

Clean Water Council

Advising the Legislature and the Governor on the administration and implementation of the Clean Water Legacy Act

2019 Council Members: April 22, 2019

Mark Abner
Environmental Organizations

Patty Acomb
Minnesota House of Representatives-DFL Caucus

John Barten
Nonprofit Organizations for Lakes and Streams

Steven Besser
Statewide Fishing Organizations

Karla Bigham
Minnesota Senate-DFL Caucus

Pamela Blixt
Watershed Districts

Gary Burdorf
Township Officers

Sharon Day
Tribal Governments

Tannie Eshenaur
Minnesota Department of Health

Warren Formo
Statewide Farm Organizations

Josh Heintzeman
Minnesota House of Representatives-GOP Caucus

Robert Hoefert
Statewide Farm Organizations

Frank Jewell
Rural County Governments

Holly Kovarik
Soil & Water Conservation Districts

Rylee Main
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Jason Moeckel
Minnesota Department of Natural Resources

Jeffrey Peterson
University of Minnesota

Raj Rajan
Business Organizations

Victoria Reinhardt
Metro Area Governments

Todd Renville
Statewide Hunting Organizations

Patrick Shea
City Governments

Glenn Skuta
Minnesota Pollution Control Agency

Phil Sterner
Metropolitan Council

Susan Stokes
Minnesota Department of Agriculture

Doug Thomas
Minnesota Board of Water and Soil Resources

Vacant
Minnesota Senate-GOP Caucus

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Business Organizations

Vacant
City Governments

RE: HF653 Omnibus Legacy Finance Bill/Clean Water Fund provisions

To the members of the Minnesota House of Representatives:

On behalf of the Clean Water Council, I would like to express our support for the Council's *original* recommendations as included in Governor Walz's budget. These recommendations were introduced as HF1928 but were amended in the House Environmental Finance bill, and then incorporated into the House Legacy Finance Committee as HF653.

We ask for a return to our recommendations for several key reasons.

Transparency and Inclusion: The Clean Water Council is comprised of 17 voting members, appointed by the Governor, who represent many different constituencies: local government, business, farm organizations, hunters and anglers, soil and water conservation districts, watershed districts, environmental organizations, and tribal governments. In addition, the Council includes nonvoting representatives of state government agencies with water responsibilities, the Metropolitan Council, the University of Minnesota, and four legislators. The Council solicits proposals and engages outside stakeholders in a lengthy and public process. The Office of the Legislative Auditor noted in its March 2017 evaluation report summary that the Council "has used transparent processes to develop its Clean Water Fund spending recommendations." Our recommendations have broad consensus and the time spent to develop the recommendations has been considerable. It is our hope that the Legislature would respect these efforts.

We Must Engage Minnesotans to Protect, Enhance, and Restore our Waters: The Council has also incorporated the feedback from the Dayton's administration's 25 x 25 process to involve all Minnesotans in the care of our water. The report for this process stated "Minnesotans acknowledged that education flows in multiple directions and that decision makers, scientists, and government professionals have much to learn from the communities they serve." The report also recommended that the State "create broad media campaigns to build a water ethic and promote shared values." This is the reasoning behind our request for a modest public awareness campaign to provide accountability to the voters who approved the Legacy amendment in 2008. We also recommended a modest increase in funding for the Clean Water Council itself, up from \$50,000, in order to accomplish this objective.

The Council has also relied on the Water Resources Center at the University of Minnesota to guide our recommendations with their "return on investment" research. This effort lets us see what best management practices will have the greatest effect on our water quality and at what cost. HF653 zeroes out funding for this line item.

Comprehensive Nature of the Recommendations: The Council balanced many different objectives in its recommendations outside of the political sphere based on current science and on need. The House is now asking state agencies to use more dollars in some areas and less in others without consultation to determine if the desired objectives can be achieved during the biennium. An example is the removal of CREP dollars (currently the only proposed source of CREP funding for next year) to increase funding for Forever Green. During our deliberations, the Council recommended \$3.3 million in funding for Forever Green (a program we have strongly supported and will continue to support) because this is what the University requested at the time.

Our State agreement with the U.S. Department of Agriculture requires Minnesota to raise \$175 million in RIM funding to unlock \$350 million in federal CREP funding, and our recommendation for \$20 million will allow us to reach \$161 million on the State side. The Legislature and the Council have had to slow down their support for CREP for various reasons in past years and FY20-21 was the time for us to achieve our goal. BWSR cannot accept any landowner applications for federal CREP funding if there is no commitment for our state match. This could lead landowners to make different decisions with their land. With no RIM/CREP funding in the bonding bill or elsewhere in the Legacy bill, the Clean Water Fund is the only source of funding in FY20-21.

More Implementation, Less Monitoring, Testing, and Planning: The first ten years of the Clean Water Fund included considerable funding for testing our waters for impairments, developing plans for addressing those impairments, and pulling together stakeholders throughout the state to agree on priorities. We now have the ability to “step on the gas” to implement more projects with measurable outcomes. However, our local and state partners still require support for the tools such as monitoring to technical assistance to mapping capabilities to do their jobs. These items are being reduced or eliminated in HF653, and are too numerous to list here.

The Council would also like to comment on two additional items.

Soil & Water Conservation Districts (SWCDs): The Council appreciates that Clean Water Funds have not been proposed in the House to fund SWCDs. The work that SWCDs do is critical to our work, but we support a permanent funding solution that does not come out the Clean Water Fund.

Plastics: The issue of nano- and micro-plastics is on the public’s mind, and HF653 has many requirements for agencies to determine the presence of plastics in our waters. After consultation with experts, the Council and agencies have found that a hypothesis-based approach to testing for plastics would be the most productive route. The Council will commit to having expert presentations to our agencies and a robust dialogue this year with stakeholders—including legislators—to suggest such an approach in FY22-23.

Please feel free to contact me at 218-726-2450 or reach out to the Clean Water Council Administrator, Paul Gardner, at 651-757-2384 or Paul.Gardner@state.mn.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Frank Jewell".

Frank Jewell, Chair