



Association of Minnesota Counties

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May 3, 2021

Senator Bill Ingbriksen
Senator Carrie Ruud
Senator Justin Eichorn
Senator David Tomassoni
Senator Torrey Westrom

Representative Rick Hansen
Representative Ami Wazlawik
Representative Kelly Morrison
Representative Peter Fischer
Representative Josh Heintzeman

Dear Members of the Environment and Natural Resources Conference Committee (SF959/HF1076):

On behalf of the Association of Minnesota Counties (AMC), a voluntary association representing all 87 counties, we want to thank you for your work on the Environment and Natural Resources Omnibus bill.

Furthermore, AMC appreciates the opportunity to outline our perspective on how various proposals impact county government, and for your consideration of this input as you move forward.

PROVISIONS SUPPORTED:

- **Use of Proceeds from Sales of Tax-Forfeited Lands** (Senate: Art. 2, Sec. 132): Counties are charged with the management of tax-forfeited properties and incur the costs required to clean-up and maintain these properties until they are returned to their best use. Addressing these costs is one of AMC's priorities this session. This language gives counties the option to use receipts from sale of forfeited lands for clean-up efforts, mitigating some of the financial impact and benefiting to the whole community.
- **Ordinary High-Water Designations** (Senate: Art. 2, Sec. 94-95): Ordinary High-Water Levels (OHW) have impacts on local government infrastructure, water management and land use. This proposal does not impact the DNR's current process for OHW designations. It would require a notice to local governments of new OHW's and allow for additional evidence, important to setting an accurate OHW, to be submitted for consideration by the DNR. AMC supports allowing LGUs to request a review and have final determinations issued by a commissioner's order, which allows for an appeal.
- **Prohibition on Bulk Transfer of Water** (House: Art. 5, Sec. 87; Senate: Art. 2, Sec. 62): AMC supports this proposal to strengthen Minnesota statutes against potential exports of Minnesota water resources. A recent proposal to ship Minnesota groundwater resources to other parts of the country have raised concerns about the strength of current statute to provide for long-term protection of these resources.
- **PFAS Source Evaluation** (House: Art. 1, Sec. 2, Senate: Art. 1, Sec. 2): AMC supports the MPCA request for \$500,000 to evaluate PFAS sources going into wastewater and solid waste facilities. This is an important step in the development of reduction strategies. These entities are both receivers, not producers, of PFAS. Post-consumer and industrial products coming to solid waste facilities must not be excluded from this analysis. We strongly encourage you to fund both solid waste and wastewater analysis. The Senate proposal establishes an advisory committee and further requirements for this evaluation. We support these additional components and the value they will add to this analysis.

- **Public Waters Inventory** (Senate: Art. 2, Sec. 85): The DNR has begun a process to add waters to the Public Water Inventory (PWI) that were never subject to the public process established in law (MN Laws 1979, Ch. 199) and has identified more than 500 waters in more than 60 counties that may be subject to this activity. Minnesota Statute 103G.201 does allow the DNR to maintain the PWI and address reclassifications and revisions. The statute also provides for a notification to local governments, which have water planning and management responsibilities, of PWI reclassifications and give them the authority to object (M.S. 103G.201 (c)). The DNR states that adding these waters to the PWI is only a revision/error correction. If adding a watercourse to the PWI that has never been subjected to the review process established in law is a revision, revisions should be subject to the same local government notice and review authority that is provided for reclassifications. This language would provide for that review.
- **Metro Landfill Contingency Action Trust (MLCAT)** (House: Art. 1, Sec. 2): AMC supports this proposal to repay past state transfers from MLCAT. MLCAT funds are necessary to address known and future contamination at metro area landfills.
- **State Lands** (House: Art. 10, Senate: Art. 2, Sec. 134-135, 137-155): AMC supports moving forward with the lands provisions included in the bill. These sections include changes to state parks and recreation areas in Dakota, St. Louis, Blue Earth, and Washington Counties; private sales of surplus land in Cass, Lake of the Woods, St. Louis, Wadena, Roseau and Sherburne Counties; private sale of tax forfeited land in Aitkin, Itasca, St. Louis, and Beltrami Counties; land transfer in Goodhue County; and land lease in St. Louis County.
- **404 Assumption Reporting** (Senate: Art. 2, Sec 136): The state needs this one-year extension to complete their report on the policy changes and funding necessary to assume Federal Clean Water Act Section 404 permitting. This work has been a joint effort of the EQB, BWSR, DNR, and MPCA with the EPA and ACOE. AMC supports this extension given delays caused by the COVID 19 pandemic.
- **Storm Water Rule** (Senate: Art. 2, Sec. 137): AMC brought this language forward in collaboration with and on the advice of the MPCA to make a technical correction to a 2019 storm water law change. This language will ensure the 2019 changes will be applied as intended and add clarity to the statute.
- **County Ground Water and Geological Atlases** (House: Art. 2, Sec. 2 & Art. 3, Sec. 2, Senate: Art. 3, Sec. 2 & Art. 4, Sec. 2): The ground water and geological atlases that are developed by the DNR and UofM have been valued resources for government entities, businesses, and Minnesota citizens. The funding from the ENRTF is necessary to complete this work for the entire state.

ADDITIONAL CONSIDERATION REQUESTED:

- **Carpet Stewardship Report** (House: Art. 4, Sec 47): AMC supports product stewardship and has been interested in working on the Carpet Stewardship Proposal. Counties look forward to working with stakeholders to structure a program that benefits businesses and consumers and maximizes carpet waste diversion. **We do think it would be helpful to provide for a county representative from the metro area, one from Greater Minnesota, and a separate municipal waste representative.** The task force currently provides for one representative from a county or municipal waste management program (line 17.6). Each of these representatives would bring a unique perspective to the discussion.
- **Advanced Recycling** (Senate: Art. 2, Sec. 93-107, 114): Counties are interested in the development of additional opportunities to divert waste from landfills and move them up the waste hierarchy. We are working with the author and advocates to ensure that these provisions do not adversely impact county roles and responsibilities in waste management. Amended language should be forthcoming.
- **Mattress Stewardship Program** (Senate: Art. 2, Sec. 1116): AMC supports product stewardship as a valuable waste management/reduction option. We have some concerns that the program will collect fees on all mattress sales in the state but not cover the costs of collecting and recycling. This would then require additional end-of-life fees or shift costs to other entities to fully implement the program. Numerous counties currently operate mattress recycling programs and have invested significant money in this infrastructure. We want to ensure that these programs also remain viable. We are working with the Partnership on Waste and Energy, the MPCA and a representative of the mattress recyclers hoping to reach agreement with the proponents on language for consideration in the conference committee report.

- **Natural Resources Block Grant (NRBG) Funding** (Senate: Art1, Sec 4, Lines 31.23- 32.9): Both House and Senate bills include the base appropriation for NRBG (\$3.423 million/year), which directs funding to counties from Wetland Conversation Act, Shoreland, SSTS and Local Water Management work. These are mandatory programs, and this funding covers only a fraction of the costs. The Senate proposes to use \$1 million of this appropriation for grants to low-income residents to address failing septic systems. While AMC supports funding for this purpose, we oppose taking funding from the NRBG programs. This would be a further cost shift to counties. We would also recommend that if other resources are identified to septic grants that they be directed to the MPCA for use in the existing low-income grant program.

CONCERNS:

- **Landfill Responsibility Act** (House: Art. 4, Sec. 17 -22): Counties own and operate two-thirds of the Mixed Municipal Waste landfills in the state. These are public facilities, and their operation and revenues are already part of integrated waste management systems that direct revenues toward waste reduction efforts. Counties are incentivized/required to reduce waste to the landfill and direct revenue to these efforts. This proposal would set aside 3 percent of revenues for state approved repair and reuse programs, diverting funds from successful local programs, and possibly sending revenue to efforts outside the landfill's waste shed. This act would also impose new planning and reporting requirements, new program operations and impose an assessment to fund five state staff to operate the program. All of this would further reduce local waste management resources. No local governments or waste management organizations were included in the development of this proposal. It appears to be heavy on administration and light on potential results. We believe a revised approach to support more reuse and repair programs could be achieved with less administrative costs and better outcomes. AMC would be happy to work with the state on the development of a program targeting these efforts.
- **Deed and Mortgage Fees** (House: Art. 6, Sec. 3): AMC has concerns with creating new fees on mortgage and deed transactions and using county recorder services as a funding mechanism for other programs. Soil and Water Conservation Districts (SWCDs) are key partners on local environmental efforts. Counties currently contribute to their operations with funding from local property tax levies. State capacity funding has incentivized growth in county contributions, \$13.6 million in 2014 to \$19.8 million in 2019. We believe the state should continue to be a partner and provide financial support for these local jurisdictions. This proposal would institute an inequitable and unstable source of additional local funding that is not a viable replacement for state resources.

Again, we sincerely appreciate your consideration of our perspective. Should you have any questions about the information provided above, please don't hesitate to reach out to your local county commissioners or AMC policy analyst Brian Martinson (bmartinson@mncounties.org or 651-246-4156,).

Sincerely,



Rich Sve, Lake County Commissioner
President, Association of Minnesota Counties



Brian Martinson, Policy Analyst
Association of Minnesota Counties

CC: Commissioner Laura Bishop
Commissioner Sarah Strommen
Director John Jaschke
Director Katie Pratt



May 3, 2021

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Dear Members of the Environment and Natural Resources Conference Committee (SF959/HF1076):

The Minnesota Solid Waste Administrators Association (SWAA), an affiliate of the Association of Minnesota Counties (AMC), is a membership organization of primarily composed of county and solid waste district members that have the statutory responsibility for solid waste management. SWAA promotes environmentally sound, cost effective solid waste management systems.

Thank you for your work on the Environment and Natural Resources Omnibus bill. SWAA appreciates the opportunity to share our thoughts on the waste related provisions in this legislation. We would be happy to offer additional thoughts upon request and work with the conference committee on these matters.

Landfill Responsibility Act (House: Art. 4, Sec. 17 thru 22): SWAA opposes the Landfill Responsibility Act (LRA), which is heavy on administration, planning, reporting and costs, with limited return on investment. Mixed Municipal Solid Waste (MSW) is already significantly taxed, at rates that exceed waste headed to other facilities. The LRA results in double taxation of MSW by requiring 3 percent of MSW landfill revenues be spent on State approved programs. The LRA would also collect an assessment on each facility to fund state operations, and create new facility costs to operate the program, develop LRA plans every three years and complete required reports. The financial impacts will be significant, particularly compared to the funds targeted to waste reduction.

Publicly owned MSW landfills account for two-thirds of the MSW landfills in the state. The MPCA claims that landfills have no incentive to reduce waste, but this is not true. County facilities are part of integrated waste management systems that direct revenues toward waste reduction efforts. The LRA will divert funds from successful local initiatives in favor of new state approved programs, and possibly send revenue outside the landfill's waste shed.

The LRA falls short of any sort of progressive plan to reduce waste generation or consumer behavior needed to have an impact at landfills. It is also unlikely to have much impact on greenhouse gas (GHG) emissions. The solid waste industry has been taking steps to reduce emissions and is already a minor contributor (4 percent) as noted in the Governor's Climate Change Report.

SWAA is a leading voice in seeking additional investments in waste reduction, recycling, and composting efforts. We have advocated for allocating all the Solid Waste Management Tax to waste management and increasing SCORE funding in a significant way to allow more waste reduction and reuse projects to be implemented at the local level where they are more effective at meeting the unique challenges of different communities.

Unfortunately, the LRA was developed in a vacuum at the MPCA and, in our view, misses the mark. We believe a revised approach to support more reuse and repair programs could be achieved with fewer administrative costs and better outcomes if the state would like to partner on design of a program targeting these efforts.

PFAS Source Evaluation (House: Art. 1, Sec. 2, Senate: Art. 1, Sec. 2): SWAA supports the MPCA request for \$500,000 to evaluate PFAS sources going into solid waste and wastewater facilities.

These facilities are receivers, not producers, of PFAS. Solid waste facilities receive post-consumer products. Knowing the significant sources of PFAS contamination is key to developing reduction strategies and preventing additional PFAS from entering the waste stream and environment.

The Senate proposal establishes an advisory committee and requires more from this evaluation. SWAA supports these additional components and the value they will add to the analysis. The current language creates a joint solid waste and wastewater advisory council. This structure has value. These facilities have mutual interests with both responsible for the management of leachate and biosolids. We believe some level of collaboration will be important.

Mattress Stewardship Program (Senate: Art. 2, Sec. 1116): SWAA supports product stewardship, but has concerns with this proposal as currently drafted. The mattress stewardship program provided for in this legislation lacks many of the key components of product stewardship. The program would collect a fee on all mattresses sold in Minnesota and create an expectation for consumers that mattress recycling will be provided at end-of-life, but it does not propose to cover all those costs potentially pushing costs onto others either through end-of-life fees or to be paid for by participating entities and the public. Some Minnesota counties have mattress recycling programs, working with recyclers, and investing in their operations and infrastructure. We want to be sure that those recyclers are not harmed by this program. The bill should also include accountability and enforcement measures for the MPCA. SWAA has been working with the Partnership on Waste and Energy, the MPCA and a representative of the mattress recyclers hoping to reach agreement with the bill's author and the advocates to resolve these matters and offer our support to passage.

Carpet Stewardship Report (House: Art. 4, Sec 47): SWAA supports further work among stakeholders to design a Carpet Stewardship plan and report back to the Legislature. We are happy to participate in the development of a program that will cultivate recycling and product manufacturing in the state while serving the needs of consumers and diverting carpet from landfills. The task force currently provides for one representative from a county or municipal waste management program (line 17.6). We think it would be of greater benefit to include a county

representative from the metro area, one from Greater Minnesota, and a separate municipal waste representative. Each of these representatives would bring a unique perspective to the discussion. The Task Force currently has eight industry members versus five public/ environmental members, so the additions would not create an imbalance.

SCORE Grants (House: Art. 1, Sec. 2, Senate: Art. 1, Sec. 2): SWAA supports the investments in the SCORE Grants that support local government recycling and waste reduction efforts. The Senate appropriation includes a \$2.8 million increase annually for this work. This additional funding would help further state recycling goals and additional waste reduction efforts at the local level where most effective at moving disposal to the higher end of the waste hierarchy.

Competitive Recycling Grants (House: Art. 1, Sec. 2, Senate Art. 1 Sec. 2): SWAA supports the House position, which maintains current funding of \$1 million annually in the Competitive Recycling Grants program. These grants help greater Minnesota communities establish and expand recycling and composting programs.

Metro Landfill Contingency Action Trust (MLCAT) (House: Art. 1, Sec. 2): SWAA supports the repayment of MLCAT funds that have been transferred in past legislative sessions. MLCAT funds are necessary to address known and future contamination at metro area landfills.

PFAS Health Risk Limit (House: Art. 4, Sec 46): SWAA is concerned about establishing health risk Limits in statute as is being proposed for PFOS in this section. The Department of Health's 2008-2009 SONAR states that HRLs should be established using "the current level of scientific understanding" and promulgated using the public process in the Administrative Procedures Act. The public is better served by establishing this HRL in rules where adherence to current level of science can happen.

Solid Waste Facilities Report (House: Art. 4, Sec. 23 & 49): Some solid waste facilities have had difficulty meeting the February 1 deadline for submission of the Annual Solid Waste Facilities Report required in rule and subsequently requested a date change in rule by one month. The MPCA has been agreeable to making the change but suggests a statutory change (section 23) and a change in rules (section 49) is necessary to change the report date. SWAA supports the date change, and after consulting with MPCA staff, we recommend deleting all of MS 115A.5501, subdivision 3 (b). This will allow that date to be changed through rulemaking in the future rather than requiring legislative action to update the statute.

Compostable Labeling Requirements (House: Art. 4, Sec. 42): SWAA supports this legislation to make sure the products labeled as compostable meet necessary standards. Consumers choosing environmentally friendly products should be confident that those products will not be problematic or create contaminants in a composting facility.

PFAS Food Packaging Prohibition (House; Art. 4, Sec. 43): SWAA supports legislation to reduce environmental contamination through source reduction. This provision is a necessary step to stop

the continued introduction of PFAS chemicals into our environment. This is a vital step in addressing PFAs at the source versus at the end of life.

Advanced Recycling (Senate: Art. 2, Sec. 93-107, 114): SWAA is interested in the development of additional opportunities to divert plastic waste from landfills and move it up the waste hierarchy.

We have been working with the author and advocates to clarify what these manufacturing operations will produce and to ensure that this proposal will not adversely impact counties. These revisions should be adopted before the proposal is advanced.

SWAA sincerely appreciates your time and consideration of our perspective on the above-mentioned items contained in the current legislative proposal. Should you have any questions about the information provided above, please do not hesitate to reach out to our AMC policy analyst Brian Martinson at bmartinson@mncounties.org or 651-246-4156

Sincerely,

A handwritten signature in black ink, appearing to read 'ZACH FJESTAD', with a stylized flourish extending to the right.

