the committee's work to assemble this bill.

### *Budget Provisions*

As discussed in Representative Hansen's committee, the 2022 Walz-Flanagan Budget to Move Minnesota Forward includes \$97.4 million in investments in Minnesota's trees, forests, wetlands, grasslands, and natural resources infrastructure. This ambitious funding package reflects the significance of Minnesota's outdoors and outdoor recreation infrastructure to our state's economy, health, and way of life. With a historic budget surplus, we have a unique opportunity to work together and make significant one-time investments in natural resources and outdoor recreation. The timing could not be more critical, as many of our facilities are aging and in poor condition at the very same time that Minnesotans are using these outdoor spaces and facilities in record numbers. Reinvestments will ensure Minnesotans are able to enjoy the high quality experiences that they expect on our public lands for generations to come. We want to thank you for including several key provisions in the 2022 Walz-Flanagan Budget to Move Minnesota Forward.

### *Climate Adaptation for Natural Lands and Waters*

House File 4492 includes many key provisions of our Climate Adaptation for Natural Lands and Water proposal. Like the Walz-Flanagan budget, it provides \$10 million to improve public water accesses (PWAs). This funding will help rehabilitate PWAs impacted by climate-driven flood and ice damage, as well as reconfigure key sites to ensure they are still functional in the face of future climate change. This is a critical step in creating and maintaining a PWA system that meets Minnesotans' needs and expectations for high-quality boating experiences.

Similarly, House File 4492 matches the Walz-Flanagan budget provision of \$10 million for critical renewal and modernization of our fish hatcheries. Minnesota's renowned fishing heritage is supported by hatcheries—many of which were built in the 1950s and still rely on original equipment. Investments in these aging hatcheries will bolster our capacity to produce fish, improve efficiency of our systems, and provide more cost-effective infrastructure including new boilers and filtration systems.

### *Restoring Wetlands and Grasslands on Wildlife Management Areas*

We appreciate the House's proposed investment of \$5 million for enhancing grasslands and restoring wetlands on Wildlife Management Areas (WMAs). Once we restore and/or enhance these WMAs with native vegetation, they will sequester more carbon than they currently do – up to 8,600 metric tons of carbon dioxide per year – while also protecting water quality and providing higher-quality wildlife and pollinator habitat.

### *Ensure Aggregate Mapping for Local Governments*

Our agency also appreciates and supports the House concurrence with the Walz-Flanagan budget provision of \$300,000 in FY23 for aggregate resource mapping. This investment provides counties and townships with critical data and technical assistance to inform local land use decisions, which in turn have important economic and environmental implications. It also positions Minnesota to leverage any available matching federal funding for this purpose in the near term.

### *Additional Budget Considerations*

House File 4492 also includes the following additional provisions that address various state conservation and recreation goals (HF 4492's FY22/23 funding shown):

- \$1.8 million for preventing and managing the spread of spread of aquatic invasive species (AIS) in Minnesota waters, with increased grants to key partners;
- \$600,000 for connecting children to the outdoors through the No Child Left Inside program;
- \$500,000 for responding to Localized Chronic Wasting Disease Response in Grand Rapids;
- \$3.3 million for preserving Minnesota's natural heritage, including native plant and animal communities, rare species, and places of biological significance; and
- \$11 million in grants to replace trees removed to address emerald ash borer.

While these are all worthwhile investments, there are key proposals contained in the Walz-Flanagan budget that are missing from this bill. We urge the House to reconsider its decision not to fund the following proposals (Walz-Flanagan proposed FY22/23 funding shown):

- **FY22 Enforcement Deficiency Request** (\$1.7 million): This request addresses a deficiency due to our public safety efforts to protect state assets this fiscal year. It is essential for the General Fund to fund this work, particularly as the DNR cannot use dedicated funding such as the Game and Fish Fund to pay for these general public safety activities.
- **Increased Capacity for Broadband Licensing** (\$246,000): Broadband expansion is currently a major focus of investment for many communities, particularly in rural areas of the state. The DNR needs additional staff

to process utility license applications for utilities crossing state land or public waters to ensure our agency is not a bottleneck to timely and efficient review of broadband applications. Without this funding, numerous projects to expand broadband access in Greater Minnesota may suffer delays.

- **Enhanced Forest Management Assistance to Private Woodland Owners** (\$5.5 million): This proposal would meet the increased demand for planning assistance and cost-share funding to assist private forest owners, whose lands account for 49 percent of Minnesota’s forests. Private landowner assistance would be implemented through a partnership between DNR, soil and water conservation districts, and the Minnesota Forestry Association.
- **Replacing culverts and restoring streams** (\$13 million): In support of Minnesota’s fishing tradition, the Walz-Flanagan budget invests \$13 million to replace culverts and restore streams in a manner that would enhance the resiliency of these structures, promote fish passage, and improve fishing opportunities.
- **Upgrading State Parks Roads and Trails** (\$8 million): Minnesota’s well-used recreational roads and trails require renewal investments to enhance access to public lands, including improving roads that serve outdoor recreation facilities, upgrading walking and hiking trails, and maintaining paved trails with sealcoating to better withstand intense rainfall.
- **Acquisition of Public Lands** (\$24 million): Public lands provide climate, conservation, and recreational benefits. They capture and store carbon; increase water storage and reduce flooding risk; and provide habitat for wildlife, pollinators, and other species that will also help plant and animal communities adapt to future climate conditions. Additionally, access to outdoor experiences on public lands has been particularly invaluable for children and families during the COVID-19 pandemic.

