



Minnesota Forestry Association

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2019

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MEMORANDUM

TO: Environment and Natural Resources Conferees
Senator Bill Ingebrigtsen (R-Alexandria)
Senator Carrie Ruud (R-Breezy Point)
Senator Justin Eichorn (R-Grand Rapids)
Senator Mark Johnson (R-East Grand Forks)
Senator David Tomassoni (DFL-Chisholm)
Representative Rick Hansen (DFL-So. St. Paul)
Representative John Persell (DFL-Bemidji)
Representative Peter Fischer (DFL-Maplewood)
Representative Jamie Becker-Finn (DFL-Roseville)
Representative Nathan Nelson (R-Hinckley)

FROM: Minnesota Forestry Association

RE: Emerald Ash Borer Infestation

DATE: May 7, 2019

The private forestland owners who are members of the Minnesota Forestry Association (MFA) strongly support the funding provided in the House Environment and Natural Resources Bill to begin responding to the consequences of the Emerald Ash Borer (EAB) infestation. Ash trees in our river bottoms, northern wetlands and our urban canopy are being lost to the EAB infestation. The House Bill has provided funding to respond to the infestation. The key provisions are as follows:

- **Article 1, Section 3, Natural Resources, Subd. 4, Forest Management (h).** \$500,000 in FY '20 and \$500,000 in FY '21 for grants to local units of government to develop Community Ash Management Plans to identify and convert ash stands to more diverse, climate-adapted species, and to replace removed ash trees. R 23
- **Article 1, Section 3, Natural Resources, Subd. 4, Forest Management (i).** \$500,000 in FY '20 and \$500,000 in FY '21 to identify and convert ash stands on state lands to climate-adapted species. R 24

- **Article 1, Section 3, Natural Resources, Subd. 4, Forest Management (j).** ^{R24} \$1 million in FY '20 and \$1 million FY '21 for grants to remove and dispose of ash trees within counties quarantined for the Emerald Ash Borer. This provision also includes \$655,000 per year to be added to the Base Budget.
- **Article 1, Section 10, Contingent Appropriations, Subd. 2, Solid Waste Tax (a), (3).** ^{R47} \$3 million in FY '20 and \$3 million in FY '21 from the Commissioner of the Pollution Control Agency for grants to counties to collect, transport and process waste wood into useable biomass fuel for The St. Paul District Heating and Cooling System Co-Generation Facility or a waste wood and agricultural biomass-fueled combined heat and power facility owned in partnership with a government entity located in the state.

We respectfully request that the Conference Committee adopt the House funding provisions in order to respond to the EAB infestation. If you have any questions regarding the scope of the EAB problem, please feel to contact us at: Gina Hugo at ghugo@sherburneswcd.org or Kevin Walli at kwalli@fryberger.com.

Dear Representative Hansen,

On behalf of the Saint Paul Tree Advisory Panel, the City of Saint Paul and citizens strongly support the inclusion of funding relating to Emerald Ash Borer (EAB) management in the Environment and Natural Resources Omnibus bill.

Since EAB was first discovered in Minnesota in 2009, the City of Saint Paul has worked to manage the EAB infestation aggressively, with the goal of slowing the spread both within city borders and to other communities. This year, 2019, will mark the tenth year of Saint Paul's EAB Management Program, and the third year since EAB infestations have been found citywide. Unfortunately, it is now thought that all ash trees in Saint Paul are infested with EAB at some level, unless already treated preventatively with an insecticide.

As the capital city, Saint Paul is supportive of state-funded programs for urban forests as municipalities and other local units of government across the state struggle to keep up with the various impacts from EAB to their forests, which are integral infrastructure that need to be managed and funded as such. EAB is a costly problem for local governments. Saint Paul alone has already spent \$11 million to address EAB, and we expect to spend another \$27 million to complete our management program.

It is for these reasons that Saint Paul respectfully requests that the House language pertaining to EAB funding be included in the omnibus bill.

Thank you for your time and consideration.

Best,

Emily Mumford

Chair of the Saint Paul Tree Advisory Panel

Consulting Sales Arborist

ISA Certified Arborist # MW-5547A

Davey Tree Expert Company | South St. Paul Office 151031

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Dear Rep. Hansen and Sen. Ingrebrigtsen,

As a frequent testifier on the topic of emerald ash borer (EAB), I'd like to thank you both for the attention you have given to this issue this session. Communities have been working on borrowed time in regards to managing and preparing for this invasive species; time is running out. EAB is a predictable disaster. We know that waiting and inaction will ultimately cost more both financially and environmentally.

Providing grant funding for communities to prepare for this pest and manage it where it is will put Minnesota at the forefront of managing this invasive species. We can do better, we have to do better- we have the most to lose of anywhere in the nation and an ecological treasure to preserve in our northern black ash forests.

I hope that as you navigate the final details of this bill, you can find a way to include EAB funding for communities. Thank you for your leadership and best of luck with the remaining session.

Sincerely,

Karen Zumach

Director of Community Forestry, Tree Trust

President, MNSTAC

ISA Certified Arborist: MN-4221A

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May 6, 2019

House and Senate Conferees

Re: Article 3, Section 116 Omnibus Environment Finance Bill

Dear House and Senate Conferees:

On behalf of my client, National Waste and Recycling Association, I respectfully request that you please support Article 3 Section 116 of in the Senate bill.

This provision:

- **Was contained in SF 666 introduced by Senator Ruud**
- **Is Non-controversial**
- **Is Agreed to by all parties**
- **Was included in the conference report on this omnibus bill last year**

This provision requires that a local government agency, which makes an application to the MPCA for an appropriation for state bonding funds for a waste processing facility, must first determine the current market conditions in and near that community.

This means that the local government unit must look at the currently existing public or private facilities that exist and identify if they have the ability to meet the need for waste processing.

This provision helps ensure that state bonding money is not expended to compete with or duplicate existing facilities in nearby communities. It ensures

May 6, 2019
Page 2

that existing facilities are not displaced or driven out of business by new state financed facilities.

This provision does not affect any current bonding projects. It only affects future projects which may be proposed.

This exact provision passed the legislature last year in this omnibus bill, before the bill was vetoed by the governor.

This is a non-controversial consensus provision and all of the parties affected have agreed to its provisions.

The National Waste and Recycling Association, the Association of Minnesota Counties and the Minnesota Pollution Control Agency all concur in this language.

I would appreciate your support to include this provision in the omnibus bill.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Carnival", written over a vertical line that extends from the signature down to the typed name below.

Douglas M. Carnival

Counsel to National Waste and Recycling Association

Dear Mr. Strohmeier,

My family has owned a small cabin on Sugar Lake near Annandale in Wright County for 60 years. We've enjoyed fishing, skiing, tubing and boat rides around the lake. Sadly, my father and I were witnesses to the drowning of a man as we tried to rescue him when I was about 14 in the mid-70's. Nevertheless, we love Sugar Lake and the many enjoyable times we've had there.

Today I am asking you to make certain that the amendment for Inspections for Aquatic Invasive Species contained within SF 2314, **DOES NOT** get merged into the final omnibus environment and natural resources bill. This is bad policy that will limit fair and equal access for all to public waterways. The lakes belong to all of us, not just those who own property around them!

First of all, the statement that Senator Bruce Anderson made when introducing his amendment for the inspections are not quite accurate. He explained how boats on bunk trailers would be backed into a pool and decontaminated. This is considered the "Float the Boat" part of the Wright Regional Inspection Program (WRIP) that has yet to come to fruition and is still on the wish list.

Secondly, at the Wright County Coalition of Lake Associations meeting on Saturday, May 4, I listened intently to the commentary by the various "experts" who spoke. It seems that the only reason they want the program to expand is to get the operating costs down in order for it to be replicated statewide. You see, in 2018 the inspection station in Annandale sat idle for 82% of the time, per the 2018 final report of the WRIP. This is not a sustainable program but again, it's supposed to be a PILOT, where data is collected such as this.

Additionally,

- Attitudes toward the program are divided and strong. 53% "oppose" the program and 40% "support" as stated in the Wright Regional Inspection Program (WRIP) 2018 year-end report.
- As previously mentioned, inspection station sat unused 82% of the time so it's expensive and unsustainable to man and run. Adding lakes to the program won't entirely solve this problem and instead may create long lines and wait times during peak demand. Or many people may just stay away from Wright County for boating.
- On April 5, 2019, the DNR denied the expansion proposal due to "performance and data issues with the 2018 program" and included that the PILOT for 2019 must include an "evaluation process" with specific parameters, criteria and monitoring. This already questions the scientific nature of the pilot and the reliability of the results.
- Expanding the control group in a PILOT is not scientific! A pilot program is a test program using scientific protocols, a control group, specific criteria, feasibility studies and defined techniques to determine if said program is truly feasible and effective. How is expanding a PILOT PROGRAM going to provide accurate data? It's like comparing apples in one year then adding oranges the next.
- Boat inspections and increased restrictions on human activity haven't stopped the spread of aquatic invasive species elsewhere across the country. Why would Minnesota be any different?
- This program is being watched all over Minnesota as a test case. Imagine the impact on resorts and tourists, not to mention the weekend enthusiasts who don't own lake property, if this program goes statewide? Might as well hang a "Closed for Boating" shingle on the borders of

Minnesota and prepare for huge tax and fee increases to open and operate inspection stations across the state.

Lastly, I heard at the meeting on Saturday a comment that struck me from Chris Hector of the Greater Lake Sylvia Association. He stated, "we can't stop AIS, we can only slow it down." My question to that thought would be, If it can't be stopped, why use precious time, taxpayer money and resources on a program that in the end will not be effective?

Again, please do not include the Inspections for Aquatic Invasive Species amendment in the final bill.

Thank you for your work and time this session!

Mrs. Cori Duffy





As a member of the DNR's Statewide Aquatic Invasive Species Advisory Committee, I am writing to ask that you do not expand the Wright County Regional Inspection Program (WRIP), a pilot program, as proposed by Senator Bruce Anderson's amendment to SF2314.

Reasons to oppose this measure:

The proposed boat inspection program will not only limit fair and equal access for all to the public tax supported waterways, but it will not address what should be the focus of the program, and that's reducing the spread of AIS.

The program is being pushed as an "economical alternative to increased inspections", but it's never being pushed as a deterrent to the spread of AIS. The reason is simple: there is no inspection program within the U.S. that has proven effective in stopping the spread of AIS. You will hear advocacy groups touting the success of a regional inspection program in five (5) of the western states of the U.S.; this is because those states do not have aquatic invasive species, such as zebra mussels and starry stonewort, within their borders. There's a difference between the effectiveness of a program in a state with no AIS versus one with a couple of hundred infested waters.

On April 5, 2019 the DNR denied the expansion proposal due to "performance and data issues with the 2018 program" and concluded that the pilot for 2019 must include an "evaluation process" with specific parameters, criteria and monitoring. This already questions the scientific nature of the pilot and the reliability fo the results.