Zach Fjestad
Assistant Solid Waste Director, Otter Tail County
President, Solid Waste Administrators Association

CC: Commissioner Laura Bishop



May 2, 2021

Re: LMC Comments for Conference Committee on SF 959

Chairs Ingebrigtsen and Hansen and members of the conference committee:

The League of Minnesota Cities appreciates the opportunity to comment on SF 959. We appreciate the work that the Chairs and the Senate and House have done to hear and understand local government concerns this session.

PFAS

Throughout the session, there have been proposals for ways to reduce and control per- and polyfluoroalkyl substances (PFAS). These compounds are almost ubiquitous in our environment and number over 4000. Testing exists for less than 60 of those and removal technology for wastewater treatment biosolids and effluent and stormwater flow do not currently exist. To avoid regulations that cannot be met, extensive information on PFAS sources and reduction strategies to keep it out of the water will be essential. The League and the Coalition of Greater Minnesota Cities have been raising these issues in a legislative proposal for the past three legislative sessions with the help of Senators Ruud and Weber and Rep. Fischer.

The House and Senate have both proposed language and funding to address that issue (Art. 1, R4-5, Senate In. 5.13-6.26; R4, House, In. 5.27-5.32 and R6, House, In. 5.22-5.26). Both of these approaches appropriately include looking at sources and reduction strategies for both wastewater and solid waste. While both of these areas need to be studied, the problem with combining them is that the products and industrial processes that contribute to PFAS levels in wastewater systems are extremely different than what ends up disposed of in landfills and compost, as are the strategies for reducing those inputs.

Additionally, the end product needed for wastewater treatment concerns is information that would allow the MPCA and EPA to develop a “qualified pre-treatment” program for PFAS. If a wastewater facility could demonstrate and document that they were meeting the steps required under that program, they would be considered to be complying with pollution control requirements to the maximum extent practicable. They would also be eligible to be protected from additional liability for any PFAS they cannot control. That creates an urgency and outcome focus needed for the wastewater portion of this work. The same Clean Water Act programs and liability protections are not available for solid waste facilities.

With that in mind, we would request that the conference committee provide instructions and funding to the MPCA to work on both of these important issues, but to have the work progress in two working groups, one focused on wastewater treatment and one focused on solid waste. Language that would accomplish that has been supplied to conference committee members and submitted with the testimony of the Coalition of Greater Minnesota Cities. We very much appreciate the support legislators have shown for local government challenges as we struggle to manage this new environmental and public health concern.

The House has additional language and funding (Art. 1, R6, House, In. 6.5-6.12 and Art. 2, R175, House, In. 175.1-175.5 and In. 175.6-175.12) related to setting regulatory standards for various PFAS compounds. While these will need to be developed, both the timing and the inclusion of specific numeric health

standards in statute are of concern. The League would ask that these provisions not be included and that state and federal science on these standards continue to move forward in the normal manner for administrative rules.

Other Items

There are other provisions in both bills that affect city operations, regulations, and public health and safety issues. In order of their appearance in the side-by-side, here are ones that are of particular interest for cities:

- Art. 1, R15 – SCORE funds: The League supports the increased base funding provided in the Senate language (ln. 14.30-14.35).
- Art. 1, R16 – Climate Adaptability and Resilience Planning: MPCA staffing, technical support, and grant funds to assist local government as planning is done related to changes needed to public infrastructure due to increased rainfall and storm intensity, in particular, is badly needed and would be tremendously helpful to Minnesota Cities. LMC supports this program.
- Art. 1, R25 – Emerald Ash Borer: The House language (ln. 23.10-23.32) continues essential funding for communities to address the rapid and devastating spread of this forest pest. Slowing EAB is necessary both to lessen annual city budgetary impacts and to provide additional time for research to develop means to prevent or further slow the spread. Controlling the pest in city forests is also key to delaying and preventing devastating impacts on our northern black ash forests.
- Art. 2, R10-11 – City Pesticide Authority: The House language (ln. 185.11-186.9) matches a new policy adopted in LMC’s 2021 Legislative Policies. It allows a city council to voluntarily adopt specified limitations on the use of certain pesticides, but leaves the determination of which chemicals that applies to with the Department of Agriculture. We support this language.
- Art 2. R64 – Mount Simon-Hinckley Aquifer: The League supports the language related to use of this aquifer. It is identical on both sides.
- Art. 2, R64-65 – Bulk Water Sales. The League supports the language that the House and Senate have that is identical (Senate ln. 85.14-85.29, House ln. 214.23-21.9) related to this issue.
- Art. 2, R75-76 – Notification Requirements: The League worked with the MPCA and others to change language originally included in the agency’s change items for the session that was not workable for facility operators. The version found in House ln. 138.24-139.12 reflects those changes and provides added certainty that the public and other water users will be adequately notified of spills or overflows that might affect them.
- Art. 2, R132-133 – Mississippi River Critical Corridor Area: The League supports the language put forward by DNR to streamline and clarify the MRCCA land use planning and zoning process. It is identical in both sides.

The League looks forward to continuing to work with the chairs, the conference committee, the administration, and other stakeholders as the legislative budget process continues. Thank you for your attention. Please feel free to contact me if there are any questions related to these comments.

Sincerely,



Craig A. Johnson
Intergovernmental Relations Representative

Native MN Historians, Outdoor Enthusiasts and Heritage Tourists
2401 14th St E Glencoe, MN 55336

2021 Conference Committee of Environment and Natural Resources
Appointees Rep R Hansen, Rep Wazlawik, Rep Morrison, Rep Fischer, Rep
Heintzeman, Sen Ingebrigtsen, Sen Ruud, Sen Eichorn, Sen Tomassoni, Sen
Westrom

MN State Capitol
St. Paul, MN

May 2, 2021

Dear 2021 Environment Conference Committee Members,

Your dedication to the State of Minnesota and residents like myself in protection of Minnesota's resources and use of land is most appreciated. Identification of the State's historic resources is often overlooked although assigned to the DNR in section [86A.05, subdivision 11](#), paragraph (b).

The DNR designates historic sites based on a land parcel's direct association with an historical event, person, architectural feature, known or suspected production of archaeological objects, or unique geographic features. Any of those characteristics create a historic site and unit of Minnesota's outdoor recreation system. The DNR prohibits the sale or conveyance of "land that, on or after May 8, 2009, is classified as a unit of the outdoor recreation system" via [86A.055](#), but Minnesota's historic sites continue to be sold or conveyed in part or full through easements. A single unintentional act destroys thousands of years of Minnesota history!

Please add language that will exempt state-owned historic sites, units, and properties from easements. In doing so, Minnesota history within state-owned land will be preserved and protected for generations.

Suggested language to be used in an amendment of Senate Language S0959-3 Sec. 32. Minnesota Statutes 2020, section 84.63 is amended by adding the following after line 52.15; of House Language UES0959-1 Sec. 2, Minnesota Statutes 2020, section 84.63 after line 244.18, both appearing on pages R17 of the SDS

INSERT:

(h) State owned land known, suspected or designated to hold historical objects, structures, value, or contain the physical location of an event related to Minnesota history; or State owned land adjacent to any historic site, monument, or district identified in Chapter 138 is exempt from any conveyance or easement.

Also, please repeal 2017 Ch. 54 Section 23. The conveyance of this Redwood county property purchased through federal funds secured by the State of Minnesota and identified as a historic site within the outdoor recreation system was conveyed by the Minnesota Historical Society with the assistance of the Department of Natural Resources; the action violates existing section 86A.055 as noted above.

Thank you for protecting and preserving Minnesota's historic sites with these two amendments to the 2021 Omnibus Environment and Natural Resource Policy and Finance bill.

On behalf of historic interpreters, researchers, outdoor enthusiasts, heritage tourists and native Minnesotans,

Stephanie Chappell
Glencoe, MN
Districts 18 & 18B

BUILDERS ASSOCIATION OF MINNESOTA



05 May 2021

Honorable Members of the Environment & Natural Resources Conference Committee

Chair Hanson; Representatives Morrison, Fischer, Wazlawik, Heintzeman
Chair Ingebriksen; Senators Ruud, Eichorn, Tomassoni, Westrom

Re: **BAM Written Testimony; SF-959**

On behalf of the **Builders Association of Minnesota (BAM)**, I would like to thank you for the opportunity to share written testimony. Our membership of nearly 1600 builders, remodelers, subcontractors, and industry partners are joined together through twelve local associations across Minnesota, and we are proud to be the statewide voice of the Minnesota Home Building Industry.

BAM is grateful to its members who have worked tirelessly and safely through the pandemic to provide housing opportunities to Minnesotans. Thank you for your public service, and the work you do to move Minnesota forward. Following are issues we would like to highlight for your consideration:

BAM Opposes:

- **New \$25 SWCD fees** on both the mortgage and deed recordings. BAM does not believe real estate transactions should be responsible for funding programs that benefit all Minnesotans; and BAM opposes this additional fee because it further increases the cost of housing. (UE1 Art 6, Sec 3)

Thank you again for the opportunity to share our input on this legislation. Please let me know if the Builders Association of Minnesota can provide any additional information or be a resource for this committee.

Sincerely,

Grace Keliher
Executive Vice President

Builders Association of Minnesota

161 St. Anthony Street, Suite 817
Saint Paul, MN 55103
grace@bamn.org / 612-501-3071

cc: Peter Strohmeier, House Committee Administrator (Peter.Strohmeier@house.mn)
Megan Hennen, Senate Committee Administrator (megan.hennen@senate.mn)

BAMN.ORG



651-646-7959

161 SAINT ANTHONY AVENUE, SUITE 187 SAINT PAUL, MN 55103



DEDICATED TO A STRONG GREATER MINNESOTA

May 3, 2021

Dear Chair Ingebrigtsen, Chair Hansen and members of the Environment and Natural Resources Conference Committee,

On behalf of the Coalition of Greater Minnesota Cities (CGMC), I want to thank all of you for your hard work on assembling your omnibus bills. There is much to be praised in both the Senate and the House versions. This letter highlights positive aspects and points out a few areas of concern in the bills.

Municipal PFAS Source Reduction Strategy

We are pleased that both the Senate and House propose steps to address the presence of per-and-polyfluoroalkyl substances (PFAS) in Minnesota's waters. Our member cities want to do what they can to keep PFAS out of our waters, but right now it is not technologically feasible to remove PFAS from wastewater. The only way for cities to tackle the PFAS problem in wastewater is to address the true sources of PFAS by mitigating the pollution upstream.

We were very pleased that the Senate included the municipal PFAS source reduction strategy from SF 1410 (Weber) in its bill at line 5.13 of Art.1, R4. This strategy will help cities focus on keeping PFAS out of wastewater by helping to determine the main sources of PFAS in their effluent, identifying strategies to keep the PFAS out, and educating wastewater operators and the public on these strategies. The proposal also includes an advisory taskforce so the voices of our cities are heard as strategies are developed and implemented.

When SF 1410 was heard in committee, the Association of Minnesota Counties and several organizations who represent solid waste and recycling haulers and landfills brought an amendment to add themselves into our stakeholder group. Their interest in working on this issue is understandable, and we agree the agency needs to also work with those interests on PFAS issues. However, the problem with this combined approach is that wastewater facilities and solid waste/recycling facilities are very different. They are regulated in different ways, and the strategies and tools for addressing PFAS at those facilities will be different as well. We support efforts by the Associated of Minnesota Counties and the solid waste recovery groups to address PFAS through a source control approach, but it needs to be separate from an approach focused on wastewater facilities. We have attached a copy of proposed language to accomplish this approach.

We urge the conference committee to include this proposal in its conference report with the proposed modification. Addressing the source of PFAS in this manner creates a more cooperative approach to tackling this serious health challenge in a relatively low-cost manner.

PFAS Regulation

We are concerned about two provisions in the policy portions of the House bill in Art. 2 at R175, Sections 45 and 46.

Section 45 would require the Minnesota Pollution Control Agency (MPCA) to adopt water quality standards (WQS) for two types of PFAS by July 2024. WQS play an important role in regulating water quality and form the basis for pollutant limits in wastewater permits. For WQS to be effective, they must be grounded in documented scientific research. Unfortunately, the U.S. Environmental Protection Agency is still assessing the human health toxicity criteria and other variables that go into establishing effective WQS, and there is a strong likelihood necessary data will not be available by 2024. Placing an arbitrary deadline on these WQS is putting the regulation ahead of the science and could result in a series of regulations that are not scientifically sound.

Similarly, Section 46 would require the Minnesota Department of Health to adopt a health risk limit for a type of PFAS. Such a limit may be needed, but it should be grounded in a scientific rulemaking process and not imposed by statute.

Climate Resiliency Grants

Extreme weather is not going away, and many cities are currently ill-prepared to address these challenges. Cities need help in assessing how to adapt their infrastructure to withstand extreme weather events in a cost-effective way. The House bill contains funding for climate resiliency planning grants at Art. 1, R16, L13.23. These grants are an important first step in preparing our cities for the future. The grants will help cities assess their vulnerabilities, create infrastructure plans, and do pre-design to help seek assistance for stormwater system upgrades. We urge the conference committee to include these grants in the final report.

Duty to Notify

The House omnibus bill includes a provision that imposes a duty on wastewater operators to notify affected members of the public about certain overflow events (Art. 2, R75, L138.24). We worked with the MPCA on this language and do not object to its current form.

Wild Rice Stewardship Council

The Senate omnibus bill establishes a Wild Rice Stewardship Council (Art. 2, R13, L48.21), a recommendation that was first suggested by a taskforce under Governor Dayton. We support this effort to better understand the development and health of this important natural resource.

LCCMR Recommendations

We thank both the House and Senate for including the FY2021 and FY2022 recommendations from the Legislative-Citizens Commission on Minnesota Resources (LCCMR) in your omnibus bills. The recommendations contain multiple proposals that will benefit our communities and the environment, such as studying PFAS in biosolids, studies addressing common challenges at wastewater facilities, and funding for local, regional and state parks, trails and natural areas. We appreciate your continued leadership in moving these recommendations forward.

Funding for the Greater Minnesota Regional Parks and Trails Commission

We are disappointed that neither the House nor Senate funded the request for operating funds made by the Greater Minnesota Regional Parks and Trails Commission in SF 787/HF 1264. It is disappointing that both committees ignored this request yet included operational funds for the Metropolitan parks and trails.

We do not oppose the funding for the metropolitan area, but we believe the regional parks and trails in Greater Minnesota deserve support as well.

Thank you for your attention to these issues and all that you do to help Greater Minnesota. If you have any questions regarding these matters, please contact me at ewefel@flaherty-hood.com or 651-492-3998.

Sincerely,



Elizabeth Wefel
Flaherty & Hood, P.A.
Environmental Lobbyist, Coalition of Greater Minnesota Cities

cc: Commissioner Laura Bishop, Minnesota Pollution Control Agency
Commissioner Sarah Strommen, Minnesota Department of Natural Resources
Alexis Donath, Office of Gov. Walz and Lt. Gov. Flanagan



Minnesota Center for Environmental Advocacy

April 30, 2021

To: Members of the SF 959 Conference Committee (Chair Ingebrigtsen, Senators Ruud, Tomassoni, Eichorn and Westrom, and Chair Hansen, Representatives Wazlawik, Morrison, Fischer, and Heintzeman)
From: Kara Josephson, Legislative Director, Minnesota Center for Environmental Advocacy
Re: SF 959 - Environment and Natural Resources Budget Bill

Dear Conferees:

Thank you for your service to the people of Minnesota and for your work on SF 959, the Environment and Natural Resources omnibus bill. Minnesota Center for Environmental Advocacy (MCEA) is a nonprofit organization with almost 50 years of experience using law and science to protect Minnesota's environment and the health of its people. This memo outlines our position on SF 959, identifies areas of concern, and suggests provisions that should be included in the final bill. Throughout this memorandum, we refer to the House and Senate versions of SF 959, which correspond to the 1st unofficial engrossment of SF 959 (House) and the 3rd engrossment of SF 959 (Senate).

We are relieved by a narrowing of differences between the House and Senate on Articles 3 and 4 (Environment and Natural Resources Trust Fund appropriations), and encourage conferees to continue finding common ground to approve the over \$120 million in ENRTF funded projects. However, we are concerned that policy language is so divergent in each body, particularly Section 2 of the Senate bill which contains dozens of policy provisions that would roll back environmental protections, especially for water. And we encourage the House and Senate to address the structural, long-term solvency of agency budgets by increasing general fund spending, allowing appropriate changes in fees and licenses to replenish dedicated funds, and refraining from using inappropriately using dedicated funds, such as the Heritage Enhancement Account, to provide base-level funding for agency activities.

This memorandum will not go line-by-line through Section 1 of SF 959, but will identify several examples of budgeting that we are concerned with.

ENVIRONMENT AND NATURAL RESOURCES BUDGET APPROPRIATIONS

MCEA has concerns with the Senate's approach to the Environment and Natural Resources appropriations contained in SF 959. The overall \$15 million general fund cut in the Senate's version of SF 959 leads to a series of dramatic shifts that inappropriately uses other funds dedicated in statute to provide additional funding for natural resources. In a biennium with a projected budget surplus, cutting already limited general fund spending is irresponsible and these shifts create harm to long-term investment in Minnesota's natural resources.