House File 4492 clearly demonstrates the House of Representative’s support for many of Minnesota’s natural resources needs, including many of the once-in-a-generation investment opportunities contained in the Walz-Flanagan budget. We look forward to further discussing points of difference between House File 4492 and the Walz-Flanagan budget, to ensure the House’s proposed investments have the maximum impact legislators may seek at this critical time for our state’s public lands and waters.

### *Policy Provisions*

We appreciate that House File 4492 includes the DNR Lands Bill, the DNR’s Enhanced Administrative Penalties proposal, and policy provisions recommended in the DNR and Board of Animal Health Concurrent Authority Regulating Farmed of White-tailed Deer Facility report. We also appreciate the inclusion of several policy related provisions from the DNR Policy and Technical Bill (House File 4407).

There are some key policy provisions found in the DNR Policy and Technical Bill (House File 4407) that are not included in the House omnibus bill. We renew our request that the House consider these important policy provisions:

- **Permit Efficiency Deadline:** Changing the permitting efficiency report deadline from August 1<sup>st</sup> to October 1<sup>st</sup> would allow the DNR the time needed to collect information and produce a quality report.
- **Snowmobile Registration Display:** Current registration decals are too small to clearly read when machines are in motion. Moving to a larger decal size would provide for easier registration verification.
- **State Park Reservation System:** Adding day-use facilities, tours, educational programs, seminars, events, and rentals to the list of state park activities the commissioner may set reservation policies for would

standardize reservation practices across all state park services.

- **Muzzleloader Definitions:** Clarifying the definition of an “unloaded” muzzleloader would help accommodate new and safe firearm technology.
- **Tribal ID for Licenses:** This provision would make it clear that a current tribal identification card is an acceptable proof of residency when applying for a Minnesota resident hunting, fishing, or trapping license.
- **Ground Blind Blaze Color Requirements:** Requiring ground blinds on public land to have blaze orange or pink covering the top of the blind would increase the safety of those who use blinds.
- **Nonlethal Hazing for Elk and Deer:** For landowners experiencing agricultural crop damage, this provision would allow property owners to nonlethally scare, haze, chase, or harass deer or elk causing damage to crops.
- **Two Line River Fishing:** At the request of the DNR Catfish Workgroup, the DNR is seeking to allow two line fishing on Minnesota River downstream of Granite Falls Dam and in the Mississippi River downstream of St. Anthony Falls. This will provide for increased opportunities for anglers on these underutilized fisheries.

As we’ve previously shared with Chair Hansen and his committee, we do have a few concerns with policy provisions included in House File 4492 and hope to continue to work with the House on these items.

- **Nontoxic Shot on Wildlife Management Areas:** DNR supports the transition to non-toxic shot; however, an implementation date of July 1, 2023 may be practically difficult due to the lack of available ammunition.
- **Groundwater Sustainability Standard:** DNR currently considers what is known about aquifer recharge when establishing safe aquifer yields. The safe yield limits how much water can be appropriated from an aquifer. “Replenish” is not a technical term that is defined; nor is the concept time-bound. It could not be incorporated into a credible and defensible analysis for determining water availability.

### *Policy with Fiscal Impacts*

- **Office of Outdoor Recreation:** DNR supports the goals of the proposed office but believes a new office would result in duplication of the work or policies of DNR and Explore Minnesota. We favor continuing to enhance the collaboration between Explore Minnesota, DNR, and DEED on issues related to outdoor recreation.
- **Public Meetings before Issuing Water Use Permit:** The DNR supports transparency in decision-making processes, however, this provision would result in up to 20 additional public hearings each year. This additional time would lesson DNR’s ability to address other important water resource issues such as water use conflicts, well interference complaints and non-compliance. The initial one-time funding of \$1,000,000 for meetings and the \$250,000 each year following is insufficient to maintain the effort going forward.
- **Designated Swan Resting Areas:** The recovery of swans in Minnesota is a success story, and the DNR agrees we need to continue working to ensure it remains so. We do have questions about the timeframes and scale of what is proposed in the bill, as building up the implementation capacity, and the feasibility to recruit, train and hire staff would be challenging.

Minnesotans are proud of our nationally-recognized outdoor recreation system; our outstanding hunting and angling opportunities; and the economic opportunities in our tourism, timber, and mining industries. With more

Minnesotans appreciating and using these resources at historically high levels, this is a critical time to be investing in our outdoors and natural resources.

Thank you for the opportunity to work with you this session on these critical natural resources budget and policy issues. DNR is available to you and your staff to answer any questions and to work with you to develop solutions that will provide long lasting improvements in Minnesota's natural resource and outdoor recreation assets.

Sincerely,



Sarah Strommen  
Commissioner

CC:

Speaker of the House Melissa Hortman  
Minority Leader Kurt Daudt  
Ranking Minority Lead Josh Heintzeman, Environment and Natural Resources Finance and Policy  
Rachel Ganani, Policy Advisor, Office of Governor Tim Walz and Lt. Governor Peggy Flanagan