Attitudes toward the program are divided and strong. 53% "oppose" the program and 40 % "support", as stated in the WRIP 2018 year-end report.

The support from the rich, small, vocal group of homeowners on the 3 current and 6 proposed lakes is not representative of property owners in Wright County, let alone boaters and other lake users. Many of the homeowners on these lakes do not even know about this program or how it will affect them so the information regarding their "support" is misleading.

Expanding the control group in a pilot is not scientific. A pilot program is a test program using scientific protocols, a control group, specific criteria, feasibility studies and defined techniques to determine if said program is truly feasible and effective.

It would set a dangerous precedent around the state for other lake associations to effectively close "their" lakes to non-property owners, again limiting fair and equal access for all. The employees of the DNR are the experts in this and all matters related to the natural resources in our state. Their professional determinations should not be allowed to be overruled by an amendment that was pushed through in the early morning hours by a representative of individuals that only have their rather selfish desires at heart.

As recognized in the Minnesota State Constitution, the waters of the state are the property of all Minnesota residents, not just the select few that live on the shorelines of our lakes. The natural resources of this state need to be open for all and not become an undue burden for the recreational boater or fisher to utilize. Therefore, please remove any provision to the Environment and Natural Resources Omnibus Bill that would include a regional boat inspection program.

Thank you very much for your consideration in this important matter. My contact info is listed below.

Jim Boettcher
Chanhassen, MN
jaboettch1@aol.com
952-470-5353

Freshwater Economy is a nonprofit organization working to insure and advocate people to value and preserve our freshwater resources.

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May 7, 2019

Senator Bill Ingebrigtsen
Representative Rick Hansen

Dear Conference Committee Chairs,

As you enter into the conference committee for SF2314/HF2209 we write to thank you for the inclusion of funding for the Groundwater Recharge Study Bill (HF 1141/SF 1643).

This will help communities across Minnesota to have clarity on tools available to them to sustainably use (and not lose) groundwater resources. The study will support community assessment of their current infrastructure needs and future development opportunities as they grow, positioning them to gain greater control over the future of their local drinking water supply.

We have received comments of excitement and interest around this project, and are grateful for the bipartisan support it has received. A team of experts is already being assembled, and we're ready to hit the ground running on July 1, 2019.

Thank you again for including funding for this important project. Good luck with your deliberations in the days to come.

Sincerely,



Carrie Jennings
Research and Policy Director



John Linc Stine
Executive Director

Cc: Sen. Ruud, Sen. Eichorn, Sen. Johnson, Sen. Tomassoni
Rep. Persell, Rep. Fischer, Rep. Becker-Finn, Rep. Nelson



Minnesota Muskie and Pike Alliance

Working to Preserve, Promote and Advance Muskie and Pike Angling, Education and Research in Minnesota

John Underhill
Aaron Meyer
Co-Chairmen

To: Environment and Natural Resources Conference Committee:

The Minnesota Muskie and Pike Alliance would like to bring these issues to your attention.

Reinvest in Fish Hatcheries Citizen-Legislative Advisory Group" Bill (aka "Fish Hatcheries" Bill)

This proposed legislation duplicates the work of the Budget Oversight Committee, as well as the Fisheries Oversight committees; that were both created under statute to do what this legislation is implying it would do. We feel these funds could be used for more impactful issues like Angler Retention and Recruitment or angler access to public water. Not duplicity. We do not support this proposal for those reasons

Wright County Program Boat Decontamination Station

This program was halted by the MN DNR Commissioner. It has proven to be expensive, poorly operated and ineffective. Doing reverse decontamination is illogical, and provides no greater protection; as was shown with the discovery of Starry Stonewort in August of last year on one of the pilot lakes. These funds can be more appropriately used to provide more inspections at boat accesses of lakes with AIS. This program was poor use of tax dollars; and skirts the edges of our constitutional rights to fish. We do not support this legislation.

Two-Line Angling Legislation.

Although we are neutral on the idea of the Two Line, we see many problems with the legislation as written. The amount of \$5.00 is not sufficient, it barely covers the cost of the endorsement through the licensing system. The funds designation to Walleye only, we would argue does not put the money on the all fish that bear the potential burden this legislation would provide. The money should be used for fisheries, not just to buy additional Walleyes. The only benefit being to the Aquaculture industry selling Walleyes. There was a realization in the Senate Finance Committee; that this legislation is more complicated than what's on its face. When they started to add amendments to lower size limits, and raise the fee. As well they concluded that lowering the limits on the fishery was necessary. This needs to cover all the effected game fish. We would recommend initiating the DNR to assess the viability and bring it back to their Citizens Fisheries Work Groups and Roundtable. Something as big as this requires additional investigation.

Thank You for your consideration on these matters

John Underhill
Aaron Meyer
Co-Chairmen Minnesota Muskie and Pike Alliance

2076 Copeland Road; Maple Plain, MN. 55359 (507 259-5074)

April 30, 2019

To: House-Senate Environment and Natural Resources Finance Conference
Committee
Re: Reestablish the MPCA Citizens' Board
Fr: Jim Riddle, Blue Fruit Farm
31762 Wiscoy Ridge Road
Winona, MN 55987
jimriddle56@gmail.com

Honorable Committee Members:

I served on the Minnesota Pollution Control Agency (MPCA) Citizens' Board from 2012-2015. Former Governor Mark Dayton appointed me to serve in the position, and I was confirmed by the Minnesota Senate, after a public hearing.

I am writing to express my support for reestablishment of the MPCA Citizens' Board. The Board was eliminated by the Legislature in 2015, without a specific bill to do so advancing out of committee. There were no hearings regarding elimination of the Board, and no Board members were called to testify. The Board was eliminated by conference committee on "must-pass" legislation, in the final hours of the session.

The Citizens' Board has served the people of Minnesota well since the MPCA was established in 1967. The Board served as a check and balance to the agency charged with protecting Minnesota's environment and human health. The Board's monthly meetings were well attended and broadcast live, giving our citizens a voice on environmental protection and quality of life issues. Our decisions were made in public, in broad daylight.

The Citizens' Board provided a transparent and efficient process. As Board members, we did our homework and came to meetings prepared. We asked informed questions of proposers and staff, and made tough, but transparent decisions as needed.

One of the tough decisions we made was to require an Environmental Impact Statement be prepared for a proposed 10,000-head Concentrated Animal Feeding Operation, known as Riverview Dairy. We were instructed by MPCA lawyers that we could vote "yes" or "no" on whether an EIS be required.

The proposer and the staff could not answer many of Board members' questions regarding likely environmental impacts. The operation did not even seem to be aware that they needed a mitigation plan for a water pipeline that they planned to install across a neighbor's agricultural land.

The Board voted unanimously to require an EIS. Shortly thereafter, we were informed that the Board had been eliminated by the Legislature, essentially for doing our job.

Since the Board was eliminated, democracy has been weakened. The MPCA Commissioner makes all decisions, with no mandated, regular public process, and without input from a Citizens' Board.

Citizens' Board meetings provided members of the public, including businesses, communities, and individuals, a voice. Even when a decision didn't go their way, people's concerns were heard and taken into consideration. We were often thanked for our thoughtful deliberations, even by people who "lost" on particular issues.

In my experience, the Citizens' Board never over-stepped its statutory limits. It reviewed all proposals on their merits, judged by Minnesota's laws, rules and environmental review criteria. Further, the work of the Board was conducted in a timely and thoughtful manner. All of our actions were taken with full transparency.

The Citizens' Board was a model of democracy in action, and it should be reinstated.

Respectfully submitted,

Jim Riddle



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STEWARDSHIP
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May 3, 2019

Senator Bill Ingebrigtsen
Senator Carrie Ruud
Senator Justin Eichorn
Senator Mark Johnson
Senator David Tomassoni

Representative Rick Hansen
Representative John Persell
Representative Peter Fischer
Representative Jamie Becker-Finn
Representative Nathan Nelson

Dear Omnibus Environment and Natural Resources Finance Bill Conferees:

As the Conference Committee convenes to consider differences in the House and Senate versions of the Omnibus Environment and Natural Resources Finance Bill (H.F. 2209 and S.F. 2314), we wanted you to know Land Stewardship Project's priorities and concerns. This letter will be updated when the side-by-side is available.

Our core values—stewardship, justice, community, health, and democracy—have driven our commitment to create transparent and just public processes that encourage meaningful public participation in decision-making, which hundreds of our members across the state have been actively engaged in. Versions of this bill include steps forward and steps back to fostering such decision-making processes.

SUPPORT House Position: Reinstate the Minnesota Pollution Control Agency (MPCA) Citizens' Board
(First Unofficial Engrossment Line 106.27 through Line 110.12)

The MPCA Citizens' Board was established in 1967 with the creation of the agency to ensure the agency serves the public interest and to establish an open and transparent decision-making process. The Citizens' Board:

- Helped ensure the environmental review process was democratic and transparent.
- Created a public process for rural Minnesotans to express their concerns about proposed large-scale industrial projects that had the potential to threaten their communities.
- Served as a check and balance on the actions of the agency's staff and commissioner.
- Ensured that agency decisions were made full view of the public rather than behind closed doors.
- Promoted public engagement in the political process and in the environmental review process.

Since the elimination of the Citizens' Board, democracy and transparency have been weakened at the MPCA, particularly around the environmental review and permitting processes. Agency decisions that were once made in public, with public testimony, are now made behind closed doors.

OPPOSE Senate Position: Stifling Community Engagement in Environmental Review *(Third Engrossment Line 165.16 through Line 165.17)*

This language would limit the public comment period on environmental assessment worksheets (EAWs) to 30 days, unless approved by the project's proposer. Public comment periods are rarely extended --

and when they are, it has been done to ensure local communities have an appropriate amount of time to understand and comment on the proposal. EAWs total hundreds or even thousands of pages.

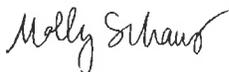
Oftentimes, communities don't hear about a proposal until well into the public comment period -- and they can't put their farms, families, or jobs on hold to address the proposal. Those who are the most impacted by a proposal must be able to meaningfully engage in the process and make their voices heard—whatever their opinion may be.

It is not in the best interests of rural Minnesotans or our land and water to remove the authority of the state to extend a public comment period when it is in the best interest of the public, and essentially hand that authority to large-scale, industrial project proposers.

Oppose Senate Language: The 30-day comment period may not be extended unless approved by the project's proposer.