The Senate approach would result in permanent funding shifts from general fund dollars to other funds. In particular, there are several instances where general fund spending is cut and replaced with funding from "lottery-in-lieu" revenue. These shifts violate the purpose of this revenue source, as described in Minn. Stat. 297A.94(i), which states this money "may not be



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used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes.”

One specific example of this is the Senate’s permanent cut of \$1.5 million per biennium from the general fund for Metropolitan Council - Regional Parks and replacement with \$1.5 million per biennium in “lottery-in-lieu” appropriations (see lines 35.9 - 35.26 of SF 959 3rd Engrossment and lines 193 and 194 in the [Senate’s spreadsheet on SF 959 3E](#).) The purpose of these funds is to supplement traditional sources of funding. Replacing general fund spending is clearly using these funds as a substitute, rather than a supplement.

Another example is the Senate’s permanent cut of \$238,000 per biennium from the general fund for Minerals Cooperative Environmental Research (see lines 91 and 112 of the Senate’s spreadsheet on SF 959 3E) and replacement with \$238,000 per biennium from the minerals management account in the Natural Resources Fund. The net effect of this shift would be to stop \$238,000 per year from being transferred from the minerals management account to the Permanent School Fund, Permanent University Fund and other taxing districts (including counties, towns and school districts.) Under Minn. Stat. 93.2236(b), if the balance in the minerals management account exceeds \$3 million at the end of a quarter, the balance above \$3 million is transferred to these funds.

In summation, the Senate’s approach of cutting general fund appropriations and replacing them with dedicated funds violates the intent of these funds, spreads cuts downstream to other funds and units of government, and depletes funds that are already threatened. Making a \$15 million cut in the general fund in a biennium with a budget surplus is both unnecessary, and potentially devastating for future projects.

ENVIRONMENT AND NATURAL RESOURCES TRUST FUND APPROPRIATIONS

MCEA was heartened by the adoption of an amendment on the Senate floor that removed unconstitutional allocations for wastewater infrastructure grants. As MCEA has previously testified and as the plain language of the constitutional amendment that established the Environment and Natural Resources Trust Fund (ENRTF) states, these are unconstitutional uses of the fund. The Minnesota Constitution allows for loans up to 5% of the corpus of the ENRTF for wastewater treatment, but does not allow the use of the Fund for grants. We thank the Senate for these changes, and hope this opens the path for agreement between the bodies that will unlock long-stalled ENRTF projects.

We generally believe that ENRTF bills ought to travel as standalone legislation, but encourage conferees to use SF 959 to finally release ENRTF funds after nearly two years of gridlock. This would support hundreds of jobs and make important investments in scientific research and habitat protection and restoration across Minnesota. We hope that the Senate and House will be able to reach agreement on language and pass a badly needed package this session that respects the recommendations of the LCCMR.

During this process, please uphold the recommendations of the LCCMR and rely on their careful vetting of projects. We are pleased that FY22 appropriations in both the Senate and House versions of SF 959 contains the full package of LCCMR recommended projects.



Minnesota Center for Environmental Advocacy

Unfortunately, Section 3 of the Senate bill makes substantial changes from the LCCMR's list of vetted and recommended projects for FY 21. While LCCMR was not able to make a recommendation on the full package of projects for FY 21, this is not a reason to substitute millions of dollars in unvetted projects. This would set a dangerous precedent for approving ENRTF projects through the legislature as opposed to the LCCMR.

POLICY PROVISIONS

MCEA appreciates the effort by both bodies to resolve a backlog of policy provisions caused by the COVID-shortened 2020 session, particularly in regards to game and fish regulations and lands. We are particularly glad to see provisions in both bills that include tribal governments in statutes related to land conveyance, and language that would protect Minnesota's groundwater from being sold to distant users.

POLICY PROVISIONS MCEA SUPPORTS IN BOTH BILLS

Senate Art. 2, Section 22 / House Art. 10, Section 2

[Easement Conveyance to Tribal Governments/Reimbursement of DNR Costs]

Senate Art. 2, Sections 87 and 88 / House Art. 5 Sections 86 and 87

[Prohibition on Appropriating Water from Mt. Simon-Hinckley Aquifer] and [Prohibition on Bulk Transfer of Water]

Senate Art. 2, Section 117 / House Art. 4, Section 24

[Tribal Eligibility for Recycling Grants]

POLICY PROVISIONS MCEA SUPPORTS IN THE SENATE BILL (3rd Engrossment)

Section 1 [Investment of Financial Assurance Money Under Permit to Mine]

Section 21 [Conveyance of Conservation Easements]

Section 83 [Water Management Policy Coordination]

Section 131 [School Trust Lands Strategic Plans]

POLICY PROVISIONS MCEA SUPPORTS IN THE HOUSE BILL (1st Unofficial Engrossment)

MCEA strongly supports the House's inclusion of significant enforcement changes, added resources, and enhancements for environmental justice.

[Article 4, Sec. 1-8 enforcement changes, Sec. 9 and 10 define environmental justice and areas, Sec. 31 changes permitting and enforcement in environmental justice areas, Sec. 34 requires informational hearings on non-expiring air permits, Sec. 35 adds MPCA commissioner duties regarding environmental justice areas.]

The burden of pollution in Minnesota falls far more heavily on Black, Indigenous and People of Color (BIPOC) Minnesotans and low-income Minnesotans. MPCA Commissioner Laura Bishop testified to the House Environment and Natural Resources Committee that "a whopping 93%" of BIPOC Minnesotans breathe polluted air beyond health limits. The legacy of siting heavy industry near communities of color is compounded by new pollution sources. This is why reducing the cumulative impact of new pollution is needed, as well as increasing enforcement to reduce existing pollution.



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The environmental justice provisions in the House version of SF 959 are a strong start toward addressing the systemic and historic wrongs that have concentrated pollution and overburdened communities of color and low-income communities across Minnesota. As Minnesota continues to grapple with this legacy, it is critical to continue to engage the communities most affected.

MCEA supports the House's inclusion of resources and policy language to address PFAS "forever chemical" pollution

The House bill contains a number of policy changes that address PFAS pollution, and these sections increase enforcement tools on PFAS. Article 4, Section 42 prohibits PFAS in food packaging, Section 44 requires a water quality standard for PFOA/S, and Section 45 creates a health risk limit for PFOS.

MCEA supports language in the House bill to allow local control over certain pollinator-lethal pesticides and to limit similar pesticide use on state lands managed for wildlife and habitat.

Article 5, Section 16 and 17 allow cities to ban pollinator-lethal pesticides and ban the use of these pesticides were banned, Section 30 Prohibits a person from using certain insecticides (neonicotinoids and chlorpyrifos) in a wildlife management area (WMA), state park, state forest, aquatic management area (AMA), or scientific and natural areas (SNA).

MCEA supports language in House bill to elevate the role of carbon sequestration in forest management

Art. 5, Sections 20 and 21 adds carbon sequestration to the list of purposes of Minnesota forests for the future program and carbon sequestration to the factors used for selecting lands for the program, Section 90 Adds natural carbon sequestration to the list of roles forests play in context of the purpose of the Sustainable Forest Incentive Act (SFIA).

MCEA supports the use of nontoxic shot

Art. 5., Section 69 Requires the use of nontoxic shot when hunting small game on a WMA in the farmland zone beginning July 1, 2022.

MCEA supports public input into large water appropriations permits

Art. 5, Section 83 Requires the DNR to hold a public meeting prior to issuing a water-use permit if the permit is for the average use of more than 216,000 gallons per day.

MCEA supports the House definition of "sustainable water use"

Art. 5, Section 86 Requires the DNR to make a determination that the level of recharge to an impacted aquifer is sufficient to replenish the supply to meet the needs of future generations when determining whether a water-use is sustainable.

MCEA supports the creation of a water quality and storage program

Art. 6, Section 6 sets up the framework for a program to create financial incentives for willing landowners to begin to resolve water retention and water quality issues around the state, and in the Minnesota River basin in particular. Creating this framework provides an opportunity to leverage Federal, state and local funds.



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POLICY PROVISIONS MCEA OPPOSES

There are many provisions of concern in the 3rd engrossment (Senate version) of SF 959. We believe that all Minnesotans are entitled to clean air to breathe and clean water to drink, and many of the sections in Article 2 of the Senate bill move us further away from that vision. Below, we have grouped together similar sections and provide our position and analysis. All of the section references here are in Article 2 of SF 959, 3rd engrossment.

MCEA opposes a Wild Rice Stewardship Council that circumvents government-to-government negotiations and the Clean Water Act responsibilities of the State of Minnesota.

Section 19 [Wild Rice Stewardship Council Establishment] delegates inappropriate tasks to the Council. These include recommending a “a road map for protecting wild rice from harmful levels of pollutants and other stressors through a holistic approach that addresses the water quality standard for sulfate in conjunction with enhanced monitoring, management, and education efforts” and recommending “a structured approach to listing wild rice waters and potential implementation of a water quality standard for sulfate to maximize protection of wild rice while limiting the scope and extent of burdens to Minnesota communities caused by the difficulty of treating sulfate.” Both of these delegate to the Council tasks that are appropriately done by the Minnesota Pollution Control Agency and U.S. Environmental Protection Agency under the Clean Water Act. They presume the water quality standard for sulfate can be politically negotiated by the stakeholders through the Council, as opposed to a scientifically set standard that protects wild rice.

MCEA CEO Kathryn Hoffman was part of the Wild Rice Task Force whose final report included a recommendation to form a Wild Rice Stewardship Council, but we oppose Section 19 of the Senate’s SF 959. The Task Force did not recommend any specific legislative language and it is incorrect to assert that MCEA approved this section by participating in the Task Force.

The issue of wild rice and the federally-approved water quality standard to protect wild rice waters is the subject of government-to-government negotiations between the State of Minnesota and tribal governments. Treating tribal governments as stakeholders equivalent to industry and nonprofit organizations is inappropriate.

MCEA opposes unnecessary and cumbersome legislative approval requirements for water fees.

Section 96 [PCA Training Fee]

Section 98 [Wastewater & Water Supply System Operator Certification Fee]

Sections 99 & 100 [Wastewater Laboratory Certification Fee]

Section 123 [Water Permit Fees]

User fees are a necessary component of funding state permit programs. The MPCA has not increased most water permit fees for more than 28 years. These fees cover the cost of reviewing applications, certifying personnel for wastewater treatment and water supply systems, and certifying laboratories. There is no need for an additional layer of approval.



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MCEA opposes changes to water appropriation permitting that favor large industrial users over rare wetlands and other nearby well owners.

Section 86 [Review of Calcareous Fen Decisions] would threaten some of the rarest wetland habitats in Minnesota with large water appropriation permits nearby that can drain them of the groundwater they depend on. This section gives applicants whose permits are denied because of the damage caused to a nearby wetland several additional “bites at the apple,” and require taxpayers to pay for third party analyses that may undermine the analysis conducted by the Minnesota DNR.

Section 89 [Transfer of Water Use Permits] prevents DNR from requiring testing or putting new conditions in a water appropriation permit that is being transferred. DNR should be able to review the adequacy of a permit at any time, including when it is transferred, in order to protect groundwater resources. The transfer of a permit should result in administrative review of the terms of the permit, and modification as necessary to prevent depletion of water supplies. Minnesota property owners do not own

Section 90 [Analysis of Effect on Land Values] assumes that the impact of groundwater management plans on land values are negative and directs the DNR commissioner to study and address this one factor. Depleted groundwater tables, which groundwater management plans seek to prevent, also have negative impacts on property values. That side of the question should also be included in any study of land values.

Section 91 [Groundwater Management Area Plan Development] is a gag rule that prevents DNR from providing public information about a water management plan under development by limiting the information that DNR can provide to “direct factual responses.” This provision is in direct conflict with the Data Practices Act, which requires public data to be provided upon request, including drafts, and also requires state staff to explain the meaning of data. Preventing a state agency from open communication with the public about its activities is just poor public policy. State policy should be to support greater transparency, not less transparency.

Section 92 [Definition of Sustainable] defines “sustainable” use of groundwater to mean a change of 20 percent or less with regard to the “August median stream flow,” which has nothing to do with what is actually sustainable in terms of long-term Minnesota water supplies. This arbitrary figure will prevent real preservation of sustainable water resources, which must be based on actual data from a particular water source and scientific evidence.

Section 93 [Well Interference and Testing] harms those hurt by well interference by forcing the DNR to consider the “condition of the impacted well,” which requirement has the intent of forcing DNR to reduce any awards to individuals harmed if their wells are older. This provision will harm low-income persons who cannot easily afford new wells in favor of irrigators who want additional water. Similarly, the legislation favors parties who are interfering with existing wells by limiting the ability to contest the commissioner’s award to parties ordered to pay an affected well owner.



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MCEA opposes changes to public water laws that would make it unnecessarily easy for landowners to make public waters private.

Section 85 [Public Waters Inventory Revisions] should be removed from SF 959. Minnesota public waters belong to all Minnesotans. The State holds public waters in trust for the benefit of the people and has the obligation to protect public waters. The Legislature defined public waters broadly in Minn. Stat. 103G.005, subd. 15 and all waters that meet the definition of a public water are protected. In the 1970s, the Legislature mandated the Minnesota Department of Natural Resources (DNR) to publish the Public Waters Inventory (PWI) to list waters in Minnesota that met the statutory definition. The Legislature later gave DNR power to correct errors in the PWI.

The PWI is an important informational tool for protecting Minnesota's water resources. This amendment undermines the DNR's authority to correct errors in the PWI because, if a county objects, the DNR cannot list a water even though it meets the statutory definition of "public water." The DNR is the proper agency to determine what waters meet the definition of a "public water," based on the existing state law definition. If a county disputes the DNR's analysis, that dispute should be addressed by administrative procedures, and not by county veto.

If this provision becomes law, it would limit the ability of the DNR to correct errors in the PWI, create uncertainty, and lead to litigation. MCEA opposes this language which weakens DNR's authority to protect public waters by ensuring the PWIs accuracy.

MCEA opposes changes in the statutes and rules regarding how "ordinary high water levels" (OHWL) are set.

Section 94 [Notification of OHWL Determinations] and Section 95 [Appeal of OHWL Determinations] should both be rejected. The primary problem with Section 95 is that it limits appeals to one unit of government, excluding all other stakeholders and parties who may wish to appeal an OHWL. OHWLs for water bodies are complex to set and analysis may take longer than 90 days, so that deadline is unreasonable and should be removed. Setting them requires a field study, geological information, and historical water level information. These sections should be amended to allow all relevant parties to appeal and to fix the 90 day deadline.

MCEA opposes giving industrial polluters 16 years to comply with stronger water quality standards.

Section 97 [Effluent Limitation Compliance] gives industrial polluters a blanket 16-year exemption from complying with stronger water quality standards, if investments are made in wastewater treatment works. This section violates the federal Clean Water Act and will only result in regulatory uncertainty.

MCEA opposes exempting facilities that convert plastics into fuel from Minnesota rules regarding solid waste.

Sections 101 - 106 [Advanced Recycling Definitions], Section 107 [Advanced Recycling Is Not Waste Processing], Section 108 [Fuels Produced Using Advanced Recycling], Section 109 [Recovered Feedstock Definition], Section 110 [Advanced Recycling Is Not Waste Recovery], Section 111 [Advanced Recycling Facilities Are Not Waste Recovery Facilities], Section 112 [Solvolytic Definition], Section 113 [Advanced Recycling Feedstock Is Not Waste], Section 114



Minnesota Center for Environmental Advocacy

[Advanced Recycling Facilities Are Not Waste Facilities], Section 115 [Advanced Recycling Is Not Waste Management], Section 121 [Advanced Recycling Materials Are Not Solid Waste]

This broad swath of statutory language would create a whole new industrial category in Minnesota statutes and exempt it from a number of rules and statutes that apply to similar recycling operations in Minnesota. Existing recycling operations have testified against these provisions, arguing that there is no reason to exempt “waste to fuel” operations from standards that others in the recycling industry have to meet.

MCEA opposes legislative efforts to prevent or repeal air quality standards regarding motor vehicles.

Section 122 [Repeal of Vehicle Emissions Standards Authority] has been previously heard as SF 450, and would repeal the statutory authority of the MPCA to set standards for automobile emissions. Not only would this repeal the Clean Cars Minnesota rulemaking, it would prevent any future state regulations on automobile pollution. Transportation is the top source of greenhouse gas pollution in Minnesota, and the MPCA is properly using its authority to reduce that pollution.

Section 127 [Zero Vehicle Emission Vehicle Choice] imposes an open-ended requirement on the MPCA to use the environmental fund to purchase any zero-emission vehicle on a dealer’s lot that remains for 90 days. That’s unlike any other product in the state of Minnesota and a poor use of the environmental fund.

MCEA opposes attempts to repeal common sense manure management practices in the general permit for concentrated animal feeding operations.