Sincerely,

Land Stewardship Project State Policy Steering Committee and Leaders



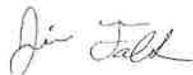
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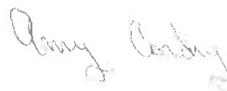
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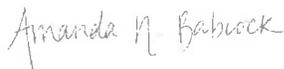
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CC:

The Honorable Tim Walz, Governor of Minnesota
The Honorable Peggy Flanagan, Lieutenant Governor of Minnesota
Senator Paul Gazelka, Majority Leader of the Senate
Representative Melissa Hortman, Speaker of the House
Commissioner Laura Bishop, Minnesota Pollution Control Agency

To: Members of the Environment and Natural Resources Conference Committee

Re: **Please build a strong SF 2314 to move forward on today's biggest challenges**

May 7, 2019

Dear Legislators:

Thank you for serving on this important committee. The environment and our natural resources are our people's greatest shared asset. This conference committee has a significant opportunity to move forward on some of the biggest challenges facing our environment today:

- Alarming pollinator declines
- Degrading soil health, water quality and farm profitability
- Increasing water contamination by salts and deicers
- Continuing carbon and greenhouse gas emissions
- Integrating citizen participation into environmental decisions.

We, the undersigned organizations and the citizens we represent, ask you to put together the best of the House and Senate provisions to make a strong bill that will tackle today's biggest challenges. While the following is not a comprehensive list of all we support, our coalition would like to highlight several priorities found within these proposals.

We urge the conference committee to include the following provisions found in both the Senate and House version of SF 2314:

Prohibiting the use of neonicotinoid insecticides – harmful to pollinators, birds, and aquatic invertebrates – in Minnesota's Wildlife Management Areas.

Senate: 3rd Engrossment, Article 3, Section 47

House: Unofficial Engrossment, Article 2, Section 41

(page R44 of the side-by-side)

"A person may not use a product containing an insecticide in a wildlife management area if the insecticide is from the neonicotinoid class of insecticides." This provision gives pollinators a safe haven by prohibiting through state law the use of a class of insecticides that is not only highly lethal to pollinators but is widely used in much of the state.

Stewardship Council

ment, Article 3, Section 15: (Page R12 of Side-by-Side for Article 3)

Makeup of the proposed council includes many positions representing industry and those who have a vested interest in limiting a meaningful water quality standard for the protection of wild rice. It is inappropriate to have those who work to undermine the wild rice standard to now steward the standard and protocols for the protection of wild rice. Their role should be to advise the Council.

The State of Minnesota currently has a water quality standard for the protection of wild rice. Creation of this Wild Rice Stewardship Council will likely extend the delay in enforcement of the standard and continue the harm to wild rice and its surrounding ecosystems.

Please accept the House position and do not include this provision.

Divesting Lake Minnetonka Conservation District of Jurisdiction

3rd Engrossment, Article 3, Section 66: (Page R59 of Side-by-Side for Article 3)

Losing this joint jurisdiction over dry boat storage would lead to greater boat density of Lake Minnetonka, resulting in: increased pollution from fuel and litter, habitat disruption, increased noise and disturbance of birds and wildlife, increased sedimentation and reduced water clarity.

Please accept the House position and do not include this provision.

Preventing Modification of Groundwater Permits During Transfer

3rd Engrossment, Article 3, Section 81: (Page R66 of Side-by-Side for Article 3)

This section would make a permit (permission) into a property right. A "permit" is not a permanent right to a certain amount of water, regardless of future conditions. That's why they expire and need to be renewed. This provision prevents the DNR from modifying permits as they are transferred with the sale of land to account for evolving groundwater sustainability issues.

Please accept the House position and do not include this provision.

Preventing Agencies from Talking about Groundwater Management Areas

3rd Engrossment, Article 3, Section 84: (Page R68 of Side-by-Side for Article 3)

This limitation is a gag rule on agencies, limiting their ability to talk about Groundwater Management Areas to only information about public hearings and responses to direct public and media inquiries.

This section is vague and not in the interest of either the community or regulated parties.

Please accept the House position and do not include this provision.

Redefining Groundwater Sustainability

3rd Engrossment, Article 3, Section 85: (Page R69 of Side-by-Side for Article 3)

This section redefines "sustainable" water use in contradiction to the definition recommended by the Department of Natural Resources experts. The proposed definition is a one-size-fits-all definition that does not take into account the variability of local conditions.

Please accept the House position and do not include this provision.

seasons. This section would strip agency authority to extend public comment periods for any environmental assessment worksheet and give that discretion to project proposers.

Please accept the House position and do not include this provision.

Interfering with science-based forest management at Sand Dunes State Forest.

3rd Engrossment, Article 3, Section 135: (Page R123 of Side-by-Side for Article 3)

This section does an end run around the existing well-established, science-based forest planning process that already includes the involvement of local citizens and representatives. This section revokes the authority to restore any part of the forest to native oak savannah, of which less than 1% of Minnesota's original oak savannah forest remains.

Please accept the House position and do not include this provision.

In addition to the policy provisions outlined above, we have serious concerns about the following broader components of the Senate version of SF 2314.

I. Budget Considerations

While we understand that legislative leadership is negotiating joint budget targets, we must reiterate the importance of adequately funding conservation and environment work that protects the health of our air, water, land and people.

We are concerned that the Senate bill makes massive budget cuts to frontline environment and conservation agencies while also weakening environmental protections and the people's ability to engage with processes that affect them.

SF 2314 proposes a 25% or \$89.6 million state General Fund budget cut for environment and conservation work, compared to total funding in the current biennium. As stated in communications from commissioners, this budget will have dramatic consequences for state agencies.

Article I:

Department of Natural Resources:

A \$38.67 million cut (17%) of General Fund support will mean:

- **Deep cuts to Protecting Water Resources:**
 - \$6.4 million cut to Division of Ecological and Water Resources
 - \$4.4 million reduction to groundwater protection
- **Neglect of Aquatic Invasive Species:** cuts funding to programs that fight the spread of AIS.
- **Reduction of State Park Opportunities:** staff and service reductions that eliminate camping at up to 34 parks, close campgrounds for the shoulder seasons (Labor Day and Memorial Day), reduce trail service, and reduce tours
- **Lax Enforcement:** \$1.8 million reduction in the Division of Enforcement

Board of Water & Soil Resources:

A \$12.54 million cut (39%) of General Fund support will mean reductions to work that:

III. **SF 2314 deletes 19 worthy, mission-fulfilling projects totaling 25% of the Legislative Citizen Commission on Minnesota Resources (LCCMR) -vetted appropriations for 2020.**

The LCCMR meets through the year to select proposals that will “protect, conserve, preserve, and enhance Minnesota’s air, water, land, fish, wildlife, and other natural resources for the benefit of current citizens and future generations.” Substantial raids totaling nearly \$20 million as outlined above to keep the lights on in state parks and fund waste water treatment – a core function of state government – do not meet the mission of the voter-approved Environment and Natural Resources Trust Fund.

Please build a strong SF 2314 that will work to protect Minnesotans and the land and waters they call home.

Sincerely,



Steve Morse
Executive Director

- Alliance for Sustainability
- A.C.E.S. (Austin Coalition for Environmental Sustainability)
- CURE (Clean Up Our River Environment)
- Clean Water Action- Minnesota
- Environment Minnesota
- Friends of the Cloquet Valley State Forest
- Friends of the Minnesota Scientific and Natural Areas
- Friends of the Mississippi River
- Friends of the Parks and Trails of St. Paul and Ramsey County
- Izaak Walton League - Minnesota Division
- Land Stewardship Project
- Lutheran Advocacy – Minnesota
- Mankato Area Environmentalists
- Minnesota Native Plant Society
- Minnesota Ornithologists Union
- MN 350 Action
- Pesticide Action Network
- Renewing the Countryside
- Save our Sky Blue Waters
- St. Croix River Association
- Wilderness in the City



Minnesota Floorcovering Contractors Association

May 8, 2019

Honorable Conference Committee Members
75 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

RE: Concerns with the "Carpet Stewardship Tax" - House version Art. 2, Sec. 84

Honorable Conferees,

The Minnesota Floorcovering Contractors Association (MFCFA) writes to express great concern with language in the House version of SF2314, specifically Article 2, Section 84, the "Carpet Stewardship Tax".

Some specific concerns are as follows:

- 1. Subdivision 6: Increased Construction Costs.**
 - a. This provision intentionally increases the cost of carpet by four cents per square foot. This increase will lead to higher commercial and residential construction costs in Minnesota, and increased costs for Minnesota homeowners seeking to maintain or improve their homes.

- 2. Subdivision 5(19): Requires Mandatory Contractor Training & Provides No Guidance or Restrictions.**
 - a. This provision requires additional contractor training but sets no limits and provides no guidance on the extent of that training. Businesses need to know what is required of them, how plan for those requirements, and ensure those requirements are not overly burdensome.

- 3. Subdivision 5(20) & Subdivision 7: No Prior Stakeholder Engagement.**
 - a. These provisions require stakeholder engagement, but only after this comprehensive law is enacted. To our knowledge, not one floor-covering contractor was contacted or engaged in any discussion related to this bill.

The employer members of the MFCFA employ hundreds of flooring installers in Minnesota. The MFCFA believes that the Carpet Stewardship Tax would have a negative impact on MFCFA members' businesses and their employees' livelihoods. We ask that you oppose the adoption of these provisions and engage directly with the industry prior to passing a law that will have massive impact on Minnesota homeowners and businesses.

Sincerely,


John Nesse
Executive Director

1270 Northland Drive, Suite 150, Mendota Heights, MN 55120
Phone (651) 633-6774 • Fax (651) 633-1447



May 6, 2019

RE: Support for Carpet Stewardship Program in Minnesota

Dear Senator Ingebrigtsen,

This letter is in support of a carpet stewardship program for Minnesota. XT Green, Inc is building its first of many advanced manufacturing facilities to recover resources from post-consumer carpet. Our first facility in Southern California will be completed in Q1 2020. In my corporate development role, I am responsible for determining the location of our second facility. I would like it to be in the upper Midwest for many reasons, including the fact that I grew up in Wisconsin, live there part-time and I have a Masters' degree from the University of Minnesota.

I've been involved with carpet recycling in California for over 10 years and currently serve as the Secretary for the California Carpet Stewardship Advisory Committee which was created last year by AB 1158. This law also requires that CARE, the current carpet stewardship organization, reach a 24% recycling goal by January 1, 2020. CARE has told the Advisory Committee that they will reach this goal as required. Attaining this 24% carpet recycling rate in California contrasts greatly to the less than 4% carpet recycling rate for the rest of the country.

And why the difference in 24% vs. 4%? It's the California Carpet Stewardship Program and the associated subsidies and grant programs supporting new infrastructure and end markets for recovered resources from post-consumer carpet. Because of the California Carpet Stewardship Program, XT Green was created and successfully developed a patented advanced carpet recycling technology that will process used carpet in an aqueous environment in order to:

- Produce the highest-quality recovered material with high-value end markets
- Divert over 35 million pounds from landfills annually due to recycling yields > 90%
- Control airborne particulates to protect worker safety and the environment
- Create advanced manufacturing green jobs (70+ jobs created by our first facility)
- Produced an annual greenhouse gas (GHG) emission reduction benefit equivalent to the carbon sequestered over 10 years by planting 2 million trees.

With the completion of our Californian facility, will have invested just under \$20 million. We will be bringing this level of capital investment, job creation and GHG reduction benefit to our next facility location. As a measure of support for carpet recycling, the highest criteria in our decision-making regarding location will be the presence of a carpet stewardship program.

If you have questions about XT Green or our experience with the California program, please contact me at 562-592-5989 or 562-448-4254 (mobile). Thank you for your consideration.

Regards --

Gail Brice

Senior Vice President, Corporate Development
gail.brice@xt-green.com



**NATIONAL
STEWARDSHIP
ACTION COUNCIL**

ADVOCATING FOR A CIRCULAR ECONOMY

1822 21st Street, Suite 200
Sacramento, CA 95811
(916) 217-1109
nsaction.us

May 6, 2019

Senators Ingebrigtsen, Ruud, Eichorn, Johnson, Tomassoni
Representatives Hansen; Persell; Fischer; Becker-Finn; Nelson
Minnesota State Senate Conference Committee

Sent via rep.rick.hansen@house.mn; sen.bill.ingebrigtsen@senate.mn;
sen.carrie.ruud@senate.mn; sen.justin.eichorn@senate.mn; sen.mark.johnson@senate.mn;
sen.david.tomassoni@senate.mn; rep.john.persell@house.mn; rep.peter.fischer@house.mn;
rep.jamie.becker-finn@house.mn; rep.michael.nelson@house.mn

Re: Carpet Stewardship Legislation (SF 2314) in Minnesota

Dear Representative Hansen and Co-Authors Fischer and Becker-Finn:

On behalf of the National Stewardship Action Council, we thank you for introducing SF 2314 and giving Minnesota residents the opportunity recycle carpet and have new jobs collecting and recycling carpet. The [National Stewardship Action Council](#) (NSAC) and affiliated organization, the [California Product Stewardship Action Council](#) (CPSC) have led the nation by supporting the first in the world carpet stewardship legislation in 2010 and in working collaboratively with [Interface](#), [Aquafil](#), and other companies and organizations to ensure the effectiveness of programs in California and other states.

Carpet recycling is a great way to achieve:

- Reduction of Greenhouse Gas (GHG) footprint as most carpet is plastic
- Divert plastics from the landfill (carpet is about 4% of disposed waste)
- [Drive local jobs](#) and a circular economy

In 2017, NSAC sponsored [AB 1158](#) (Chu) improving the carpet stewardship program by adding critical amendments to ensure transparency and measurable recycling rates, among other changes. In 2019, NSAC is sponsoring [AB 729](#) (Chu) to ensure feepayer money will be returned to the State if the program is not meeting its goals to ensure our State's collectors and recyclers are protected.

SF 2314 is an example of product stewardship, rather than Extended Producer Responsibility, in that the funding mechanism utilizes consumer fee money rather than internalized cost of doing business by carpet producers. We support the amendments to the bill and have a few additional suggestions to build on our experience with the Carpet Stewardship Program in California.

NATIONAL STEWARDSHIP ACTION COUNCIL

The following are suggested amendments:

1. Include criteria for calculating the assessments in the Plan based on the recyclability of the carpet entering the market so the less recyclable carpet pays fair share of cost for recycling;
2. Limit the number of Plans and rounds of revisions to the Plans to save time and ensure the program is implemented in a timely fashion;
3. Limit the use of fee payer money to exclude paying fines and litigating against the state;
4. Ensure that toxics in carpet are transparent to consumers and recyclers as toxics impact health of consumers and recyclers alike. One report notes 44 toxic substances identified in carpet by the Healthy Building Network (2017). PFA's is one major chemical of concern that could greatly impact carpet recycling.

We are excited to see Minnesota considering SF 2314! We are happy to share our extensive knowledge on the subject with your offices and will do everything we can to help you pass it including coming to testify at the hearings or lobby the bill.

Sincerely,



Heidi Sanborn, Executive Director
National Stewardship Action Council



May 7, 2019

Senators Ingebrigtsen, Ruud, Eichorn, Johnson, Tomassoni
Representatives Hansen; Persell; Fischer; Becker-Finn; Nelson
Minnesota State Senate Conference Committee

Sent via rep.rick.hansen@house.mn; sen.bill.ingebrigtsen@senate.mn; sen.carrie.ruud@senate.mn;
sen.justin.eichorn@senate.mn; sen.mark.johnson@senate.mn; sen.david.tomassoni@senate.mn;
rep.john.persell@house.mn; rep.peter.fischer@house.mn; rep.jamie.becker-finn@house.mn;
rep.michael.nelson@house.mn

Re: Carpet Stewardship Legislation (SF 2314) in Minnesota

Dear Representative Hansen and Co-Authors Fischer and Becker-Finn, dear Members of the
Conference Committee:

On behalf of the Changing Markets Foundation, Ecology Center, and UPSTREAM, we are thankful for the introduction of SF 2314 and giving Minnesota residents the opportunity to recycle carpet and create new jobs in carpet collection and recycling. We have been engaged over the last years to help drive the circular economy for carpet, including by pushing for better carpet recycling legislation in California, researching how toxics in carpet affecting their health & recycling, and showing how well-designed carpet extended producer legislation can be a driving force to a functioning and healthy circular economy.

Carpet recycling is a great way to achieve:

- Reduce of Greenhouse Gas (GHG) footprint as most carpet is plastic;
- Divert plastics from the landfill (carpet is about 4% of disposed waste);
- Drive local jobs and a circular economy;

In 2017, Changing Markets Foundation worked together with California-based organizations to improve and support AB 1158 (Chu) by adding critical amendments to ensure transparency and measurable recycling rates, among other changes. In 2019, Changing Markets Foundation is supportive of AB 729 (Chu) to ensure feepayer money will be returned to the State if the program is not meeting its goals to ensure our State's collectors and recyclers are protected.

SF 2314 is an example of product stewardship and puts the focus on letting producers determine recycling rates and implementing them. While we are supportive of product stewardship, we are even more supportive of full producer responsibility, which starts with the design of the products. Difficulties in recycling often stem from flaws in the design. Carpet designed with the circular economy in mind will be much easier and cheaper to reuse and recycle, as shown by frontrunners in the sector.

One of the obstacles to recycling is the (often unknown) presence of toxic substances. A report commissioned by the Changing Markets Foundation to the Healthy Building Network noted 44 toxic substances identified in carpet. A follow-up study, based on testing by the Ecology Center, the University of Notre Dame and the Free University Amsterdam, shows that none of the 12 tested

carpet were free of hazardous substances. PFAS is one major group of chemicals of concern that could greatly impact carpet recycling.

Transparency needs to play a crucial role in ensuring that products can be optimally reused, disassembled and recycled at the end-of-life.

We support the amendments to the bill and have a few additional suggestions to build on our experience with the Carpet Stewardship Program in California and our research on carpet.

The following are suggested amendments:

1. Include recycling and reuse targets in the bill, and require the stewardship organization to set a sub-target for carpet-to-carpet recycling to drive high quality recycling and end markets for recycled materials;
2. Include minimum requirements to ensure products fulfill minimum criteria that enable their recycling;
3. Ensure transparency on toxics and materials in the product, for example via a product passport, is key. This will help protect consumers and recyclers from health impacts of toxics and enable recyclers to ensure the safe and the highest possible quality of recycling.
4. Instead of differentiating fees based on only the face fiber material, include criteria for differentiating the assessment fees based on the recyclability, reusability and durability of the carpet entering the market in the bill. That way the less recyclable and reusable carpet pays fair share of cost for recycling and better designed carpet get an equal playing field;
5. Limit the use of fee payer money to exclude paying fines and litigating against the state;
6. Ensure the stewardship organization is made up of multiple stakeholders, not just carpet manufacturers;

Many of the above recommendations are also explained the [Carpet Stewardship Toolkit: Accelerating Carpet Circularity in the USA](#), which was published earlier this year by Eunomia Consulting.

We are encouraged to see Minnesota considering SF 2314. We would be happy to share more details on our experiences and recommendations on the subject with your offices.

Sincerely,



Suzanne Schenk
Suzanne.schenk@changingmarkets.org
Campaigns Adviser
Changing Markets



Miriam Gordon
Miriam@upstreamolutions.org
Program Director
UPSTREAM



Jeff Gearhart
Jeffg@ecocenter.org
Research Director
Ecology Center



May 7, 2019

Representative Rick Hansen
Representative John Persell
Representative Becker-Finn
Representative Peter Fischer
Representative Nathan Nelson
Representative Brian Johnson
Conference Committee
407 State Office Building
St. Paul, MN 55155

RE: Support for SF 2314, Carpet Product Stewardship Program

Dear Representatives Hansen, Persell, Becker-Finn, Fischer, Nelson, and Johnson:

I am writing in strong support for SF 2314, which will establish a statewide, carpet stewardship program in Minnesota, managed and sustainably funded by manufacturers. The Minnesota Legislature and the Pollution Control Agency (PCA) already have experience passing and implementing programs for used paint, electronics, mercury thermostats, and rechargeable batteries, which are established on the same principle of extended producer responsibility (EPR) that is the basis for SF 2314.

SF 2314 will improve collection convenience, increase the quantity of carpet recycled, create jobs, and significantly reduce the financial burden on local governments. California's carpet stewardship law, passed in 2010, has increased collection convenience so that 95 percent of the state's population lives within a county with access to one or more collection sites. In addition, California's law has achieved recycling rates more than three times the national average. When compared to landfilling, recycling one ton of used carpet into new carpet or other products also reduces greenhouse gases by 5,200 pounds of carbon dioxide equivalent; this reduction is even greater when compared to waste-to-energy.

Lastly, EPR programs provide a continuous flow of high quality material to recycling and manufacturing operations, allowing long-term investments in local recycling and manufacturing facilities. For example, the California carpet stewardship law created 440 direct and indirect jobs and has resulted in discarded carpet being recycled and used as a feedstock for new product manufacturing.

**Product Stewardship Institute, Inc. | 29 Stanhope Street, 3rd Floor, Boston, MA 02116
tel. 617.236.4855 | www.productstewardship.us | [@productsteward](https://twitter.com/productsteward)
PSI is an equal opportunity provider and employer.**

Non-chlorine Bleached | 100% Post-Consumer Recycled Paper | Soy Ink

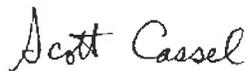
PSI believes the current bill can be improved with the following changes:

1. Establish specific penalties for violation of the law and give PCA authority to enforce a level playing field for producers.
2. Consider a multi-stakeholder alternative to a stewardship organization (e.g., appointed by PCA or the Legislature) to establish and operate the carpet stewardship program.
3. Include incentive payments to collectors, processors, and end use markets to subsidize the cost to collect, process, or market discarded carpet for recycling.
4. Include a state agency procurement provision that requires state agencies to purchase a certain amount of carpet with a minimum post-consumer recycled content.
5. Consider including a disposal ban on carpet three years after program inception.

The Product Stewardship Institute (PSI) is a national organization committed to reducing the health and environmental impacts of consumer products with a strong focus on sustainable end-of-life management. With members from 47 state environmental agencies and hundreds of local governments, as well as 120 corporate, academic, non-U.S. government, and organizational partners, we work to promote product stewardship initiatives across North America.