Section 124 [Manure Spreading Changes Repeal] would prevent the MPCA from requiring permittees who choose coverage under the general feedlot permit to reduce nitrogen impacts from manure when it is applied in the fall and winter. Nitrogen pollution is increasing, and fall and winter manure application is part of the problem. The Minnesota Department of Agriculture’s rules prohibit fall application of commercial nitrogen fertilizer in many areas. The MPCA general feedlot permit does not prohibit fall application of manure, but instead gives producers four options: (1) wait until the ground is cold; (2) add a nitrification inhibitor product; (3) plant a cover crop; (4) apply a portion of the allowed application in the spring. Section 124 unreasonably restricts these best management practices, which many agricultural producers have already adopted.

MCEA opposes confusing and counterproductive “unadopted rules” language that would limit the ability of agencies to clarify Minnesota rules and statutes.

Sections 17 and 125 [Unadopted Rules] are anti-public information, unnecessary and overbroad. First, the sections define all guidance as unadopted rules, effectively “gagging” agencies by preventing publication of any documents that would help regulated parties understand and comply with complicated statutes and rules. Second, these provisions are unnecessary. Under Minn. Stat. 14.381, agencies are not allowed to enforce “unpromulgated rules.” Similarly, Minn. Stat. 14.07 prohibits agencies from incorporating documents into rules unless standards are met. The sections do not help regulated parties or the public and will result in a reduction of public information or massively expensive and unnecessary rulemaking.



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MCEA opposes limits on which Minnesotans can petition for environmental review of a proposal.

Section 128 [EAW Petitions] limits petitions for environmental review to residents of the county (or adjacent county) where a project is proposed. Air and water pollution do not respect county boundaries. Projects undertaken in one county can significantly impact downstream or downwind communities across the state, as when an important fish spawning area is located miles upstream from where anglers seek to fish. This provision would limit the rights of affected persons to petition for environmental review.

MCEA opposes expensive efforts to legislatively modify technical measurements of pollution that would result in dirtier water for downstream users.

Section 159 [Whole Effluent Toxicity] contains highly technical language which modifies how MPCA would calculate and enforce concepts like “acute toxic units” and modifying “mixing zone” calculations and boundaries for one industry (sugar beet processing.) These changes make it clear this section goes far beyond the proper role of the Legislature. At a minimum, the impact of this provision on Minnesota’s water needs to be made very clear before any legislative changes to this highly technical area are considered. Lines 7.8 - 7.11 of SF 959 3E appropriates \$671,000 for these rules and they will cost \$41,000 per year permanently.

MCEA opposes legally dubious and unnecessary changes to Minnesota’s Clean Air Act State Implementation Plan.

Section 162 [State Implementation Plan Revision] is a legally dubious attempt to direct the MPCA to seek a change in Minnesota’s State Implementation Plan for the Clean Air Act. The U.S. Environmental Protection Agency would need to approve it and it’s likely to be challenged in court, which would create additional uncertainty for regulated parties. Ambient air quality standards are critical to protecting public health, and must be applied uniformly for all facilities to be effective.

MCEA opposes setting a bad precedent for energy and utility companies to not follow current law on permitting.

Section 163 [Oriented Strand Board Facility; Itasca County] would exempt a potential oriented strand board (OSB) on Minnesota Power property near the Boswell Energy Center from “any law” that prevents clearing the land and preparing the site and requires issuance of several permits. This amendment has not been subject to public testimony, the project proposer is not yet known, and no details of the proposal are public at this time. In addition, this section is unnecessary, since provisions exist in state rules (Minnesota Rules 4410.3100 subparts 4-8) that allow a variance to the environmental review process for construction under certain conditions. MCEA supports a just transition for all fossil fuel workers, including those at Boswell, and has testified in favor of just transition planning this session (HF 1750). But this overbroad provision would set a dangerous precedent of creating a blanket exemption from Minnesota’s environmental laws for a proposal that is currently shrouded in secrecy.

MCEA opposes the open-ended extension of mining permits that should be reexamined in light of changing practices in the global mining industry.

Section 164 [Preservation of Permits if Mining Permit Revoked] would prohibit the Minnesota DNR from revoking mining permits for the Mesabi Metallics/Essar Steel/Minnesota Steel Industries proposal if mineral leases are revoked. The permits in question were issued in 2008

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and would allow the construction of an expanded mine tailings dam of an upstream design. Since these permits were issued in 2008, several disasters at mines in North and South America have led the mining industry and national governments to limit or ban upstream tailings dams. If DNR is forced to revoke the leases for the project, it should also require an up-to-date permit based on current mining practices.

MCEA opposes exempting a specific drainage project from Minnesota drainage laws.

Section 166 [Drainage Pilot Project; Bois De Sioux Watershed District] exempts a specific drainage project from Minnesota Statutes Chapter 103E. This policy section was not heard in any policy committee, and bypassed the Drainage Work Group. Minnesota has well-established drainage law, and exempting a project from all of it through a floor amendment to a budget bill is not good practice. In addition, this section would upend the usual way nearby landowners are assessed for the cost of this project without any clear idea about how it would impact them.

CONCLUSION

Members of the conference committee, thank you again for your service to the people of Minnesota. MCEA's policy and legal experts are happy to discuss any of the above testimony with you and your staff as you continue your work to assemble the budget for FY 2022-2023.

Sincerely,

Kara Josephson
Legislative Director
Minnesota Center for Environmental Advocacy



April 29, 2021

RE: Surcharge on Recorder's Fees

Dear Conferees,

The Minnesota County Recorder's Association (MCRA), part of the Minnesota Association of County Officers (MACO), strongly opposes a provision in the House Omnibus Environment and Natural Resources bill to add a surcharge on the current mortgage and deed fee structure. See R57 - 222.27 of the side-by-side Article 2.

While funding Soil and Water Conservation Districts is a noble cause, an added surcharge to the recording fee is not the appropriate funding source for such an initiative.

The simplification in the Recording fee structure was established in state law in 2005 and was supported by a wide-ranging coalition of interests including MCRA, the Minnesota Land Title Association (MLTA), the Real Property Section of the Minnesota State Bar Association (MSBA), and the Minnesota Realtors. The statewide uniformity, collaborative effort, and accountability of this reform made Minnesota a nationwide leader now being used as model legislation throughout the country.

Predictable fees established in the 2005 reform are designed to ensure that recording offices have uniform fees that allow our industry partners to transact business with recording offices and support real estate commerce in Minnesota. Predictable and uniform recording fees are desired as an industry standard for numerous reasons with the ability to comply with consumer protection laws high on the list.

The proposed surcharge, although applicable to all counties would not apply to all documents that require a recording fee and as such, will reverse several solutions to former complexities that occurred when consistent fees were not ubiquitous. The logistical challenges with a lack of continuity creates administrative costs to counties and to industry partners that had been eliminated in the 2005 reforms.

The advantage of preserving the predictable fees established within the 2005 reforms include:

- When submitters can effectively predict uniform recording fees, they will see a reduction in errors. For recorders, predictable fees result in fewer rejections for shortages and overages resulting in cost savings in employee time, postage and office supplies.
- Minnesota has addressed in a progressive manner predictable fees as a solution to a wide-spread industry problem.
- The ability to effectively predict uniform recording fees saves time and money for the consumer, the recorder, and the submitter.
- The primary benefits of predictable uniform recording fees for consumers are avoiding delays in closing, confusing fee changes or the need for disclosures to be re-executed, all leading to a more transparent experience for the consumer.

Along with other major stakeholders, Recordors have played an active role in overcoming the challenges which exist in the real estate closing environment. A prime example would be successfully integrating the regulatory requirements placed upon the industry by the federal government's TRID, "Know Before You Owe," regulations. TRID require lenders to accurately disclose all fees in the loan estimate. If the loan estimate does not closely match the closing disclosure, the closing may be delayed resulting in increased costs to your constituents who are our customers.

If the lender is not able to estimate the correct recording fees and transfer taxes at the time the loan application is made, additional consumer notification paperwork will be required before the loan can be closed. This potentially causes delays in the settlement and, as a result, the homeowner may incur additional expenses. The proposed surcharge will make compliance with TRID much more difficult.

An alternative mechanism for funding currently exists. 97% of the Mortgage Registration Tax and State Deed Tax collected by counties is remitted to the state and could be designated for funding. In 2020 over \$300 million dollars were collected through these two funding sources alone. Another funding mechanism could be the \$10.50 that the state General Fund currently receives from recording fees collected by counties.

MCRA/MACO continues to oppose adding any recording fee surcharges, no matter the worthy cause. Doing so could very well begin a trend of instituting additional surcharges which will result in Minnesota returning to pre-2005 complexity and confusion.

Sincerely,

Amber Bougie

Amber Bougie, Co-Chair
MCRA Legislative Committee

Betti Kamolz

Betti Kamolz, Co-Chair
MCRA Legislative Committee



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Phone 612-623-3666

www.CleanWaterAction.org/MN

April 30, 2021

Re: Final Negotiations in Key Conference Committees

Dear Legislator,

My name is Deanna White and I am the State Director of Clean Water Action (CWA) and Director of the Healthy Legacy Coalition. CWA has been working to protect Minnesota's environment and public health since 1982 on behalf of our more than 50,000 members and the Healthy Legacy Coalition is a health based coalition made up of more than 30 organizations who have been working together since 2006.

We especially appreciate your work during this challenging year and difficult weeks ahead in final negotiations. As you go through the final process of crafting legislation to address how best to move Minnesota forward in 2021 and beyond, please consider the following issues that deal with clean water:

PFAS: It is critical that the legislature address PFAS chemicals and their usage in food packaging. Eliminating non-essential uses of PFAS such as its use in food packaging was identified as a key opportunity to prevent pollution in "Minnesota's PFAS Blueprint". We hope that the committee will agree that preventing and addressing PFAS pollution should be a top priority for the legislature.

Per and poly fluoroalkyl substances, known as PFAS, are a class of man-made chemicals used to create a grease- and water-resistant barrier on many types of products. The coatings on paper, cardboard, and molded fiber food packaging are an ongoing source of persistent PFAS; they can leach from packaging into food and then our bodies, and do not break down once they enter our waste stream.

Compostable Product Labeling: Modifying labeling requirements for biodegradable and compostable products is critically important to the proper function of our waste stream and the protection of Minnesota's natural resources. As we collectively learn more about the harmful effects of plastics and chemical additives to our water and our bodies, consumers are trying to reduce their impact by using compostable products. Currently, products that seem eco-friendly may still contain plastic lining or PFAS "forever chemicals", neither of which break down fully in our environment.

Unfortunately, the lack of clear requirements in Minnesota statute has led us to recommend to our members that they should not purchase compostable products unless they have been certified from a reputable third party such as Biodegradable Products Institute (BPI) or similar. These changes will provide clarity for businesses who wish to market their products as biodegradable or compostable, and empower consumers to make informed choices when they wish to buy such products.

Cumulative Impacts Protections: We strongly urge you to make changes in statute to require permit

applicants and the Pollution Control Agency to conduct analysis for permits that impact an environmental justice area of, respectively, socioeconomic and health characteristics of the population that may make it particularly sensitive to increased environmental pollution, and the level and effect of past and present pollution on the population.

Many environmental issues disproportionately impact marginalized communities, especially majority BIPOC and poor neighborhoods. This legislation is a critically necessary piece of the puzzle in making a positive impact in the realm of environmental justice for all Minnesotans.

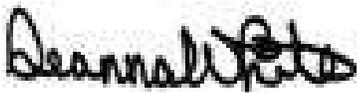
Advanced Recycling: Contained within the Senate Omnibus Environment and Natural Resources bill includes definitions for depolymerization, gasification, post-use polymers, pyrolysis and processing. This is what the chemical industry in the United States calls “advanced recycling” — which is largely the opposite— turning plastic into fuel to be burned. This model language devised by the American Chemical Council (ACC), has been introduced in other states and we would urge you to support removal of this language from the bill.

Also contained within the bill are several additions that exclude "Advanced recycling" facilities from being labeled as "waste facilities", and excludes any of the newly defined activities from waste definitions that already exist in statute. The sole purpose of these additions seems to be avoidance of regulations and/or permitting processes that are designed to protect the environment and public health.

Rebranding incineration as chemical recycling is not the future for Minnesota. If passed, this would be a major setback to the Environmental Justice movement in Minnesota. As you enter into negotiations through the establishment of the Environment and Natural Resources conference committee, we strongly oppose this language and urge you to pass the final legislation without ACC model language.

Whole Effluent Toxicity (WET): This bill would require the Pollution Control Agency (PCA) to adopt rules for interim discharge standards and requirements to the extent allowable under federal law. Essentially, this legislation is meant to allow polluters to increase their emissions at the pipe, just as long as they pollution levels further down stream are blended with clean water to acceptable limits within specially designated mixing zones. We strongly oppose these changes in law.

Clean Water Action appreciates that as you finalize legislation during the 2021 legislative session, that you work towards the shared goals limiting pollution, improve human health, ensure our water supply, restore ecosystems, prevent further environmental injustice and address climate change. Please keep the health, well-being, and also to safeguard taxpayers from prohibitive future costs of environmental damage by considering these issues in the final legislation.



Deanna White

State Director, Clean Water Action



Executive Committee

Chair - Mike Nigbur, Rochester
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District 4 - Gina Hugo, Sherburne County
District 5 - Scott Wold, Redwood County
District 6 - Karlin Ziegler, Olmsted County

May 3, 2021

Dear members of the Environment and Natural Resources Conference Committee,

On behalf of the Greater Minnesota Parks and Trails (GMPT) organization, we are reaching out to provide our comments on the environment and natural resources omnibus bill. GMPT is a member organization of more than 125 cities, counties, individuals, non-profits and businesses dedicated to improving quality of life for all Minnesotans through strong local and regional parks and trails.

LCCMR Recommendations

We commend both the House and Senate on including the FY2021 and FY2022 Environment and Natural Resources Trust Fund (ENRTF) recommendations from the Legislative-Citizens Commission on Minnesota Resources (LCCMR). In a time of continuing economic crisis, it is important to move this legislation forward to create jobs, fund important research, and help expand outdoor and recreational opportunities for all Minnesotans.

While the pandemic has caused many strains on our state, it has also highlighted the importance of local parks and trails. Health experts and government officials at all levels emphasize that citizens should continue to go outside and be active while maintaining safe physical distances. Minnesota's local parks and trails play an essential role in providing such opportunities and have seen record usage over the past year.

Both the FY2021 and FY2022 ENRTF bills contain funding for local parks and trails grant programs, as well individual projects. At a time when local parks and trails are especially important to the wellbeing of our communities, these grant programs are a wise investment.

Funding for Greater Minnesota Regional Parks and Trails Commission

We are disappointed that both bodies failed to include funding for the operations of the Greater Minnesota Regional Parks and Trails Commission, as requested in SF 787/HF 1264, particularly given that both bills provide operating funds for Metropolitan regional parks and trails from the general fund and the environmental fund. Greater Minnesota regional parks and trails are already at a disadvantage because they receive far less Legacy funding than the Metropolitan area and they do not receive dedicated lottery-in-lieu funding like Metropolitan parks do. We do not begrudge the Metropolitan Council funding for their programs, but in the interest of equity, Greater Minnesota should not be ignored.

Parks and trails play an essential role in the health and wellbeing of all Minnesotans. We appreciate the support you have provided to statewide programs, but respectfully request that you include operating funds for the Greater Minnesota Regional Parks and Trails Commission in your final omnibus bill.

Funding for Local Matching Grants

We strongly support the House's appropriation for matching grants for two statewide programs that provide grants for local parks and trails (Art. 1, R28, L26.1 – 26.9). Local governments across the state —

urban, suburban and rural — can apply for these grants which help build important trail connections and upgrade and develop park facilities to meet the needs of our changing world. Demand continues to exceed the amount of available funds for the grants. These programs are particularly important to parks and trails in Greater Minnesota because Greater Minnesota does not have the same level of dedicated funding as parks and trails in the Metropolitan area. We urge the conference committee to adopt the House’s funding for these important grant programs.

No Child Left Inside Account

We support the establishment of an account to fund the No Child Left Inside program, as included the House omnibus bill (Art. 2, R22, L191.21). We encourage adoption of this program and support funding it for future years.

Thank you all for your time and consideration.

Sincerely,



Michael Nigbur
Chair, Greater Minnesota Parks & Trails
Rochester Parks & Recreation, Park and Forestry
Division Head



Ben Anderson
Vice Chair, Greater Minnesota Parks & Trails
Stearns County, Parks Director



Date: April 27, 2021
To: Representative Hansen and Senator Ingebrigtsen, Chairs, Omnibus Environment and Natural Resources Conference Committee
Cc: Omnibus Environment and Natural Resources Conference Committee members
From: Irrigators Association of Minnesota (IAM)
Thru: Douglas Carnival, McGrann, Shea, Carnival Law Firm, and Tony Kwilas, both representing IAM
RE: Water appropriation and well permits in SF 959/HF 1076

Members of the Committee,

Thank you for the opportunity to comment on provisions that will be discussed during the conference committee that are of the utmost importance to the Irrigators Association of Minnesota. Irrigated agriculture in Minnesota has a significant economic impact on the state.