We urge you to support the passage of SF 2314.

Sincerely,



Scott Cassel
Chief Executive Officer / Founder

Dear Mr. Strohmeier,

I support Bde Maka Ska. John C. Calhoun was not only a slave owner who likely never stepped foot into Minnesota, but he was also one of the biggest proponents of the Indian Removal Act of 1830, which resulted in the forced removal of any Indigenous person east of the Mississippi. His actions contributed to the genocide of Indigenous people across the United States and his memory should not be honored. Minnesota has a long and painful history where the rights and history of the Dakota people have been systemically destroyed and oppressed. Honoring the rightful name of Bde Maka Ska is not only a way to acknowledge the Dakota community's history in in this state, but also a tangible way to show that in Minnesota we do not stand for hateful and racist rhetoric and actions.

Thank you,
Katherine McGraw
Mpls Standish neighborhood resident

To whom it may concern,

I am in support of Bde Maka Ska.

Veronica Peterson-Briggs

Subject: Bde Maka Ska

I support this name.

Maggie Lorenz
St Paul, Ward 7 resident

Sent from my iPhone

amy.gunderson96@gmail.com

Dear Peter Strohmeier,

As there is a public hearing today for naming Bde Maka Ska, I would like to provide written testimony.

I support the name Bde Maka Ska.

Thank you.

Michael Marboe

I support the name Bde Maka Ska

--

Sent from Gmail Mobile

Dear Mr. Strohmeier,

As a Minnesota and a woman of Dakota heritage, the restoration of the lake name to Bde Maka Ska is a great source of pride for the whole community. I urge you and your colleagues to support the name "Bde Maka Ska" - a name that honors the lake by describing it. Thank you,

Samantha Majhor

I support the name bde maka ska!
Jewell arcoren

Testimony with regards to proposed legislation that would support the name restoration of Bde Maka Ska;

My name is Barbara Olson, I live in South Minneapolis at [REDACTED] with my husband.

I have lived in Minneapolis since I was born in 1947. I've lived in many of this city's neighborhoods and I have visited Bde Maka Ska (formally Lake Calhoun), thousands of times; as a child, as a teenager, as an adult, as a mother, a friend and the Executive Director of a small social service agency in south Minneapolis. This beautiful body of water has always spoken to me.

I was educated in Minnesota in both private and public institutions culminating with a BA from the University of Minnesota. It troubles me that during those 17 years of my education most if not all of our indigenous people's history was missing from that education. I learned very little about the Dakota and Ojibwe people's history or any other indigenous people's contributions and challenges. We still know so little and often the issues facing these citizens are dismissed or minimized.

I deeply believe that the restoration of the name Bde Maka Ska only broadens our understanding of this state history and development. The more we know, the deeper our knowledge, the greater our ability to understand and connect with one another. We need to build a strong and vibrant community that encourages us to reach out of our comfort zone and find our commonality with our emerging diverse population. This is the fact of the future. It should have been our goal all throughout our history but sadly it wasn't. Now our state has the opportunity to start to more fully tell our history not an abridged or edited history, but an inclusive and fully realized telling of all of our stories. Words matter and Names matter. We need to move forward with securing the restoration of this amazing lake's name, Bde Maka Ska. I believe that, this important action of name restoration will be a clarion call to all members of our community who might have felt marginalized or vulnerable, it says that we all matter, that all of our stories have value, and it says loudly that we are all diminished by not knowing this wonderful state's full and complete history and the richness it brings to us. I hope we learn to celebrate one another, for our successes and that we find kindness and compassion from our shared failures and sorrow. I love this place, I have faith in this community and I will continue to work toward a future that tells the whole and wonderful truth about who we are.

XXXXXXXXXXXX

Hello-

I will not be able to make the hearing in person, but I wanted to write in and say that, as a life long Minneapolis resident, I firmly support using the traditional name for the lake, Bde Maka Ska. We do not need to honor problematic people from our history and should instead be working towards supporting our indigenous communities.

Please keep the lake's name Bde Maka Ska.

Thank you,
Julia Raymond

It is time for Minnesotans to learn our history (especially that which is uncomfortable); to honor the people who were here first and still are here. And to use the older Dakota name with respect and appreciation.

Rev. John C. Marboe
Pastor, Zion Lutheran Church
St. Paul, MN

Dear Sir:

I wholeheartedly support the name of this Minneapolis lake to be Bde Maka Ska. Thank you.

Susan Nordvall

Hello Mr. Strohmeier,

I write to show my support for Bde Maka Ska as the only recognized name of the lake formerly called Calhoun in Minneapolis.

I am a former Minneapolis Park and Recreation Board Commissioner, serving from 2006 to 2010. I served on the Citizen Advisory Committee for the upgrades to Bde Maka Ska and Lake Harriet in a public process that took over 18 months and included dozens of public meetings. I chaired the Equity Sub Committee as part of that CAC, and our NUMBER ONE RECOMMENDATION to the CAC, as per our public citizen members, was the restoration of the name Bde Maka Ska. That name restoration, and subsequent signage, historic interpretation, and public art (some of which is now installed) is all in the service of "Story Re-awakening," a value the MPRB has for all parkland in Minneapolis to tell a broader story of who lived here, and who lives here now.

The public process around the name restoration took 3 years, and held votes at 4 governmental levels: MPRB, Hennepin County, State of MN (DNR, Office of Climatology), and Federal. At all 4 levels the decision, based on recommendations and public interest and involvement, was to restore the original Dakota name.

Please support Bde Maka Ska as the singular name for this important public lake. It holds spiritual significance to the people who have been here for thousands of years and pre-date US political history. Their language is dwindling, as native speakers in Minnesota (a Dakota word, from Mni Sota) are fewer than 10.

We need our history. We need our stories. We need ALL of us to be included.

Thank you.

Pidemaya (Thank you)

Written testimony for MN Environment and Natural Resources Conference Committee Public Hearing May 8th:

Han Peter chantewasteya nape chiyuzapi ye. Mishaila Bowman emakiyapi ye. Damakota. Sisithuwan k'a Wahpethuwan hematanhan.

Hello Peter, I great you with a good heart. My name is Mishaila Bowman. I am Dakota from the Sisseton Wahpeton Oyate and I support the permanent naming of Bde Maka Ska. I have grown up in South Minneapolis my entire life and as a Dakota woman believe that the permanent naming of this lake is important for all community members, specifically Dakota people. We belong to this land and so does our language. Our children deserve to grow up being proud of who they are and being able to see their language in these very important spaces will assist in this. Additionally, I believe we can come together as a community with our language being represented as it will push us to delve into truth-telling and healing. Every community needs this, but especially Dakota people. Allow us to heal as a community through the naming of Bde Maka Ska.

Phidámayaye

Mishaila Bowman
Outreach and Communications Associate
Lower Phalen Creek Project
www.lowerphalencreek.org
[\(612\)-414-6285](tel:6124146285)

Tracy Nordstrom



I support Bde Maka Ska.

This supports our future to remember the true and first history, indigenous people of Minnesota, such as the Dakota people. We have been death marched, hunted down, exiled, and We are still here.

(Also, if anyone can learn pronounce and spell Strohmeier, we can say Bde Maka Ska.)

-Sincerely-

Mr. Jei Herald-Zamora

Great-great-great-great-grandson of Wambdi Sanpa (Chief Black Eagle)

Get Outlook for Android

[REDACTED]



Citizens for Sustainable Off-Roading

The proposed Border to Border route (B2B) is a nearly 900-mile designated route for OHVs on (mostly) unpaved public roads. The route would cross the entire state from the North Dakota border to the shores of Lake Superior including a number of US Forest service roads. Although the exact route is not yet finalized, there are a number of concerns that have already been raised.

- There currently are not adequate funds set aside to deal with road maintenance. One county (Clearwater) has issued an official Resolution of Opposition and requested the route be diverted around it, to protect its taxpayers. Five local governments have opposed it and two Sovereign Nations have issues with it.
- The proposed route, as shown on draft alignments, would affect wetlands and MPCA ranked *Exceptional* waterways, due to cumulative increased OHV traffic on unpaved roads. The US Fish Wildlife Service itself wrote to the DNR warning of the impacts of a designated route having the potential to result in a significant increase in traffic with vehicles traveling in large packs and caravans.
- The Minnesota Sierra Club opposes the proposed route.
- The proposed route would take vehicles through a number of areas with known invasive species raising the likelihood of further spreading these harmful species across the state. No funds are set aside to monitor and manage an increased spread of invasives.
- This would include introducing new plant species to the shrinking number of lakes that are home to our protected wild rice.
- No funding for additional law enforcement officers or for dust pollution control on routes with residents.

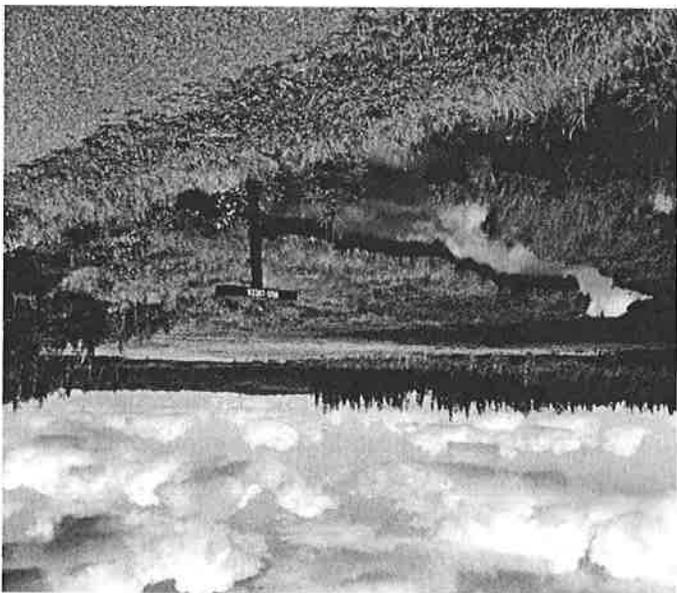
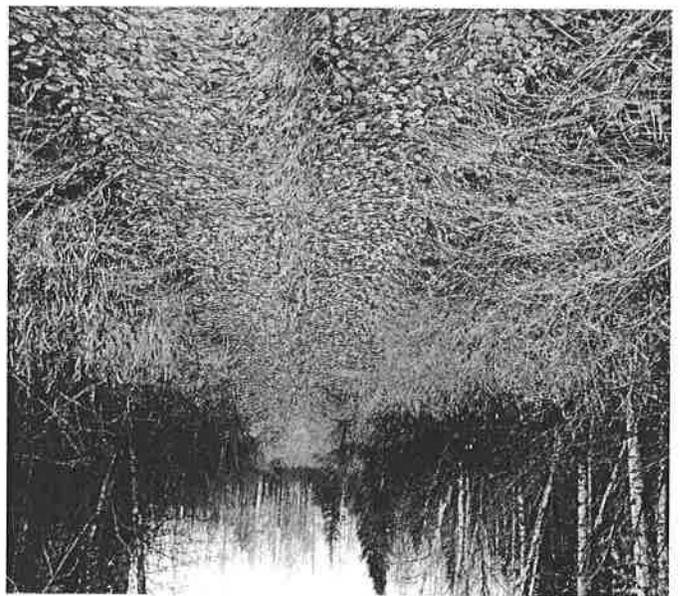
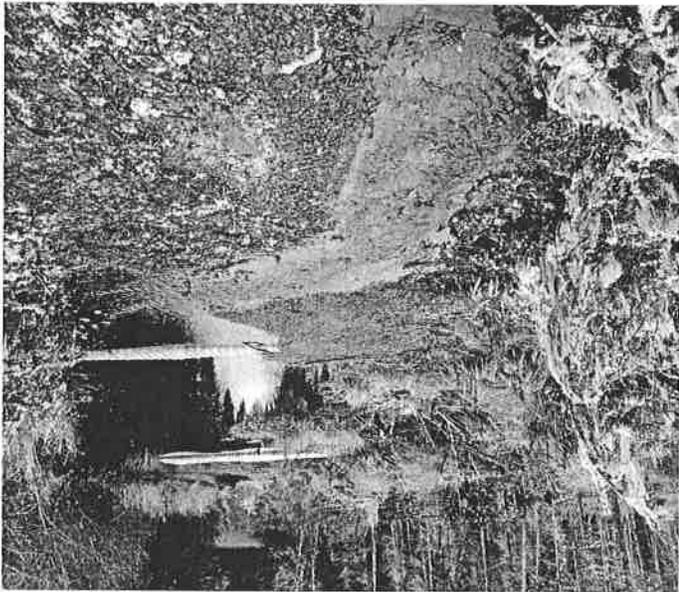
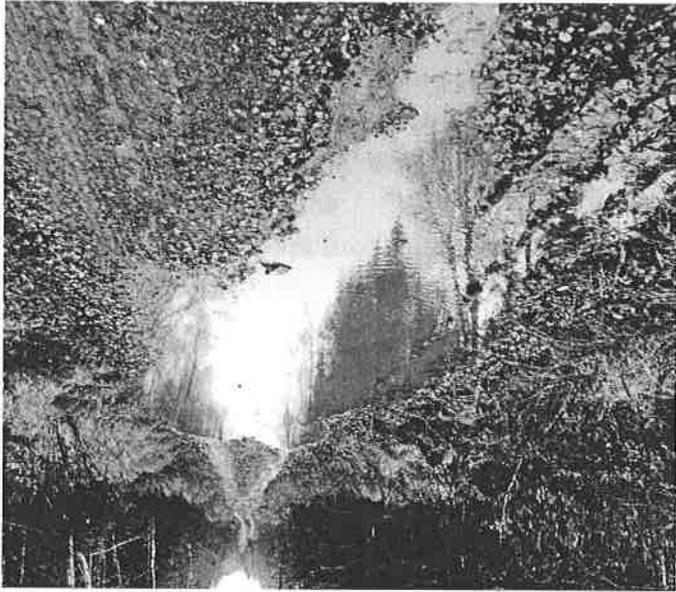
We share and understand the desire of those looking for new ways to connect with Minnesota's wonderful natural landscape, but at this time we are fearful the proposed Border to Border route has the potential to do more harm than good. Before ANY route could be signed, mapped and promoted it is essential that the State:

- Has adequate resources to first repair and then maintain the roads along this route. (*To gravel just 50 miles, 1/18th of the route, costs approximately \$496,000*).
- Can protect ALL the impacted waterways and wetlands.
- Can mitigate the impacts of invasive species.
- Can respect and protect tribal lands.
- Can add enforcement officers to monitor the almost 900-mile route.
- Can provide financial assurance that allows counties and townships quick access to funds to repair and restore damaged routes.

At this time it is hard to see how the 900-mile route across the state will garner enough visitors to create meaningful economic impact and adequately maintain the roads and protect waterways.

Under current law, any highway licensed OHV that would use the proposed route can already access these roads in a dispersed, sustainable manner.

Supporting existing closed courses with multiple route options, technical aspects and challenges is a better investment of state dollars than the current proposed 900-mile route that would be nearly impossible to properly manage and protect.



CLEARWATER COUNTY
RESOLUTION: 03132018
"BORDER TO BORDER (B2B) TRAIL"

A motion was made by Commission Nawland, and seconded by Commissioner Nelsen, and carried, to pass the following Clearwater County Resolution.

WHEREAS, The Clearwater County Board of Commissioners serve as the Road Authority for all County State Aid and County Aid Roads in Clearwater County and,

WHEREAS, The "mandate" from the Minnesota Legislature to develop "Border to Border Trail" as presented in publications and meetings, appear to be an overstatement of the actual language in the MN Statute which refers to an appropriation to "address off-road vehicle touring routes and other issues related to off-road vehicle activities" and,

WHEREAS, Phase One of the project focuses on Public Roads, Phase Two will add "challenge loops" that extend into environmentally sensitive areas that include challenging barriers for drivers and rough terrain subject to erosion, and the spread of invasive species, and

WHEREAS, Department of Natural Resources spokesperson Mary Straka, stated that they were looking for a scenic adventure "trail". She further emphasized the ideal route would be rugged, unpaved, low-maintenance roads, with obstacles like roots, trees, rocks, to encourage slower speeds, and

WHEREAS, Enforcing legal and responsible use of public roadways by Off Highway Vehicles may not be possible with the resources available to County Government. Self-policing is unlikely to be successful because of the nature of the Border to Border Trail activities, and

WHEREAS, The additional cost for road maintenance and repair would be significant for Clearwater County and while there is proposed provisions for repairs it seems doubtful that Clearwater County would be made whole.

NOW THEREFORE BE IT RESOLVED, That Clearwater County is opposed to the Border to Border Trail, because of the potential cost this trail could have on the Taxpayers of Clearwater County due to the, repairing of roads, cost of Public Safety, and

BE IT FURTHER RESOLVED, We respectfully request that the portion of the Border to Border Trail drafted for Clearwater County be abandoned or rerouted.

***** Certification*****

I hereby certify that the forgoing is a true and correct copy of a motion presented to and adopted by the Clearwater County Board of Commissioners at a duly authorized meeting thereof, on the 13th day of March 2018 as shown by the minutes in my possession.



Emily McDougall, Board Coordinator



United States Department of the Interior

FISH AND WILDLIFE SERVICE
5600 American Boulevard West, Suite 990
Bloomington, Minnesota 55437-1458



Received

March 6, 2017

MAR 10 2017

Minnesota Department of Natural Resources
Ms. Mary Straka
Division of Parks and Trails
500 Lafayette Road
St. Paul, MN 55155-4040

DNR Parks and Trails
Central Office

Dear Ms. Straka:

The U.S. Fish and Wildlife Service (Service) has recently become aware of a proposal by the Minnesota Department of Natural Resources to develop a continuous off road vehicle route identified as the Border to Border Off-Road Vehicle Trail. We understand that the proposed trail will utilize existing national, state and county forest roads as well as other public trail and road systems across the northern third of the state and is intended to provide expanded recreational opportunities for individuals operating licensed four-wheel drive and off-road registered vehicles. It also appears that the proposal includes the designation of "loops" or other destination specific routes off the core trail that will access tourist destinations and locations of interest.

The Service administers several National Wildlife Refuges and numerous Waterfowl Production Areas within the state and many are located geographically within the preliminary project boundary. These lands are managed as part of the National Wildlife Refuge System and have been acquired to conserve wildlife, protect critical habitat, and support wildlife dependent public recreation such as hunting, wildlife observation and photography.

While the Service is very supportive of opportunities to promote outdoor recreation, the potential for the proposed project to conflict with priority recreational uses on National Wildlife Refuge System lands appears plausible and may even detract from or negatively impact recreational opportunities for the visiting public. Careful planning and foresight will be imperative to avoid potential conflicts.

The Service recognizes that the intent of the trail is for light trucks and jeep-type vehicles however, current state designation of off-road vehicles (ORV) is much broader and may include certain Utility Task Vehicles (UTV). While most public roads on or near Refuge System lands are open to licensed motor vehicle travel, designation of a trail has the potential to increase visitor conflicts by substantially increasing traffic and consolidating travelers into larger packs or caravans. In addition, the use of ATVs and UTVs on National Wildlife Refuges and Waterfowl Production Areas is prohibited.

We appreciate the opportunity to provide comment and suggestion to inform the planning aspects of this project and enhance the enjoyment of all visitors to National Wildlife Refuge System lands in

Minnesota. We would appreciate opportunities to provide additional comment and suggestions as future drafts become available. If you have specific questions regarding this letter or Refuge System lands within the project corridor, please do not hesitate to contact Mr. Neil Powers, Project Leader, Tamarac National Wildlife Refuge at 218/844-1752. Thanks in advance for your cooperation.

Sincerely,

Thomas Kerr
Refuge Supervisor, MN, IA



MINNESOTA DIVISION IZAAK WALTON LEAGUE OF AMERICA

Our Mission: To conserve, restore, and promote the sustainable use and enjoyment of our natural resources, including soil, air, woods, waters, and wildlife.

| | |
|----------------------|----------------------------|
| Senator Ingebrigtsen | Representative Hansen |
| Senator Ruud | Representative Persell |
| Senator Eichorn | Representative Fischer |
| Senator Johnson | Representative Becker-Finn |
| Senator Tomassoni | Representative Nelson |

May 7, 2019

Dear Environment and Natural Resources Conferees,

Izaak Walton League members in Minnesota met in convention last month and approved a resolution opposing funding for the proposed Border-to-Border trail system as presently designed. Our concerns involve the potential for significant environmental effects from increased heavy traffic on lightly-used roads traversing sensitive environments, as well as from the use of funds intended for non-road recreation for this trail, which is intended to stay exclusively on roads.

Therefore, we urge you not to include funding for the Border-to-Border project in any bill.

Thank you for your consideration, and for your service in the state legislature.

Ted Suss

President

Izaak Walton League – Minnesota Division

MINNESOTA DIVISION IZAAK WALTON LEAGUE OF AMERICA

2233 University Avenue West, Suite 339, Saint Paul, MN 55114

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RESOLUTION OPPOSING Border to Border ROUTE FUNDING

Adopted at the Annual Meeting April 27, 2019

Whereas: The Izaak Walton League was founded in 1922 to conserve outdoor America for future generations and;

Whereas: The League's mission is to conserve, restore, and promote the sustainable use and enjoyment of our natural resources, including soil, air, woods, waters, and wildlife and;

Whereas: In carrying out this mission it is the League's practice to bring attention to certain public or private activities, policies or projects that either support or detract from achievement of this mission and give voice to League members concerns, and;

Whereas: The DNR Parks and Trails Division is requesting legislative funding for a Border to Border (B2B) Touring Route as an opportunity to open-up and promote use of more public lands and roads by Off-Road Vehicles (ORVs), and;

Whereas: The purpose of this proposal is to provide nearly 900 miles of entertaining and challenging (low grade) public road connections bridging across the entire northern tier of Northern Minnesota, and;

Whereas: The proposed route opens some of Minnesota's most sensitive and high-value streams, wetlands and forests to abuse by scoff-law drivers who refuse to stay on the designated road surfaces (there is a higher percentage of bad-apple drivers in the OHV culture) and;

Whereas: Even the legal ORV uses promoted by this project are predicted to cause extensive damage to roads leading to secondary damage to forest, wetland and outstanding value streams (including trout streams) proposed to be traversed.