Conagra (Birdseye) a producer of sweet corn and peas, employs 18,000 individuals and is planning on building a new \$250 million processing plant in Waseca, Minnesota. Bailey's Nursery has facilities located in Washington and Dakota Counties, during peak season the nursery employees over 1,000 individuals and has a value of crops estimated at \$110 million. These are two examples to highlight the importance and economic impact of irrigation in Minnesota.

The industry has also been updating and adding technology by using such devices as digital sensors, remote control of systems and variable rate systems to reduce pumping. Additionally, the industry has added low pressure systems with droplet nozzles which reduce evaporation to preserve moisture.

Senate File 959, Article 2, Sections 89-93 contain the provisions that are critical to the irrigated agriculture industry



Section 89 requires the Department of Natural Resources (DNR) when transferring a permit, not require additional conditions on the transfer of the permit. Or if there are additional conditions, they should be applied uniformly to an area of the state, not on individual owners. This is not WESTERN WATER LAW.

Section 90 and 91 requires before a management plan or area is prepared, the DNR must provide estimates on the impacts of any new restriction or policy on land values in the affected area. Any new restrictions could have an impact on cities, counties and school districts and these impacts should be considered in any decision.

Section 93 would set the sustainability standard at 20%. The current standard is 10%. The DNR 2016 Threshold Report recommends that an acceptable standard could be set 15% and could vary for different parts of the state and soil composition. The current standard of a "one size fits all" should be changed and take into account various factors including aquifer depth and soil composition.

Section 93 includes the condition and age of a well in well disputes. This is NOT for large industrial users. This process could be used by ALL individuals and businesses that have a groundwater appropriation permit.

Thank you for allowing us to comment on the provisions before the conference committee. Please feel free to contact us with any questions and we look forward to working with the conferees through this process.

Irrigators Association of Minnesota
Regarding water appropriations and well permits effected by SF 959//HF 1076

Effects on current high volume well appropriations

- **Transferability of permits** in good standing w/o modifications, reduction, or testing. (**Not Western Water Rights**),
- **Require economic impact study** of DNR water management plans and methods to address those economic concerns,
- **Only allow the DNR to publicly release known factual data** during water management plan study period,
- **Define sustainability** as 20% or less of August median stream flow in the statue, and,
- **Well interference must consider age and condition** of affected well and grant contested case rules for dispute resolution.

Overall Minnesota DNR observation wells show excellent aquifer levels, higher than pre-irrigation levels, with rapid recharge capacity.

Water conservation methods implemented by irrigators

- **Low pressure systems** with large droplet nozzles which reduce evaporation and cover crops to preserve moisture,
- **Improved scheduling** with sensors, remote control of systems and variable rate systems to reduce pumping, and,
- **Regular maintenance** for spray pattern of irrigation systems.

Water quality preservation practices

- **Variable rate fertilizer** – split applications, reduced tillage, buffer strips, and abandoning of marginal lands, and,
- **Planting of shelter belts** and windbreaks for pollination habitat.

Importance of irrigated agriculture to vegetable processors

Example 1

Conagra (Birdseye) - Sweet Corn and Peas

- **18,000 employees, revenues \$11 billion**, 20% of irrigated acres (9,000 acres),
- Increased yield of 42% to producers and Conagra of finished product on irrigated vs non-irrigated crops, and,
- Conagra building new \$250 million processing plant in Waseca for processing of sweet corn and peas.

Example 2

Chippewa Valley Bean – Kidney Beans

- 48,000 acres of production in MN, 40.5 million pounds of beans grown, **70% irrigated land and 22% increased production on irrigated land, better quality kidney beans and predictability of yields**, and,
- 70% of total edible beans production exported from U.S.

Non tradition irrigated crops

Bailey's Nursery, located in Washington and Dakota counties, raises trees with irrigation

- **1,000 peak season employees, 400 full time equivalents, value of grown crops in MN \$110,000,000**,
- 17 irrigation wells in MN using 480 million gallons of water annually, store and reuse about 40 million gallons of water,
- Seedling trees in containers need water twice a day – **3 days without water causes unusable products**.

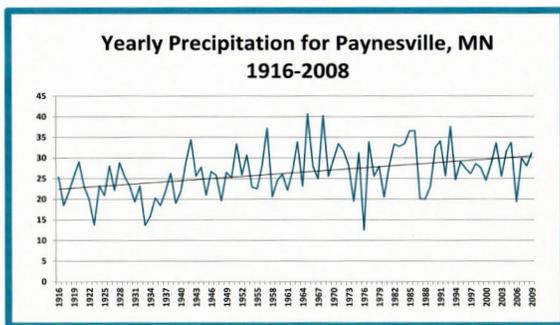
Minnesota Irrigated Agriculture

Irrigation plays a vital role in Minnesota's ag economy. In 2017, 652,000 acres were reported by the DNR to be irrigated. Irrigation use is concentrated in sand plain areas including Bonanza Valley (Glenwood to Paynesville), Park Rapids, Parkers Prairie, Clear Lake, Sauk River west of St. Cloud and the Hastings area. Much of this irrigated land would be unproductive without water due to their sandy, droughty soils. Under irrigation this same land can raise corn and soybeans as bountiful as any other farmland.

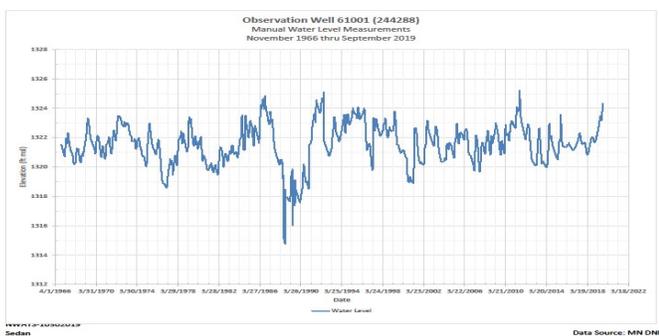
High value specialty crops such as potatoes, sugar beets, edible beans, canning crops, and nursery stock are cultivated on more than 20% of irrigated acreage. Canning companies such as Bird's Eye, Seneca, and Lakeside depend on these irrigated areas to provide predictable high quality raw product to process into frozen vegetables such as sweet corn and peas. Nurseries such as Baileys depend on irrigated fields to start their bare root shrubs and trees. Their barefoot fields in the Hastings area produce nursery stock worth almost \$100,000 per acre.

Irrigated agriculture has also enhanced the sustainability of many of our local communities by providing new service jobs and helping to support their community's tax base, local schools and churches.

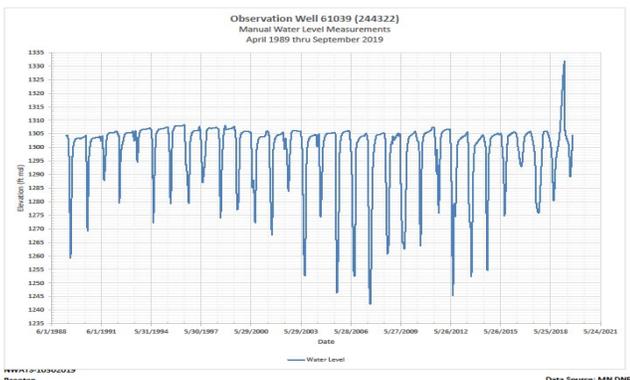
Minnesota Irrigation is Sustainable



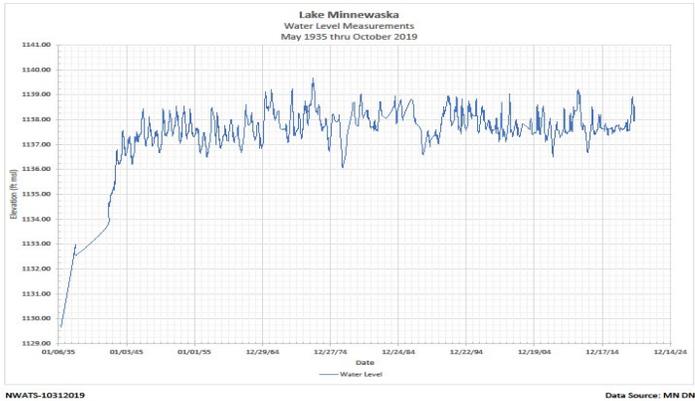
Minnesota receives almost 28 inches of precipitation annually compared to less than 15 inches in other parts of the United States where aquifer levels are declining. Over the last 100 years yearly precipitation has been increasing as shown by data recorded at Paynesville.



Overall, the Minnesota DNR's observation wells show excellent aquifer recharge. This graph is a hydrograph of a surficial well from the Bonanza Valley area. Levels follow precipitation as noted by the lower levels in 1976 and 1988. Water levels today are higher today than 50 years ago when there was no irrigation.



Hydrographs of the buried artesian aquifer in the Bonanza Valley also show excellent recharge. Drawdowns are noted in late summer especially during drought years of 1988, 2007, and 2012 but rebound rapidly into the fall and winter. This spring water was flowing out of the top of this 150' deep observation well.



Lake Minnewaska is located on the upper end of the watershed in the Bonanza Valley. Water levels have been very stable since the 1930's when extreme year over year drought dropped lake levels over 10 feet. This was before water was used to irrigate crops in the Bonanza Valley.



Water conservation and water quality measures

Many irrigators have chosen to become **Water Quality Certified** and are committed to improving irrigation practices on their farms.

Some examples of practices used to conserve groundwater:

1. Low pressure sprinkler conversions with drop tubes, pressure regulators and rotating large droplet nozzles that minimize evaporation loss and wind distortion.
2. Irrigation scheduling using weather stations, real time moisture sensors and in-field squeeze test as well as checkbook methods utilizing daily evapotranspiration values, stage of crop growth and local rainfall amounts
3. Cover crops to build organic matter and soil health to maximize water holding capacity.
4. Remote control of irrigation systems with phone telemetry providing quicker response to rainfall events.
5. Variable rate irrigation can be used to place water more accurately on variable soil types within a field.
6. Regular maintenance and repair of irrigation system equipment and proper management and use of end-guns.

Some examples of practices used to preserve water quality

1. Variable rate applications of seed and fertilizer according to grid sample results. Using integrated pest management to target herbicide and insecticide applications.
2. Split applications of nitrogen fertilizers to minimize waste and potential groundwater contamination.
3. Use of minimum tillage and residue management to protect land and water resources.
4. Buffer strips along public watercourses.
5. Enrollment of marginal lands into CRP and other conservation easements.
6. Participation in Conservation Security Program administered by NRCS to implement new conservation practices.
7. Utilizing EQUIP (Environmental Quality Incentive Programs) to build manure storage structures and dead animal compost facilities to protect water quality.
8. Planting of shelterbelts, wind breaks, and pollinator habitat.

Legislative enhancements we are seeking

1. Transferability of permits
2. Economic study of impact of any changes to permits in groundwater management areas
3. Definition of sustainability thresholds
4. Well interference resolution

** Bill was passed by Senate but failed in conference committee during 2019 session **

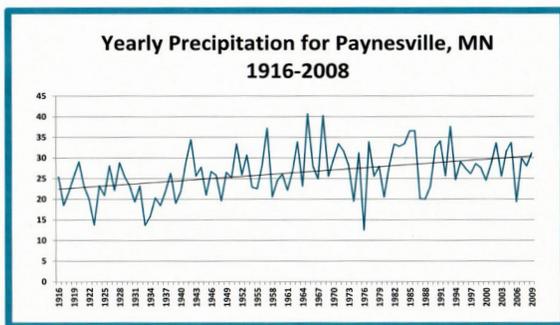
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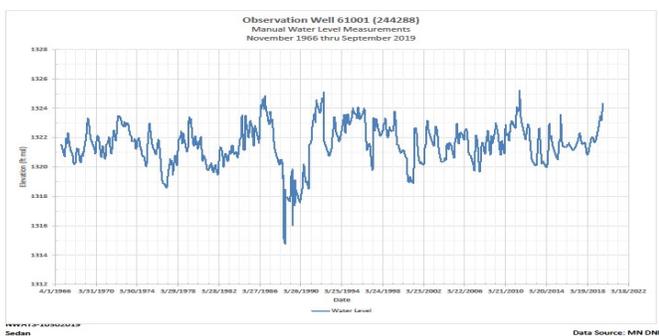
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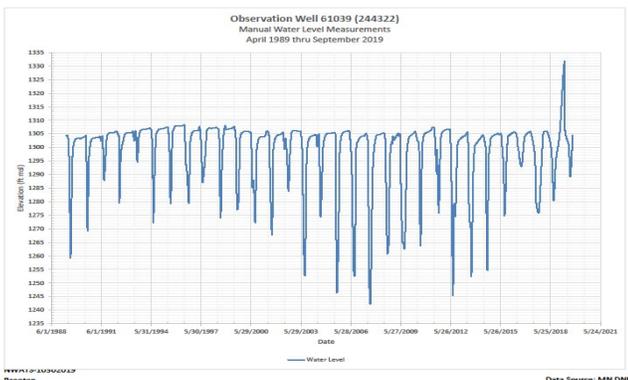
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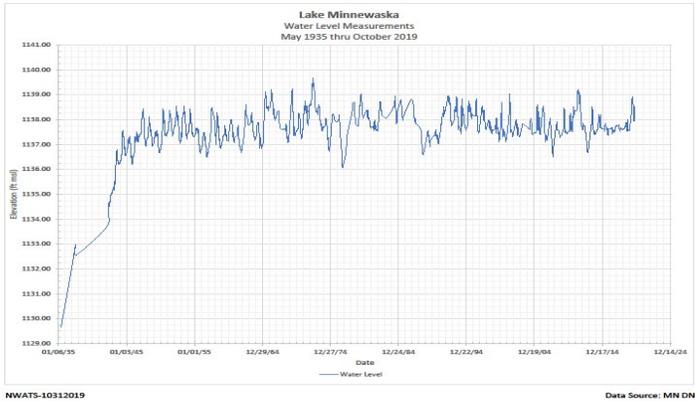
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May 3, 2021

Senator Bill Ingebrigtsen
Senator Carrie Ruud
Senator Torrey Westrom
Senator Justin Eichorn
Senator David Tomassoni

Representative Rick Hansen
Representative Ami Wazlawik
Representative Kelly Morrison
Representative Peter Fischer
Representative Josh Heintzeman

Dear Omnibus Environment & Natural Resources Bill Conferees:

As the Conference Committee convenes to consider differences in the House and Senate versions of the Environment & Natural Resources Bill (S.F. 959), we wanted you to know Land Stewardship Project's priorities and concerns.

SUPPORT House Position: Establish a Soil Health Cost Share Program

(1st Unofficial Engrossment Lines 34.15 to 34.17, 182.28 to 183.17)

By ensuring soil-healthy practices are profitable from day one, Minnesota's countryside can be abundant with perennial pastures, perennial cropping systems, cover cropping systems, no-till, and additional soil health practices. When we steward healthy soil, we are cultivating vibrant and resilient rural, urban, and suburban communities and economies. We cultivate thriving and resilient land that soaks up rain and sequesters carbon, while fostering healthy ecosystems with clean water and a sustainable climate for microorganisms, wildlife, and people. Yet, Minnesota's farmers are facing compounding challenges of extreme weather, financial crisis, and degrading topsoil. All Minnesotans depend on having a sustainable and just farm and food system – which requires public investment in farming that provides a public good. Minnesota has an opportunity to create a program that captures federal dollars and makes us a national and international soil health leader.

House Language:

Lines 34.15 to 34.17

(k) \$500,000 the first year and \$500,000 the second year are for the soil health program under Minnesota Statutes, section 103F.06

Lines 182.28 to 183.17

Sec. 7. [103F.06] SOIL HEALTH COST-SHARE PROGRAM.

Subdivision 1. Definitions. (a) For purposes of this section, the terms in this subdivision have the meanings given them. (b) "Board" means the Board of Water and Soil Resources. (c) "Local units of government" has the meaning given under section 103B.305, subdivision 5. (d) "Soil health" has the meaning given under section 103C.101, subdivision 10a. (e) "Soil health practices" are those practices that sustain or improve soil health, including but not limited to: (1) no-till or strip-till; (2) mulching; (3) cover cropping; (4) perennial cropping; (5) stand diversification; (6) contour, field edge, pollinator, wildlife, or buffer strips planted with perennials; (7) agroforestry; (8) managed rotational grazing; and (9) management practices that minimize soil compaction or increase aeration.

Subd. 2. Establishment. The board must establish a cost-share program consistent with the provisions of section 103C.501 for the purpose of establishing soil health practices to mitigate climate change impacts and improve water quality and related public benefits.

Subd. 3. Financial assistance. (a) The board may provide financial assistance to local units of government for the costs of soil health and related water quality practices consistent with a plan approved according to chapter 103B, 103C, or 103D. The board must establish costs eligible for financial assistance under this section, including costs for conservation planning, cover crop seeding, equipment acquisition or use, and other practices to improve soil health. (b) The board must enter into agreements with local units of government receiving financial assistance under this section.