Whereas: These high-powered trucks are designed for rugged terrain so the attraction to this form of motorized recreation is in driving them aggressively, and;

Whereas: Most ORV's feature high clearance and very aggressive tires tread built for gripping jagged ground where ORV aficionados enjoy driving them, and;

Whereas: Several classes of Upper Midwest Mud Racing Association (UMMRA) "Street Class" type ORV trucks are eligible for highway licensing and therefore will be allowed to use the B2B route, and;

Whereas; This ORV route will not be a slow-speed facility as advertized but will likely turn into a test course for high-powered, destructive trucks – built for uneven terrain, and;

Whereas: The public highways and roads targeted for this project are presently all available for reasonable (low impact) motorized tourism uses such as hunting, sight-seeing, bird watching and other recreational uses that is inclusive of the OHV culture but in a far more dispersed manner, and;

Whereas: The B2B project, as proposed would intensify the highest impact type motorized uses by actively promoting the route to in-state and interstate off-roading clubs in the Minnesota Four-Wheel Drive Assn. and the National Off-highway Vehicle Conservation Council (NOVCC) thus potentially increasing high impact uses on a single designated, signed and mapped route, and;

Whereas: Funding for establishing and maintaining the B2B route would come from the unintended use of unrefunded gas tax revenue. These gas tax revenues that were originally diverted from the dedicated highway fund for projects that were truly off-highway in nature (such as snow-mobile, ATV trails and other OHV facilities). The B2B project actually proposes these gas tax funds be used for a project designed to be ON rather than Off-Highways and roads, and will usurp these funds to repair predictable damage caused by the use of the project;

Whereas: Project proposers readily admit that the B2B will cause damages to rural roads, especially minimum maintenance and forest service roads in addition to farm to market township and county roads;

Whereas: Counties, Townships as well as State and National Forest road authorities along the proposed 900 mile B2B Route are faced with predicted increases in road repair costs with little or no benefit to local economies to offset these costs, and;

Whereas; Proposed B2B funding legislation requires Counties and Townships to keep and provide extensive documentation of increased road repair costs directly attributable to B2B users before they can qualify for reimbursement of these road repair costs.

Whereas: The Izaak Walton League recognizes the legitimate desires of the ORV culture to enjoy their motorized form of recreation the League also is aware that certain types of closed-loop, contained facilities can and have been developed to sustainably accommodate this high-impact motorized sport.

THEREFORE BE IT RESOLVED: that the Minnesota Division of the Izaak Walton League of America in Convention on April 27th, 2019 finds the proposed B2B Route very unsustainable and highly inconsistent with its mission to conserve, restore, and promote the sustainable use and enjoyment of our natural resources, including soil, air, woods, waters, and wildlife and;

BE IT FURTHER RESOLVED: That the League oppose the funding for the B2B project as presently designed, whether from general funds or dedicated gas tax funds as proposed in Minnesota H,F. No. 1454 and S.F No. 1599, and;

BE IT FURTHER RESOLVED: That the League affirmatively communicate its opposition to the proposed B2B project to the Minnesota House and Senate members, Governor Walz and the Department of Natural Resources, and;

BE IT FURTHER RESOLVED: That should the B2B be authorized and funded by the Legislature the League hereby requests the Department of Natural Resources be required to prepare a full Environmental Assessment and/or Environmental Impact Statement to examine impacts, damage mitigation measures and all reasonable and prudent alternatives to the project before proceeding to implement it.



SIERRA CLUB

NORTH STAR CHAPTER

North Star Chapter

2327 East Franklin Avenue, Suite 1
Minneapolis, MN 55406-4420

Mary Straka
Minnesota Department of Natural Resources (DNR), Parks and Trails Division
500 Lafayette Road
St. Paul, MN 55155

RE: Border to Border Touring Route

March 25, 2018

Thank you for providing this opportunity to comment on the Border to Border Touring Route. The comments herein are submitted on behalf of the Sierra Club North Star Chapter. Founded in 1968 the Sierra Club North Star Chapter is a non-profit environmental organization representing over 17,000 members across Minnesota. The Sierra Club works to safeguard the health of our communities, protect wildlife, and preserve our remaining wild places through grassroots activism, public education, lobbying, and litigation. As a leading grassroots voice working to preserve and protect Minnesota's environment, we involve volunteer leaders to act through environmental advocacy, community organizing, and outdoor exploration. We participate in the administrative process to encourage environmental health and sustainability, long term wildlife and habitat protection, and biodiversity goals.

The DNR plans to use the Border to Border Touring Route as an opportunity to open-up more areas to Off-Road Vehicles (ORVs). These high-powered trucks are designed for bumpy terrain. The fun of driving them is in driving them roughly. Most feature big tires built for ripping up the jagged ground where their riders often enjoy driving them. The purpose of this proposal is to provide entertaining and challenging roads connections for ORVs. This will not be a slow speed route for highway licensed vehicles, it will likely turn into a test course for high powered, destructive trucks – built for uneven terrain.

ORV Impacts

Increases in ORV use are aggregating damage to precious natural resources on our public lands. OHVs lead to: damage to water and soil resources, erosion, sedimentation, spread of non-native invasive species (NNIS), air and noise pollution, disruption to other forest users, increases in motorized traffic and destruction of sensitive species habitat. OHV routes should never be close to wetlands, streams, rivers, lakes or steep slopes. These landscapes may draw riders off-trail leading to irreparable damage.

Because the ORV use in Minnesota is increasing exponentially the increase in damage to natural resources, sensitive habitats, and our precious wetlands, streams, lake shores and rivers has far reaching impacts to our land based and aquatic wildlife. This use has also caused increased conflicts with quiet use recreation and private landowner trespass. The Sierra Club has concerns with the unregulated usage of the vehicles, and the **cumulative** resource damage that is the result.

Old unused logging roads should be decommissioned, not opened to ORV traffic. This just further exasperates the problem of fragmentation in our northern forests. Fragmentation is leading to the decline of many animal species. How will this plan affect the Canada lynx and moose populations?

Our public forests are not the place for these environmental wrecking machines. Instead there are several off-road courses that cater to these kinds of vehicles. They are on private property and ORV owners can pay a fee to take their trucks out on the course where hills, mud, and rocky terrain are dedicated specifically to this purpose. The use and preservation of our public forests need to focus on other interests, such as sensitive species protection, biodiversity, water quality, ecosystem preservation, reduction of fragmentation, and climate change considerations.

Management Capacity, Lack of DNR Oversight, and Failure to Due Diligence

DNR proposes to delegate management of the Project to the National Off-Highway Vehicle Conservation Council (NOHVCC). NOHVCC is an OHV industry funded and dominated organization with no discernable record in managing projects of this type. DNR appears to have failed to “due diligence” in developing a business relationship with NOHVCC. The details of this relationship should be made public before the project is approved. NOHVCC capacity to manage the Project should be evaluated as should DNR plans to exercise oversight.

Federal Jurisdiction

The Border to Border Project proposes to make use of National Forest roads which are under Federal jurisdiction. Map 4 alone identifies four such roads, NF 193, 2196, 2199, and 2423. USFS has regulations providing for OHV travel on certain NF roads, including provisions which limit travel on higher level roads. USFS should reasonably seek public comment before its participation is authorized. Has USFS been approached regarding participation?

Tribal Consultation and Jurisdiction

DNR provides no information that Tribes have been consulted in development of the Project. Most importantly, Map 4 shows Border to Border passing through the Leech Lake Reservation where the Tribe has jurisdiction. Tribal approval must be obtained before the Project may be implemented. Can responsibility for obtaining approval be delegated to another entity, NOHVCC?

Likewise, Border to Border will pass through lands subject to 1854 and other treaties providing for tribal hunting, fishing, and gathering. Tribes should be consulted on this possible destructive intrusion on hunting, fishing, gathering lands.

Enforcement

Increasing trail mileage for ORV riders means increasing illegal trespass into the forest by these destructive machines. Many ORV riders knowingly and intentionally ride off-trail, this is part of the excitement and the adrenaline-rush of taking out their ORV. Minnesota has an extensive history – and ongoing reputation, for not adequately enforcing resource protection when it comes to ORVs. Illegal access is the norm and can be expected in the future. With so many new miles open to ORVs, many of them back-roads not frequently traveled, how will adequate enforcement of the rules occur?

Border to Border will bring increased usage to currently little used roads. The Project will also bring a different clientele to, for example, Lake Vermillion State Park through which the trail is shown to pass. Is DNR prepared to address questions of law enforcement, including but not limited to, DNR properties?

The Sierra Club North Star Chapter opposes this project. We are especially concerned with lack of tribal consultation, locating these “trails” near wetlands, steep slopes, and sensitive species habitats, and the lack of true oversight for managing illegal activity. This project will lead to excessive damage to our public land resources.

Sincerely,

The Sierra Club North Star Chapter
2327 East Franklin Avenue, Suite 1
Minneapolis, MN 55406-1024

Dear Environment and Natural Resources Finance Conference Committee Members,

I would like to testify in support of the Border-to-Border (B2B) Overland Touring Route at the Environment and Natural Resources conference committee this morning.

We are talking about street licensed vehicles driving on public roads, and we are talking about setting up a damage account funded entirely by Off Road Vehicle (ORV) users to make sure that no Burdon falls upon the counties, townships, or rural areas that the proposed route goes through. That right there should be enough info to pass this funding and vote in favor of the project.

ORV users are not a threat to the environment, a public menace, or a detriment to communities as some would have you believe; we are your neighbors, we are fire fighters, we are small business owners, we are your friends, we are volunteers, we are partners with communities across the state of Minnesota, and across the country.