Subd. 4. Technical assistance. (a) The board may employ or contract with agronomists, biologists, or hydrologists in implementing the cost-share program. (b) When implementing the program, the board must: (1) assist local units of government in achieving the goals of the program; (2) review and assess practice standards; and (3) evaluate the effectiveness of completed practices constructed with assistance from the cost-share program. (c) The board must cooperate with the Minnesota Office for Soil Health at the University of Minnesota, the United States Department of Agriculture Natural Resources Conservation Service, and other agencies and private sector organizations as needed to enhance program effectiveness.

Subd. 5. Federal aid availability. The board must regularly complete an analysis of the availability of federal funds and programs to supplement or complement state and local efforts consistent with the purposes of this section.

SUPPORT House Position: Create a Voluntary, State-Wide Soil-Healthy Farming Goal
(1st Unofficial Engrossment Lines 181.22-181.28)

Originating from a farmer-built proposal, this language would establish a voluntary, state-wide soil-healthy farming goal that would be easily accomplished in conjunction with establishing a Soil Health Cost Share Program, appropriating Clean Water Fund dollars to implementation, funding Soil & Water Conservation Districts, and passing proposals on the table this legislative session. Currently, states like Indiana and Maryland have over 50% of their farmland in soil-healthy practices, while Minnesota is only at about 5%. This goal would signal to our farmers that we are serious in supporting their work to scale up soil-health practices, increase emphasis of our public institutions on soil health, and signal to the federal government and country that we are ready to be national leaders on soil health.

House Language:

Sec. 5. [103C.701] SOIL-HEALTHY FARMING GOALS.

(a) It is the goal of the state to encourage soil health, as defined in section 103C.101, subdivision 10a, farming practices. This may be done by achieving the following objectives: (1) preventing or minimizing soil erosion; (2) retaining water quantity to provide for infiltration; (3) improving surface water and groundwater quality; (4) sustaining soil organic matter; and (5) supporting soil life and pollinators. (b) To achieve the objectives under paragraph (a), the state sets a goal of 30 percent of Minnesota privately owned farmland using soil health practices including but not limited to cover crops, perennial crops, no-till or reduced tillage, strip cropping, or managed rotational grazing by 2030.

SUPPORT House Position: Take Steps Toward Equitable SWCD Funding
(1st Unofficial Engrossment Lines 181.8 to 181.16)

We all benefit from the crucial work Soil & Water Conservation Districts are doing on the ground to support farmers, advance the adoption of soil-healthy practices, and build a resilient and sustainable farming system. Regardless of zip code, SWCDs deserve to have sufficient budgets, staffing, and resources. Currently, SWCDs across the state have wildly unequal budgets. While some districts have as little as \$10,000 per year, others have over a million. These inequalities are strikingly apparent on the

landscape. Regardless of zip code, farmers deserve to have sufficient and equal support, technical assistance, and resources through their local SWCD. Right now, there's an incredibly uneven playing field for our farmers. While the state of Minnesota works toward finding long-term, equitable, and reliable funding solutions for SWCDs, LSP believes that this proposal is an important step in the right direction. Together, we can pitch in to ensure that our SWCDs, farmers, and whole communities are as effective as possible.

House Language:

Sec. 3. [103C.237] SOIL AND WATER CONSERVATION DISTRICT FEE.

Subdivision 1. Fee. (a) A county that contains at least one soil and water conservation district must impose an additional fee of \$25 per transaction on the recording or registration of a mortgage subject to the tax under section 287.035 and an additional fee of \$25 on the recording or registration of a deed subject to the tax under section 287.21. (b) A county that does not contain at least one soil and water conservation district, but carries out the duties of a soil and water conservation district, must impose the fee described in paragraph (a). Subd. 2. Fee deposited; account. The fee described in subdivision 1 must be deposited in a special soil and water conservation district account in the county general revenue fund. Subd. 3. Distribution to soil and water conservation districts. (a) The county treasurer must transfer money from the special soil and water conservation district account to existing soil and water conservation districts within the county in May, October, and December each year. If a county contains more than one soil and water conservation district, money must be allocated equally among each district. (b) A county imposing a fee under subdivision 1, paragraph (b), must use money in the special soil and water conservation account on soil and water conservations duties within the county.

OPPOSE Senate Positions: Serving Corporate Interests at the Expense of Farmers & Rural Minnesotans (*3rd Engrossment Lines 116.25 to 117.9, 107.9 to 107.27, and 121.20 to 121.26.*)

The Senate version of the bill eliminates and limits restrictions for spreading manure from factory farms, increases "efficiency" of environmental review and permitting of industrial projects, and limits the rights of affected persons to petition for environmental review of industrial projects. Our air and water do not know county lines and our rights shouldn't stop at them either. These proposals serve just a handful of large operations and their wealthy investors, at the expense of small and mid-sized farmers and rural Minnesotans. They uplift a corporate industry that is running small and mid-sized farms out of business, depopulating rural communities, and forcing rural communities to foot the bill to clean up detrimental impacts on human health and the environment.

Senate Language:

Lines 116.25 to 117.9

(h) The Pollution Control Agency shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this section. Pastures are exempt from the rules authorized under this paragraph. ~~No feedlot permit shall include any terms or conditions that impose any requirements related to any pastures owned or utilized by the feedlot operator other than restrictions under a manure management plan.~~ A feedlot permit is not required for livestock feedlots with more than ten but less than 50 animal units; provided they are not in shoreland areas. A livestock feedlot permit does not become required solely because of a change in the ownership of the buildings, grounds, or feedlot. These rules apply both to permits issued by counties and to permits issued by the Pollution Control Agency directly. No feedlot permit issued by the Pollution Control Agency shall include terms or conditions that:

(1) impose requirements related to pastures owned or used by the feedlot operator other than restrictions under a manure management plan;

- (2) prohibit application of solid manure during February and March;
- (3) require establishing a cover crop as a condition of allowing application of manure in September; or
- (4) require implementing nitrogen best management practices as a condition of allowing application of manure in October.

Lines 107.9 to 107.27

(b) The commissioner ~~shall~~ must prepare ~~an annual~~ semiannual permitting efficiency ~~report~~ reports that ~~includes~~ include statistics on meeting the tier 2 goal in paragraph (a) and the criteria for tier 2 by permit categories. The report is reports are due on February 1 and August 1 each year. For permit applications that have not met the goal, ~~the~~ each report must state the reasons for not meeting the goal. In stating the reasons for not meeting the goal, the commissioner ~~shall~~ must separately identify delays caused by the responsiveness of the proposer, ~~lack of staff,~~ scientific or technical disagreements, or the level of public engagement. ~~The~~ Each report must specify the number of days from initial submission of the application to the day of determination that the application is complete. ~~The~~ Each report must aggregate the data for the year reporting period and assess whether program or system changes are necessary to achieve the goal. Whenever a report required by this subdivision states the number of permits completed within a particular period, the report must, immediately after the number and in parentheses, state the percentage of total applications received for that permit category that the number represents. Whenever a report required by this subdivision states the number of permits completed within a particular period, the report must separately state completion data for industrial and municipal permits. The ~~report~~ reports must be posted on the agency's website and submitted to the governor and the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over environment policy and finance.

Lines 121.20 to 121.26

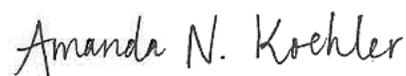
e) An environmental assessment worksheet must also be prepared for a proposed action whenever material evidence accompanying a petition by not less than 100 individuals who reside or own property ~~in the state a county where the proposed action will be undertaken or in one or more adjoining counties,~~ submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the nature or location of a proposed action, there may be potential for significant environmental effects.

Thank you for your consideration.

On behalf of the LSP Soil Health & Climate Organizing Committee,



Kristi Pursell
LSP Soil Health & Climate Organizing Committee Member
Executive Director, Cannon River Watershed Partnership
Northfield, MN



Amanda Koehler
LSP Policy Organizer
Soil Health & Climate Campaign

Contact: akoehler@landstewardshipproject.org | 612-400-6355

cc:

The Honorable Tim Walz, Governor of Minnesota
The Honorable Peggy Flanagan, Lieutenant Governor of Minnesota

Senator Paul Gazelka, Majority Leader of the Minnesota Senate
Representative Melissa Hortman, Speaker of the Minnesota House of Representatives
Commissioner Laura Bishop, Minnesota Pollution Control Agency
Commissioner Thom Petersen, Minnesota Department of Agriculture
Mr. John Jaschke, Executive Director of the Board of Water and Soil Resources

Letters of support for ENRTF and long-term stable funding, submitted by the Minnesota Aquatic Invasive Species Research Center (MAISRC)

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April 14, 2021

Dear Legislators,

The members of the Minnesota Invasive Species Advisory Council (MISAC) would like to express our support for the Minnesota Aquatic Invasive Species Research Center's funding request through the 2021 Environment and Natural Resources Trust Fund bill, which is now reflected in S.F. 959 and H.F. 1076.

MISAC works to implement elements of Minnesota's statewide invasive species management plan. Research into the detection, prevention, and management of invasive species is a critical component of this plan.

The Minnesota Aquatic Invasive Species Research Center (MAISRC) at the University of Minnesota brings together stakeholders from across the state and researchers from a diversity of disciplines to deliver science-based, practical solutions to the aquatic invasive species (AIS) issues facing our state. The research being conducted by MAISRC is saving the state precious time and resources. MAISRC is a valuable resource for management agencies, lake service providers, lakeshore associations, and members of the public.

Minnesota's lakes, rivers, and wetlands benefit from AIS research, and MISAC strongly supports continued funding for MAISRC. Thank you for your consideration of its proposal.

Respectfully,

Jennifer Burington
MISAC Chair

Chelsey Blanke
MISAC Co-Chair

Minnesota Invasive Species Advisory Council (MISAC) Member organizations (as of 2020):

- 1854 Treaty Authority
- Carver County Water Management Organization
- Fond du Lac Band of Lake Superior Chippewa
- Lake County Soil & Water Conservation District
- Leech Lake Band of Ojibwe
- Hennepin County Public Works
- Meeker County
- Metropolitan Mosquito Control District (MMCD)
- Minneapolis Park and Recreation Board
- Minnesota Aquatic Invasive Species Research Center (MAISRC)
- Minnesota Association of County Agricultural Inspectors
- Minnesota Board of Water and Soil Resources (BWSR)
- Minnesota Department of Agriculture (MDA)
- Minnesota Department of Natural Resources (MN DNR)
- Minnesota Department of Transportation (MN DOT)
- Minnesota Invasive Terrestrial Plants and Pests Center (MITPPC)
- Minnesota Nursery and Landscape Association (MNLA)
- National Park Service (NPS)
- St. Croix River Association
- The Nature Conservancy
- Three Rivers Park District (TRPD)
- University of Minnesota
- University of Minnesota Sea Grant Program
- U.S. Department of Agriculture – Animal Plant Health Inspection Service – Plant Protection and Quarantine (APHIS-PPQ)
- U.S. Department of Agriculture – National Resources Conservation Service (NRCS)
- U.S. Fish and Wildlife Service (USFWS)
- U.S. Forest Service (USFS)
- Wildlife Forever

UNIVERSITY OF MINNESOTA

Twin Cities Campus

*Minnesota Aquatic Invasive Species Research Center
Department of Fisheries, Wildlife, and Conservation Biology
College of Food, Agricultural, and Natural Resource Sciences*

*135A Skok Hall
2003 Upper Buford Circle
St. Paul, MN 55108*

*612-626-1412
maisrc@umn.edu
www.maisrc.umn.edu*

April 29, 2021

To Whom It May Concern:

As members of the Center's Advisory Board, we are writing to express our support for the value of the Minnesota Aquatic Invasive Species Research Center (MAISRC) and its innovative and forward-thinking approach to addressing the aquatic invasive species (AIS) problems that face Minnesota's cherished lakes, rivers and wetlands.

MAISRC is a one-of-a-kind center that brings together highly skilled research teams, local property owners, influential resource managers, and leading AIS professionals to work together to find and implement AIS solutions. While rigorous peer-reviewed research is core to MAISRC's mission, MAISRC was built on the understanding that lasting impact comes from moving research findings out of the lab and into the hands of managers and citizens. In doing so, MAISRC has become a national leader in AIS research.

MAISRC has proven its commitment to addressing AIS threats head-on by working with diverse stakeholders to prioritize species of concern and areas of greatest research need, supporting innovative research teams, and training volunteers to prevent and detect AIS. MAISRC is a leader in the fight against zebra mussels, carp, starry stonewort and other species that threaten Minnesota's waterways.

We have reason to be optimistic about AIS in Minnesota, but as managers, professionals and other stakeholders on the front lines, we also know that our work isn't done yet. Research is a long-term investment and the coordination and collaboration for AIS prevention, detection, and management requires ongoing support. We strongly believe that long-term, stable funding of MAISRC's unique, interdisciplinary approach to AIS research from the State of Minnesota is necessary to solving this complex issue in our state. It is our pleasure to serve on the Advisory Board for MAISRC and its programs.

Sincerely,

John Anfinson, Retired Superintendent, Mississippi National River and Recreation Area, National Park Service

John Barten, Retired Natural Resource Director, Three River Park District

Rob Blair, Head, UMN Department of Fisheries, Wildlife, and Conservation Biology

Brian Buhr, Dean, UMN College of Food, Agriculture, and Natural Resource Sciences

Craig Dawson, Retired Director of Research and Monitoring, Minnehaha Creek Watershed District

Jeff Lovgren, AIS Program Lead, Vermilion Lake Association

Steve McComas, Owner, Blue Water Science

David Rush, Land and Resource Management Director, Douglas County

John Schneider, Associate Professor of Biology, Metropolitan State University

Patrick Selter, Minnesota Vice President, PLM Lake & Land Management Corp

Kelsey Taylor, Invasive Species Coordinator, Fond du Lac Band of Lake Superior Chippewa

Chris Tiedeman, Public Affairs and Political Consultant, Weber Johnson Public Affairs

Tom Watson, Past President & Director Land Use & Government Relations, Whitefish Area Property Owners Association

HENNEPIN COUNTY

MINNESOTA

June 22, 2020

Nicholas B. D. Phelps, MS, PhD
U of M Director, Minnesota Aquatic Invasive Species Research Center

Greetings:

The Hennepin County Department of Environment and Energy is pleased to provide this letter in support for the Minnesota Legislature (LCCMR) extending the current RFP for the life of MAISRC to 2025. Hennepin County and Minnesota is home to vibrant, freshwater-based, recreational tourism destinations with numerous urban and suburban lakes.

Independently, we just updated our County's AIS guidelines for the time period of 2020-2025. This included input from 63 key stakeholders within Hennepin County. MAISRC's research fits perfectly with our work in the field of AIS which was directed by these local stakeholders, specifically addressing all pathways; addressing behaviors of spread; supporting innovative, and incremental improvements.

Although it may be difficult to come to terms with, no program is fool-proof. Slowing the spread of AIS is our county's more realistic goal. We therefore lean heavily on MAISRC, along with their partners, to give us county managers future "tools in a toolbox" to avoid/minimize negative impacts caused by AIS.

The county views MAISRC to be innovative and helping empower all of us to take the correct actions. We have a special interest in supporting MAISRC with our existing and powerful program Hennepin-University Partnership (HUP). This is a strategic alignment between Minnesota's primary research university and the most populous county, coordinating partnerships that capture value for both organizations. I have utilized this program numerous times in the past and look forward to working with staff from the MAISRC in the future.

If you have questions or would like further information, please contact me (612-348-4378).



Tony Brough
AIS prevention program coordinator
Hennepin County Environmental and Energy



COUNTY OF STEARNS

Environmental Services Department

Administration Center Rm 343 • 705 Courthouse Square • St. Cloud, MN 56303
320-656-3613 • Fax 320-656-6484 • 1-800-450-0852

07/06/2020

Becca Nash, Director
Legislative-Citizen Commission on Minnesota Resources
100 Rev. Dr. Martin Luther King Jr. Blvd.
State Office Building, Room 65
St. Paul, MN 55155

Subject: MN Aquatic Invasive Species Research Center's Proposal to LCCMR

To whom it may concern,

The Stearns County AIS Committee is pleased to provide this letter in support of the MN Aquatic Invasive Species (AIS) Research Center's proposal to the Legislative-Citizen Commission on Minnesota Resources (LCCMR) to extend the life of the center to 2025.

The proliferation of AIS poses significant harm to ecologies, economies and quality of life for all Minnesotans. The Committee supports preventing the spread of AIS and considers the work of the center as an essential element in this endeavor. Research from the center is informing on-the-ground work, from optimizing watercraft inspection station placement to determining the most effective treatment regimes in response to new AIS infestations.

Continued investment in the center's research endeavors is a necessary component of the state's overall response to AIS. We acknowledge and support the work of the center and its proposal to the LCCMR to extend the center's life to 2025.