Every year there are single digit citations or warnings written to ORV users by Enforcement; generally you can count them on one hand, for people doing things they shouldn't be, and most commonly its by high school kids or hunters that just don't know what they are doing is illegal. If you don't believe me, ask DNR Commissioner Sarah Strommen, or Parks and Trails Director Laura Preus, and Enforcement Division Director Rodmen Smith; they will confirm what I am saying to be true, and it has been this way for 15 plus years but yet we continue to see increased spending from Enforcement for the very few miles of public Grant in Aid Trail. There are **LESS THAN 11 MILES** in the entire state for ORV users and I have never seen an enforcement officer in either of our State OHV Parks where I spend 50+ days a year. **That means we will be soon be paying \$36,000.00+ per mile of trail for enforcement???** Every year the dollars spent by ORV users in the communities like Gilbert Minnesota tally in the millions. **ORV users buy fuel, groceries, parts, food, and Lodging and are per individual user spend the highest dollar amount of all recreational activities in Minnesota as sited in a University of Minnesota Study.** Imagine spreading some of that money across the entire northern part of the state at small businesses along the B2B route, and exponentially growing those user numbers by opening up the opportunity to millions of new users with 4 wheel drive vehicles that just want some guidance on where to take their street legal 4x4. The B2B is a great way to help meet the state goal of getting new and diverse users into the outdoors. People come from all over the country and Canada to use their ORV's in the IROHVRA (Gilbert OHV Park) and they will come from all over and spend their money across the entire northern part of this state with the Border-to-Border Overland Touring Route.

This is so much like WI's rustic roads, or the Scenic Byways in MN that I don't understand the fuss; the Border-to-Border Overland Touring Route is such an amazing opportunity for this state and ORV users. **Please support the B2B.**

Thanks,

Geoffrey W. O'Brien

MN4WDA Volunteer and ORV Enthusiast

9006 210th ST W Lakeville MN 55044

507-261-5828

Representative Peter Strohmeier,

I would like to testify in support of the Border-to-Border (B2B) Overland Touring Route at the Environment and Natural Resources conference committee this morning.

We are talking about street licensed vehicles driving on public roads, and we are talking about setting up a damage account funded entirely by Off Road Vehicle (ORV) users to make sure that no Burdon falls upon the counties, townships, or rural areas that the proposed route goes through. That right there should be enough info to pass this funding and vote in favor of the project.

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This is so much like WI's rustic roads, or the Scenic Byways in MN that I don't understand the fuss; the Border-to-Border Overland Touring Route is such an amazing opportunity for this state and ORV users. **Please support the B2B.**

Thanks,

Geoffrey W. O'Brien

MN4WDA Volunteer and ORV Enthusiast

9006 210th ST W Lakeville MN 55044

507-261-5828



RREAL

Rural Renewable Energy Alliance

May 8, 2019

Senator Bill Ingebrigtsen and Representative Rick Hansen, Co-Chairs
Conference Committee on S.F. 2314
G-3 State Capitol
75 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155

Re: LCCMR Original Recommendation – White Earth Nation Community Solar for Economic Resilience

Dear Conference Committee Members,

As a business that operates in many of your districts, I'm writing to thank you for your service to the State of Minnesota. I have operated a construction business in greater Minnesota for 20 years that is creating jobs and economic development opportunities throughout our rural communities. We appreciate your long-standing efforts on behalf of rural Minnesota.

I am also writing to express concern about the deletion of the LCCMR Committee recommended White Earth Nation Community Solar for Economic Resilience project in the Senate's bill and ask the conference committee to adopt the House language that fully funds the original LCCMR recommendations.

Deletion of this essential project will negatively impact our business, the rural economy, job creation and the 100 low-income, tribal families served. The project is vital to the people who are employed by RREAL and our tribal nations' economic security and the educational opportunities.

This \$500,000 community project creates jobs today and saves money in the future. It demonstrates a more fiscally responsible model of energy assistance, empowering communities to be more independent and more resilient in their energy procurement and usage. This development already supports 25 jobs and those jobs will be in jeopardy if this project isn't included in the LCCMR package. Further, our business is committed to supporting other Minnesota businesses down the supply chain and have utilized Minnesota-made products in most of our installations – including Heliene panels out of Mountain Iron.

Our business and its employees are relying on the delivery of this project, and the amendment to the LCCMR recommendation stands to negatively impact the livelihood of many Minnesotans. I ask that you work to reinsert this job creating project back into the LCCMR funded projects.

With gratitude,

Jason Edens

Executive Director | MN Building Contractor BC629837

3963 8th St. SW
Backus, MN 56435

3963 8th St. SW Backus, MN 56435
(218) 947-3779 www.rreal.org info@rreal.org

The Power to Make A Difference!

Mr. Chair & Committee,

I unfortunately needed to leave this afternoon and am no longer able to provide testimony in person. I would like to do so via a written submission.

I am a City Councilperson from the City of Tonka Bay situated at the Heart of Lake Minnetonka. Our city has not taken a formal vote on SF 2314 – regarding proposed changes to the LMCD charter - so I am not representing any position of the Council as whole, but rather I am speaking as one representative of my community.

Tonka Bay has the distinguished honor of having more lakeshore per capita than any other city in Minnesota. This is largely due to our unique topography, but it also means that the lake is an extremely important part of our community. **Tonka Bay has 3 marinas and 289 riparian lot owners on the lake. I feel all of our residents should have an opportunity to have input into bills which may impact our lake resources.**

Senator Osmek's proposal embedded in SF 2314 saw very little light of day prior to its vote in committee. Like many other councilmembers and mayors on the lake, few of us had heard of this bill until we received a Friday-morning message from one of our sister cities on the LMCD. We learned the bill was going up for vote two days later - over a weekend - providing little time for practical purposes to receive input from our residents.

The proposed change to the LMCD's charter primarily impacts a commercial marina's dry stacking capability. Right now only four marinas on the entire lake have this capability (one in Tonka Bay).

I am not opposed to thoughtful change, but the seemingly calculated manner in which this provision has been approached has left little room for dialogue. **The LMCD was never contacted by Senator Osmek for input. Every person he has brought forth to provide testimony on this issue has been a marina owner.** I frankly don't think this is how community should work. I don't think that's how legislation is supposed to work. Democracy thrives with a multitude of voices and our constituents deserve better.

Those who pay a premium to live on the lake should have a say in protecting their investment – marinas and riparian lot owners alike. **I respectfully request this body remove this provision from SF 2314 so additional input can be received from all stakeholders.**

Thank you for your time.

Adam Jennings
c: [612.965.1488](tel:6129651488)



MASWCD

Minnesota Association of Soil and Water Conservation Districts

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May 7, 2019

Conference Committee on SF 2314

Senators Ingebrigtsen, Ruud, Tomassoni, Johnson and Eichorn
Representatives Hansen, Persell, Fischer, Becker-Finn, Nelson

Chairs and Committee Members:

Thank you for the opportunity to provide input regarding SF2314 Omnibus Environment and Natural Resources Bill. On behalf of the Minnesota Association of Soil and Water Conservation Districts (MASWCD), I want to convey our thoughts and concerns about the policy and funding provisions that impact SWCDs.

Current SWCD funding needs total \$28 million per year. We have proposed addressing this shortfall with \$14 million per year in ongoing general fund spending, accompanied by SWCD authority to raise local revenue through levy/fee mechanisms. We greatly appreciate the legislative discussions around these topics and the recognition of the need to find a permanent and predictable system for funding SWCDs, one that represents a shared state and local commitment.

At this time, however, neither the House nor the Senate provisions in this bill adequately address SWCDs' ongoing funding needs. The below items within BWSR's appropriations have impacts on SWCDs.

Natural Resource Block Grants. The Senate reduces these grants by \$400,000 per year. Many counties transfer these funds and the corresponding program responsibilities and workload to SWCDs.

Conservation Delivery Grants. The Senate reduces conservation delivery grants by \$1,000,000. This equates to about a 30% reduction in funding that SWCDs use to cover a small portion of their staffing and operations, to fund their shared engineering and other specialized staffing at the regional level, and to use toward their ongoing monitoring and inspection of state Re-invest in Minnesota Reserve easements.

State Cost-Share Program. The Senate reduces state cost-share by \$200,000 per year. This is the one and only source of non-competitive funds SWCDs have at their disposal for working with private landowners to share the cost of on-the-ground projects. This will reduce the number and scope of conservation practices implemented.

Cooperative Weed Management. The Senate zero's out the \$100,000 appropriation for weed management. SWCDs utilize this funding to help manage invasive plants.

Payments to SWCDs for 103C (SWCD Capacity Funding). The House appropriation of \$3,500,000 per year for FY20 and 21 is very much appreciated, but at this amount and as a one time appropriation, this is far below meeting our need of \$14 million per year in ongoing base appropriations from the state. We also note and appreciate the House carrying in their tax bill a proposed increase of solid waste management taxes and creation of a Soil and Water Fund for transmitting a portion of those increases. Though this is proposed as an ongoing source of funding, the funding levels raised are not sufficient for meeting our needs, with estimates of \$3,000,000 the first year, \$3,400,000 the second. We likewise note and appreciate the \$12 million per year in Clean Water Funds for FY20 and FY21 being carried by the Senate in their legacy bill. While this comes close to meeting our needs, it is not ongoing.

The \$11 million per year in Clean Water Funds to SWCDs each of the last four years has tremendously enhanced the staffing and technical capacity of SWCDs toward achieving water quality goals. Reporting data from 2016-2018 shows SWCDs have used 66.69% of the Capacity Funding for adding staff, 16.82% for enhancing service delivery through technology and capital expenditures, and 16.49% for direct landowner cost-share or other incentives. We need to not only maintain but increase these investments in SWCDs.

Incentive Payments for CRP. SWCDs generally support the intent of this \$400,000 provision for providing onetime state incentive payments to enrollees in the federal Conservation Reserve Program (CRP). If SWCDs are assumed to be the local implementers of this initiative, the language of this provision could be more specific to that effect.

Lawns to Legumes. SWCDs are generally supportive of this one-time appropriation of \$387,000 the first year and \$250,000 the second year for converting residential lawns to native vegetation and pollinator friendly forbs and legumes. If SWCDs are assumed to be the local implementers of this initiative, the language of this provision could be more specific to that effect.

Regarding policy language, we appreciate inclusion in the Senate bill of the Coordinated Watershed Planning and Funding Language, statutory revisions to 103B and 114D. And we greatly appreciate the revisions to 103C, SWCD Law, included in the Senate bill, which make technical changes to our statute to include duties and obligations of SWCDs that are currently only referenced in other areas of statute.

SWCDs are the vital link that turn state soil and water programs and policies into real world changes on the landscape – changes that protect and improve our water quality and enhance our soil health. This work takes the trust and cooperation of landowners and other local partners. Our 440 elected SWCD supervisors and 470 professional staff work diligently in their communities to earn the trust and respect of the public they serve. As budget negotiations proceed, please consider the valuable role SWCDs play in improving water quality and soil health. Please consider the advancements SWCDs have made the past four years in enhancing their ability to get conservation on the ground, and please keep us on that upward trajectory toward strengthening and improving SWCDs and our conservation delivery system.

Again, thank you for the opportunity to share our input. If you have any questions about the above issues, please do not hesitate to contact your local SWCD office or our assistant director, Sheila Vanney (sheila.vanney@maswcd.org, 651-690-9028).

Sincerely,



Roland Cleveland
MASWCD President



LeAnn Buck
MASWCD Executive Director



Sheila Vanney
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