On behalf of the Stearns County AIS Committee,

Cole Loewen
Environmental Specialist
Stearns County Environmental Services



**Sherburne
SWCD**

To whom it may concern,

Aquatic Invasive Species (AIS) are a persistent threat to the Minnesota lakes and rivers that we hold so dear to us. These invasive plants and animals threaten not only our recreational enjoyment of the waters and their ecological health, but also the vast economy that developed to support our use of these waters. Investments into AIS research and mitigation are necessary if we are to address this threat. The Minnesota Aquatic Invasive Species Research Center is an organization that is worthy of our investment.

MAISRC is an internationally recognized research center that has made significant advancements in AIS research over the last 8 years. MAISRC approaches the AIS issue from all angles -- prevention and minimizing spread, early detection and risk assessment, and control and management. This diversified approach to research provides tools and information that can be used across the state to address unique, local AIS challenges. The research and outreach that happens at MAISRC directly benefits Minnesota's environment and natural resources by addressing AIS in the state and meeting the ecological, recreational, and economic challenges that AIS pose to the state's beloved waterways. All MAISRC research is conducted with the end-user in mind. The information and tools that MAISRC provides to local and state managers have real-world impacts on the front lines of AIS in Minnesota. Creativity is essential to solving complex issues with AIS and MAISRC's ability to pull together diverse research teams that can work together across disciplines means we're putting the best minds to work to solve this problem for Minnesota and communities like ours across the country. MAISRC's robust and inclusive process for prioritizing AIS research needs ensures that the most critical AIS issues are being met, and that state funds are being used efficiently and effectively to deliver results.

One of my primary roles is to oversee local AIS prevention efforts for Sherburne County. I also serve as a local source of information for all AIS and other water concerns. When I require guidance and assistance on the topic of AIS, the MAISRC has been my go-to resource. In Sherburne County we have integrated MAISRC programs for early detection, volunteer engagement and citizen education. We have used MAISRC's modeling results to help guide our watercraft inspection program, utilizing the best available science to prioritize our outreach and program structure. MAISRC staff have been extremely helpful and responsive to my questions and have gone out of their way to provide materials and in-person presentations for meetings held by our local Sherburne County AIS Task Force.

The MAISRC is a group that not every state is fortunate to have. The research and guidance coming from this organization is second to none, and this work is critical if we are to turn the tide against AIS infestations of our many waterways in the state. As previously mentioned I view an opportunity to fund MAISRC as an investment into our state's water resources as well as an investment into our economy and "10,000" lakes legacy. With that, I would ask that the LCCMR give full support to the MAISRC's funding proposal to continue their groundbreaking work to protect our waters. Thank you for your time and consideration for their proposal.

Dan Cibulka
Senior Water Resource Specialist
Sherburne SWCD
763-220-3434 ext 103
dcibulka@sherburneswcd.org

550 South Snelling Ave
St. Paul, MN 55116



651.690.9602
mccomas@pclink.com

Date: June 26, 2020

To: Legislative Citizen Commission on Minnesota Resources
From: Steve McComas, President, Blue Water Science

Regarding: MAISRC LCCMR Proposal

It is my experience that the research and outreach that happens at MAISRC directly benefits Minnesota's environment and natural resources by addressing AIS throughout the State of Minnesota.

I have found all MAISRC research is conducted with the end-user in mind. The information and tools that MAISRC provides to local and state managers benefits all Minnesotans.

MAISRC has shown the ability to pull together diverse research teams that can work together across disciplines means we're putting the best minds to work to solve AIS problems not only for Minnesota that can be applied to the rest of the country as well.

MAISRC has demonstrated that state funds are being used efficiently and effectively to deliver results.

On behalf of all Minnesota lake users please consider funding MAISRC at the level requested.

Thank you,
Steve McComas, President
Blue Water Science
St. Paul, MN 55116

June 25, 2020

RE: Support for Funding of the Minnesota Aquatic Invasive Species Research Center

Legislative-Citizen Commission on Minnesota Resources
100 Rev. Dr. Martin Luther King Jr. Blvd.
State Office Building, Room 65
St. Paul, MN 55155

Dear LCCMR Members:

I am writing to support the proposal submitted by the *Minnesota Aquatic Invasive Species Research Center (MAISRC)*. As the current Chair of the *Minnesota Statewide Aquatic Invasive Species Advisory Committee*, I have a front-row view of the interplay between University AIS research, DNR programs, and actions taken to prevent and manage aquatic invasive species (AIS) in Minnesota lakes. As an aquatic ecologist and owner of a lake consulting business, I also get to see the issue from the perspective of citizen lakeshore homeowners who expect me to provide them with answers on how to address invasive species in their lakes. Without evidence-based guidance and clear communication from researchers, AIS management and prevention programs quickly go astray. This wastes funds on ineffective actions and undermines citizens' confidence in AIS policies and management strategies. The work being done at MAISRC is absolutely vital for guiding and focusing work to manage and prevent the negative impacts of AIS on our State's waters.

In the past 20 years, I have been a part of hundreds of AIS projects scattered throughout the state. Before MAISRC was created, my work was largely guided by research conducted in Florida, Mississippi, and overseas. Although this work was very helpful, it was often hard to determine if the findings reported in these studies were appropriate for Minnesota waters. Lake management in the Upper Midwest requires a consideration of our lakes' proximity to each other, our deep-seated culture of lake-use, and the novel geology and weather in our state. After the formation of MAISRC, I saw a dramatic increase in the volume and quality of research coming out of the University that was relevant to AIS in Minnesota. Furthermore, I saw a refocused approach that aimed to connect this research with real-world solutions and ensure that new findings were shared with agencies, local environmental staff, and citizen groups. I truly believe that these efforts by MAISRC have put Minnesota at the forefront of AIS research, and are leading to a renaissance in prevention and management strategies in our state. The LCCMR has done a great job of funding AIS management projects in the past, but I believe that providing stable, long-term funding for MAISRC would provide the greatest benefit per dollar to our state's waters. I urge you to continue this investment in MAISRC.

Sincerely,



James A. Johnson

Chair – MN Statewide Aquatic Invasive Species Advisory Committee
Aquatic Ecologist – Freshwater Scientific Services



Jun 24 2020

Legislative-Citizen Commission on Minnesota Resources,

I'm writing you to urge you to support funding for MAISRC. The work done by MAISRC is vital not only to Minnesota's natural resources, but to our nation's lakes and waterways at large. It brings an enormous amount of positive and long lasting results. I have been a 50 year resident of a Lake Minnetonka, during which time I have been active in the preservation of our natural resources and benefitted directly from the results of MAISRC's research.

As an owner of four marinas and a boat manufacturing business , I partnered with MAISRC , the DNR and Brunswick Corporation in a four year research project that was recognized nationally in a positive way , it affected boat design to minimize transfer of AIS. The collaborative work with USGS and the respect that they enjoy by the private sector gives them immediate access to the resources that exist for them and their students to do research. I have attended meetings throughout the United States for AIS. US Fish and Wildlife, NOAA, the American Yacht Council and others. When see the findings of the University of Minnesota and MAISRC projected on the screen and viewed as the authority on some of the AIS subjects, I take pride that our state , the University of Minnesota and MAISRC are part of the solution to the ongoing threat of AIS. I also believe there is a small financial benefit derived from those outside of Minnesota seeking out MAISRC.

As a former Mayor of my city I clearly understand the pressures and demands all government agencies have and the limited funding, but it is my belief that funding the AIS research center is essential to protecting our natural resources now, and for the future.

Respectfully

Gabriel Jabbour



June 25, 2020

RE: Support for Minnesota Aquatic Invasive Species Research Center

Dear Legislative-Citizen Commission on Minnesota Resources,

Today I am writing in support of the MAISRC recent proposal to the LCCMR for continued funding. My name is Patrick Selter and I am the Vice President of PLM Lake and Land Management Corporation's (PLM) mid-west operations, serving the state of Minnesota. I also am an avid outdoorsman, and father in which we value the states natural resources. PLM is the leader in Aquatic Invasive Species (AIS) Management and I personally have the opportunity to interact with many of the great state and local stakeholders when it comes to AIS prevention, education, and management.

For several years I have been actively engaged with the MAISRC thru projects, cooperative research, as well as the individual staff from MAISRC. MAISRC has been actively pursuing the AIS issues from various perspectives including prevention, early detection and rapid response, various formats of risk assessment, control and management efforts. Only MAISRC is equipped locally, here in Minnesota, to tackle AIS as a whole, benefitting Minnesota's natural resources directly, with an emphasis on maintaining the ecological benefits and balancing them with the recreational opportunities for the end users. It is essential to solving the very complex issues AIS present that a high level of creativity is presented. MAISRC has the ability to bring diverse research teams that not only are able to work across many platforms, they can place the best minds for solutions and overcoming challenges, both locally and nationally. MAIRSC, since its beginning has designed a process which prioritizes the research needs, ensuring that the most critical AIS issues are being met, and the funding provided is used extremely efficiently.

Here is an example of how their research is being used in the field today by my company.

Lake Minnetonka Hybrid Milfoil: Current research being conducted by the MAISRC is being incorporated into the states largest Eurasian and Hybrid control efforts allowing for us to provide an adaptive management strategy which genetically identifies various strains of milfoil and apply proper control method and products based upon the genetic variation and its ability to adapt or develop resistance to the control method. To date, nearly 500 acres of Eurasian and Hybrid Milfoil have been eradicated from Lake Minnetonka with no or undetectable impacts to native plant diversity.

It is imperative that these projects continue to be funded and I would encourage the LCCMR to approve the proposal put forth by MAISRC.

Sincerely,

Patrick Selter, VP of Midwest Operations.

Brainerd Location
2509 Business Highway 371
Brainerd, MN 56401

PLM Lake and Land Management Corp.
Midwest Region
Phone: (866) 687-5253
servicemw@plmcorp.net
www.plmcorp.net

Metro Location
1511 Maras Street
Shakopee, MN 55379



June 18, 2020

Dear Legislative-Citizen Commission on Minnesota Resources:

It is our pleasure to submit this letter of support for the Minnesota Aquatic Invasive Species Research Center (MAISRC) as a testament to their substantial research efforts to protect and conserve Minnesota bodies of water.

Our company, Waterfront Restoration, provides Aquatic Invasive Species (AIS) Control and Prevention Services throughout Minnesota. Our AIS prevention services include watercraft inspections for counties and other local government units (LGUs). In 2019, we serviced 75 lakes and 45 cities to maintain aquatic ecosystems, reduce the spread of AIS, and enhance recreational aquatic activities. MAISRC has had an essential role in our ability to effectively and efficiently provide this breadth of services.

Since the inception of MAISRC, their research and education has informed and enhanced the services we provide to the growing number of lakes and cities we serve. Their research is pragmatic and oriented towards companies like ours, making application of recommendations and tools accessible. For example, we regularly reference their research on the risk of infestation of zebra mussels and starry stonewort. They created a model that assesses this by individual lakes, helping us prioritize watercraft inspections. Placement of inspectors at lakes is made more efficient and effective by having this model. The MAISRC annual showcase has allowed us to stay abreast the most current research practices related to AIS and collaborate with researchers and professionals in the field.

Prior to MAISRC, working to preserve and protect Minnesota's most valuable aquatic resources without such a robust research center presented with much difficulty for small companies like ours. Their presence aids us in our daily work to preserve and protect some of Minnesota's most valuable natural resources and have helped us become exemplary aquatic plant managers in the community. As our service area throughout the state expands, our implementation of MAISRC's research and tools parallels this expansion.

MAISRC has consistently demonstrated an unyielding commitment for innovative research to cultivate best practices for AIS management. We have been agents to implement their high impact approach across the state, bearing witness to tangible results of their research and outreach. MAISRC has become an integral entity to the legacy of the Land of 10,000 lakes and we hope to see continued funding support for their efforts.

Sincerely,

Thomas Suerth
Founder and President, Waterfront Restoration



Preserve Your Lake Property **Otter Tail Lakes Property Owners Assoc.**

PO Box 21
Battle Lake, MN 56515
otlpoa.com

Dear Senator Ingebrigsten and Representative Hansen,

As a large lake association in the heart of Otter Tail County, aquatic invasive species management and prevention is one of our highest priorities. We consider the Minnesota Aquatic Invasive Species Research Center (MAISRC) to be a valuable partner in this fight and an important resource for the entire state. Members of our lake association, as well as our cooperators on the Otter Tail County AIS Task Force and county managers rely on MAISRC research advances because we know that science and innovation are needed to address the growing challenges of AIS.

We recently learned that unless the 2021 ENRTF (HF 151/SF 690) funding bill passes, MAISRC would cease operations in 2023. AIS pose complex, multi-faceted problems that require a long-term, collaborative, and innovative approach, one that MAISRC exemplifies. If the current lines of research and MAISRC's dedicated outreach programming ceased in two years, this would be a terrible development for the future of Minnesota's freshwater resources and that is why we are writing to encourage you work with your colleagues in the legislature to pass the ENRTF funding bill.

We are also aware of another bill (HF 1896) proposed to increase the watercraft registration fee and permanently dedicate a portion of these funds to MAISRC. Stable, long-term funding for MAISRC would be incredibly beneficial to overall scientific advancement to the challenges of AIS and it would allow MAISRC scientists and administrators to focus on the research and outreach instead of worrying about the future of their center every two years. As lakefront property owners, we also welcome this proposal because the research shows that most AIS are introduced to new waterbodies by visiting boaters. It is important that everybody pays their fair share to protect Minnesota's lakes and this bill a step towards more equitable shared responsibility for AIS management and response.

We look forward to working with you to help preserve our lakes for generations to come.

Sincerely,

Roger Anderson

Roger Anderson,
President, Otter Tail Lakes Property Owners Association



EST 1982

SAUK RIVER
CHAIN OF LAKES
ASSOCIATION

P.O. Box 369
Richmond, Minnesota 56368

Dear Senator Ingebrigsten and Representative Hansen,

The Sauk River Chain of Lakes is located in Stearns County near the towns of Cold Spring and Richmond. Commonly referred to as the Horseshoe Chain of Lakes, the “Chain” consists of over a dozen lakes that are connected by over 14 miles of the Sauk River. There are over 1400 private, commercial, and other properties along this part of the river, and the Chain is a treasured resource in our community. The Sauk River Chain of Lakes Association (SRCLA) is a non-profit that was established in 1982 and is pledged to improve the water quality of the Chain. The volunteer Board is supported by over 500 members and works tirelessly on water quality projects like managing run-off, combating aquatic invasive species, monitoring public launches, and others.

Aquatic invasive species (AIS) are one of our most costly and concerning issues here on the Sauk River Chain of Lakes. The invasive species we have right now, zebra mussels and curly-leaf pondweed, already threaten our treasured Chain water quality conditions that effect amenities like fishing, boating, and family fun on the water. We know that existing tools to prevent and manage AIS are not enough. That’s why our board follows the encouraging developments in AIS research happening at the Minnesota Aquatic Invasive Species Research Center (MAISRC) and why we urge to you pass the LCCMR Funding bill to ensure that this critical work continues.

Developing solutions to complex and multi-faceted issue like AIS doesn’t happen in isolation or in the span of a few years. MAISRC’s collaborative approach working with managers, agencies, and lake associations like ours and pursuing lines of research over multiple years is a successful approach that has already made big differences in how we treat existing AIS, how we survey our lake for new invasions, and how our Stearns County managers develop AIS prevention plans.

There are new threats on the horizon, including starry stonewort and spiny water flea, and MAISRC programming has already helped us better understand the risk these species pose and how we can work to prevent their introduction into the Chain. There is so much more work to be done and we urge you to work with your colleagues in the legislature to ensure on-going funding of MAISRC.

Thank you for considering the support of MAISRC.

Regards,

Sauk River Chain of Lakes Association Board
Srcl.org





April 10, 2021

Dear Senator Ingebrigtsen,

During this 2021 Legislative Session, Becker County Coalition of Lakes Association, in support of the MN Aquatic Invasive Species Research Center (MAISRC), would like you to strongly consider and support the following bills. I do realize that Becker County is north of your district, but we feel that these bills are significant to our area because of the AIS challenges. We continue to rely on our legislators to support our mission along with MAISRC and their continuing research to support necessary solutions.

The Environment and Natural Resources Trust Fund Appropriation Bill

[HF 151](#) / [SF 690](#)

Impact: This bill would provide \$3.75 million for 4 years, as recommended by LCCMR. It would extend the life of MAISRC to 2025 and would allow them to fund new projects. This funding also includes an extension to MAISRC's 2017 ENRTF appropriation, allowing additional time to complete research that was disrupted by COVID-19.

The Watercraft Surcharge Increase Bill

[HF 1896](#)

Impact: This bill would allocate \$4 from every watercraft registration transaction to MAISRC, providing long-term stable funding for outreach and research implementation efforts.

Becker County COLA appreciates your support of these bills and other legislation that supports the protection of our lakes and enhances the quality of lakes and their shore areas.

Sincerely,

Wanda Roden
Becker County COLA Executive Committee



June 23, 2020

TO: Legislative-Citizen Commission on Minnesota Resources
100 Rev. Dr. Martin Luther King Jr. Blvd.
State Office Building, Room 65
St. Paul, MN 55155

FROM: Phillip Rollins, President
Bay Lake Improvement Association
15449 Woodland Beach Lane
Deerwood, MN 56444

RE: MAISRC Funding

Greetings from the Bay Lake Improvement Association and our 500+ members.

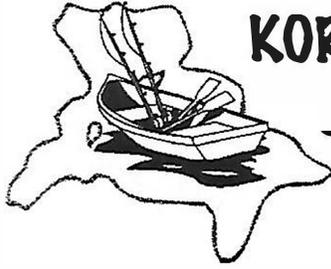
I write to urge the commission to support full funding for MAISRC through 2025. We believe one of the best opportunities for solutions on AIS issues can be found through the center's ongoing research and with new programs. Full funding of \$5M would allow the center to launch up to 20 new AIS prevention, containment and elimination research projects.

In 2018, after over 20 years of robust volunteer and paid inspection programs, zebra mussels were found in Bay Lake. We are facing a serious infestation, which I expect to explode in 2020. Other AIS lurk in the area and we fear they may also invade Bay Lake.

Earlier this year, I met with center staff to consider the creation of new resource material to assist lake associations, lake shore property owners, and other stakeholders with learning how to "live" with AIS. The project is low cost and an example of how center staff are eager to explore new ways to engage the public and consider new avenues to help address the AIS crisis.

I imagine that there are many important funding requests to be considered by the commission. Our Board supports the center's work with an annual contribution of \$10,000. Please continue to support MAISRC with full funding through 2025, giving lakeshore owners like those on Bay Lake one of the best opportunities for solutions to AIS challenges.

Thank you.



KORONIS LAKE ASSOCIATION

Box 333 • Paynesville, MN 56362

*"An association formed to
promote the protection
and improvement
of Lake Koronis".*

Letter of support for MAISRC

The Koronis Lake Association is pleased to be able to support the work of the University of Minnesota Aquatic Invasive Species Research Center.

The Koronis Lake Association is a volunteer organization made up of shore owners of Lake Koronis in Stearns County Minnesota. Lake Koronis has approximately 625 properties around a 2968 acre lake. The Koronis Lake Association was formed in 1971 to promote the protection and improvement of Lake Koronis.

In 2015 an invasive species named Starry Stonewort was identified in Lake Koronis. Along with the MN DNR coming to the rescue to help Lake Koronis, so did the AIS Research Center. Over the last several years we have partnered on several projects, they have worked independently on several other projects, all helping to increase the knowledge about Starry Stonewort for the state of Minnesota and also the nation, and to help us work on management strategies and solutions. To that end we collectively have developed a management approach that after 4 years of testing give great hope to managing this invasive to a below nuisance level thereby benefiting the people of Minnesota and keeping the lake usable for all. This kind of collaboration has been amazing and lead to a fruitful result.

With this kind of experience the Koronis Lake Association fully endorses and encourages any and all support available to continue on their work, not only in the case of Starry Stonewort, but any other aquatic invasive species work they can become involved. This kind of organization compliments the work of DNR adding to the science component, but assists the work of the local lake associations, who often have no one else to assist them scientifically.

Sincerely,

Karen Langmo

President, Koronis Lake Association



June 26, 2020

Legislative-Citizen Commission on Minnesota Resources (LCCMR)
100 Rev. Dr. Martin Luther King Jr. Blvd.
State Office Building, Room 65
St. Paul, MN 55155

Re: Continued Funding for the Minnesota Aquatic Invasive Species Research Center

Dear Commission Members:

The Lake Minnetonka Association (LMA) is a non-profit organization formed in 1968 to promote the preservation, protection, and the reasonable use of Lake Minnetonka and which serves as an information source and advocate for the Lake Minnetonka community. Lake Minnetonka is one of the most heavily used lakes in Minnetonka with over 62,000 launches each year.

I am writing to encourage the Legislative-Citizen Commission on Minnesota Resources to continue funding the valuable work of the Minnesota Aquatic Invasive Species Research Center (MAISRC).

Lake and rivers are the backbone of Minnesota's \$13 billion dollar tourist industry. Over the past decades dozens of aquatic invasive species (AIS) have taken a foot hold in our waters and many more are just a boat ride away from our state. Aquatic invasive species adversely affect the health of our waters and could have long term adverse economic impact to our fisheries and tourism industry.

Research being done by the MAISRC helps the Lake Minnetonka Association and other lake associations in Minnesota to implement programs to control AIS already in our lakes and to prevent new ones from being introduced. For example, the Lake Minnetonka Association and PLM Lake Management are using MAISRC protocol to survey sixteen of the busiest boat launches and over 100 private locations on Lake Minnetonka for starry stonewort. If found, we are prepared to partner with the MnDNR to implement a "rapid response" treatments based on MAISRC research to prevent this invasive weed from spreading.

The multi- disciplinary approach to research done by the MAISRC give us the information we need to explore creative uses of technology, such as the I-LIDs systems and social media, to change boater behavior and to better understand how AIS is transported from lake to lake. MAISRC staff and researchers are available and willing to discuss the feasibility of proposed programs, offer insights to make our existing programs more effective, and to provide unbiased, science based information about the spread and control of AIS which we can share with our members and policy makers around the lake.

MAISRC approaches the AIS issue from all angles -- prevention and minimizing spread, early detection and risk assessment, and control and management. This diversified approach to research provides tools and information that can be used across the state to address unique, local AIS challenges. Additionally, research funds given to the MAISRC are often leveraged by local funds, support from local paid and volunteer staff, and access to boats and equipment.

By using what we have learned from the MAISRC and our private sector partners, the Lake Minnetonka Association is moving towards effectively controlling Eurasian watermilfoil, flowering rush, and curlyleaf pondweed in Lake Minnetonka. In fact, today, these weeds are no longer a nuisance in several of the bays on the lake.

Over the years, a trusting and respectful relationship has grown between the scientists and staff at the MAISRC and lake advocates and lake users across the state. We are confident the MAISRC will find new ways to protect lakes from AIS. But our hope of controlling AIS in Minnesota rests on the shoulders of policy makers such as yourselves to fund the research and staff they need. Please join us in being a steward of our lakes, their legacy, and their future by financially supporting the important work of the MAISRC.

Best regards,

L. Eric Evenson

L. Eric Evenson, Director Lake Minnetonka Association



April 7, 2021

Senator Bill Ingebrigtsen
Chair, Environment and Natural Resources Finance Committee
95 University Avenue W
Minnesota Senate Bldg, Room 3207
St. Paul MN 55155

Representative Rick Hansen
Chair, Environment and Natural Resources Finance and Policy Committee
407 State Office Building
St. Paul MN 55155

Dear Senator Ingebrigtsen and Representative Hansen:

The Vermilion Lake Association strongly supports MAISRC and the research it conducts to protect Minnesota lakes from invasive species. We encourage the legislature to provide the stable, long-term funding which will enable MAISRC to conduct multiyear research and to share those results with local AIS management teams throughout the state.

The Vermilion Lake Association needs MAISRC's help. We need advanced knowledge and better tools – tailored to our lake's specific threats – to improve watercraft inspections at our 30+ public and resort accesses where 16,000 boats launch annually. Many come from lakes with known AIS infestations ... or from out-of-state lakes posing unknown risks.

Our lake association also needs MAISRC's help to develop the tools to support our AIS early detection efforts. A promising example is eDNA which appears ideally suited to detect new AIS infestations at Lake Vermilion. Early detection is a challenge for a lake with 341 miles of convoluted shoreline forming many bays, points, and unique habitats. Our dedicated volunteer corps simply cannot cover our 15,000 littoral acres with current technology.

MAISRC is a valuable resource for the entire state. They have proven methods to prioritize what's important and to bring creative minds together from across the country to pursue the most critical issues.

The Vermilion Lake Association respectfully asks you to provide the stable, long-term funding to enable MAISRC to continue their essential service to Minnesota past 2023.

Sincerely,

Pat Michaelson
President

Jeff Lovgren
AIS Program Leader

TO PROTECT AND IMPROVE LAKE VERMILION

P.O. Box 696 • Tower, MN 55790 • www.VermilionLakeAssociation.org

To: Legislative-Citizen Commission on Minnesota Resources (LCCMR)
From: Cecilia Riedman and Stephen Long
Subject: Letter of Support for Continued MAISRC Funding from LCCMR 2024-2025
Date: June 26, 2020

We're Aquatic Invasive Species (AIS) Detectors volunteers on Turtle Lake in north Itasca County. AIS Detectors, Minnesota Aquatic Invasive Species Research Center's (MAISRC) cooperative volunteer program with partner UMN Extension has literally changed our lives and changed the priorities of the lake we retired on.

MAISRC plays a critical role in Minnesota's battle to slow the spread of aquatic invasive species (AIS) and to better understand the physiology and habit of each AIS species in order to mitigate the negative effects of these invaders on Minnesota's waters. Without MAISRC, the state would certainly lose this battle. We urge you to continue LCCMR's financial support of MAISRC at a level that allows them to grow their critical work.

AIS Detectors is an extraordinary program that arms ordinary people like ourselves with the tools and opportunities to become valuable partners to AIS professionals, to inspire other ordinary people to make a difference in AIS prevention and monitoring, and to tailor strategies and approaches to their own community. The program's flexibility allows the diverse group of volunteers to find niches that fit their personalities and abilities.

MAISRC arms us with a wide variety of tools to help us engage other citizens in AIS prevention and monitoring:

- MAISRC's **AIS Identification Guide** is an exceptional, easy to use tool for anyone who needs to identify potential aquatic invasive species. We use the guide ourselves and give copies to other lake residents who volunteer to monitor their own shorelines. Citizens with no other training are using the guide to correctly identify different species of crayfish, snails, and the native plants that are AIS look-a-likes. It is very likely that these citizens will be able to identify early infestations on AIS, if present on their shorelines.
- MAISRC makes scientific research accessible to citizens through **Webinars** targeted for non-professionals in the field. We take information from webinars directly to lakeshore property owners to build stories about why we need to work so hard at preventing the spread of AIS. This accessibility to current research gives us much more credibility when dealing with skeptics.
- **Starry Trek**, the annual citizen science collaboration between Minnesota and Wisconsin to identify new infestations of Starry Stonewort is a well-designed program we can essentially take out of the box and use. In one day in the field, volunteers who were previously generally conservation-minded often become strong AIS prevention advocates.

- While not specifically a tool, the **MAISRC culture related to volunteers** clearly demonstrates that MAISRC understands that much of the on the ground work of AIS prevention and monitoring can only be done by volunteers. The way that MAISRC has nurtured and acknowledged our volunteer work has taught us that small successes can be turned into a virtuous cycle to keep volunteers enthusiastic and committed. Accessibility to MAISRC's professionals and the nurturing of volunteers by MAISRC professionals is unmatched in the overall professional AIS community we rely on.

MAISRC's scientific research is unmatched. The mix of pure science and field research and the evolution of that research over time appears to be strategically planned to help other AIS professionals and volunteers prioritize where to focus limited resources for greatest impact. Recent social science research will likely have significant influence on future AIS policy making.

MAISRC recognizes that accessibility of their research to lay people is critical. How they assure that accessibility is very effective. At the annual **MAISRC Showcase**, AIS professionals and lay people from all over Minnesota gather for a day to learn about current research, to collaborate, and to build and refresh relationships. At the Showcase, researchers bring complex science down to a level that allows non-professionals to effectively apply it and communicate important learnings to others.

We believe backing MAISRC has received has been instrumental in gaining the support of citizens and communities around Minnesota in their efforts to fight the spread of AIS. With this in mind, we strongly encourage LCCMR to continue and possibly increase funding MAISRC, thereby allowing them to enhance and expand their efforts in the AIS arena.

Best wishes,

Cec Riedman and Steve Long



June 15, 2020

Legislative-Citizen Commission on Minnesota Resources
c/o
Minnesota Aquatic Invasive Species Research Center
2003 Upper Buford Circle, Skok Hall 135
St Paul, MN 55108

Dear Committee Members:

I serve as a board member of the Vermilion Lake Association and coordinator of our Sentry Program which provides inspections three times each boating season of our seventeen public boat landings. In addition, I am an AIS Detector having completed the required training, continuing education and service hours for the past two years. There are four certified AIS Detectors for Lake Vermilion, and they actively participate in our AIS Early Detection Program.

The Sentry Program is staffed by fourteen dedicated volunteers with training in identification of AIS particularly invasive weeds, fish and crustaceans. The MAISRC provides essential training and resources to our volunteers which is invaluable to their work.

My purpose in writing to you today is to express my sincerely gratitude for the MAISRC for their essential education and training services they provide for the volunteers throughout the State of Minnesota who work diligently to discover new infestations of invasive species in in our precious lakes and waterways.

Although the scientists are working diligently to find a method to eradicate invasive species, the only true defense we have today is early detection. The MAISRC is essential in this effort because they reach out and provide the most current information in identification in our changing lake environments. The annual AIS Showcase has been invaluable to me in acquiring the knowledge and inspiration to continue this fight.

I encourage you to support them in any way you can so my volunteers can be well trained and supported in this critical effort to protect what makes Minnesota a great place to visit and live; its lakes and waterways.

Sincerely,

Mary McNellis
Board Member

TO PROTECT AND IMPROVE LAKE VERMILION

P.O. Box 696 • Tower, MN 55790 • www.VermilionLakeAssociation.org



To: Members of the Environment and Natural Resources Conference Committee

Re: **Please build a strong SF 959 to move forward on today's biggest challenges**

May 2, 2021

Dear Legislators:

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

- Alarming pollinator declines
- Degraded soil health, water quality and farm profitability
- Naturally sequestering carbon and greenhouse gas emissions through forests
- Landfill and waste streams
- Upholding citizen participation into environmental decisions.

We, the undersigned organizations and the many Minnesota residents we represent, ask you to put together the best of the House and Senate provisions to make a strong bill that will meaningfully tackle these and other challenges.

This letter comments first on policy provisions, then on the budget (p.11) and ENRTF appropriations.

Article II: Environment and Natural Resource Policy

While the following is not a comprehensive list, our coalition would like to highlight many provisions we strongly support as well as provisions of concern (p. 6) in these bills.

We strongly support the following provisions:

Bulk transport or sale of water prohibited.

Senate: 3rd Engrossment, Article 2, Section 88

House: Unofficial Engrossment, Article 5, Section 87
(page R64 of the side-by-side)

This provision maintains the supply of Minnesota's drinking water by prohibiting bulk transport of water further than 50 miles from where it is appropriated.

We ask you to include this language from both the Senate and the House.

Mattress Recycling

Senate: 3rd Engrossment, Article 2, Section 116

House: *No Language.*

(page R89 of the side-by-side)

We ask you to include this language from the Senate.

Application of certain pesticides prohibited in cities that adopt such ordinances.

Senate: *No Language.*

House: Unofficial Engrossment, Article 5, Sections 16 and 17

(page R11 of the side-by-side)

These sections would allow cities to have local control over pesticide regulations. This could help protect pollinators in these locations including the rusty patched bumble bee. This also requires maintenance of a list of pollinator-lethal pesticides on the department's website.

We ask you to include this language from the House.

Insecticides on State Lands.

Senate: *No Language.*

House: Unofficial Engrossment, Article 5, Section 30

(page R21 of the side-by-side)

“A person may not use a product containing an insecticide in a wildlife management area, state park, state forest, aquatic management area, or scientific and natural area if the insecticide is from the neonicotinoid class of insecticides or contains chlorpyrifos.”

Neonicotinoid insecticides are harmful to pollinators, birds, aquatic invertebrates and large mammals. A DNR study testing white-tailed deer spleens for neonicotinoid pesticides show the presence of this pesticide in deer throughout our state, even deep in our forests, and at levels known to impact fawn survival. Chlorpyrifos is a pesticide known for its damaging effects on the human nervous system, posing especially elevated risks for children as their brains and nervous systems develop.

We ask you to include this language from the House.

Nontoxic shot required for taking small game in certain areas.

Senate: *No Language.*

House: Unofficial Engrossment, Article 5, Section 71

(page R21 of the side-by-side)

This provision requires the use of non-toxic (lead-free) shot on wildlife management areas in a farmland zone. Lead shot, ammunition and fishing tackle are responsible for significant unintentional deaths among wildlife from loons and swans to bears. Shards also contaminate meat and pose a risk to public health – no level of lead exposure is safe. Alternatives to lead shot exist and should be required in these areas designed for the health of wildlife.

We ask you to include this language from the House.

Taking turtles; requirements.

Senate: 3rd Engrossment, Article 2, Section 78

House: Unofficial Engrossment, Article 5, Section 78

(page R51 of the side-by-side)

The House provision eliminates the turtle seller's license, ending the commercial harvest and sale of wild-caught turtles in Minnesota. The unique life history of turtles puts them at high risk of extinction when commercial harvest is a factor. Unlike many fish and game species managed via regulated harvest, turtles are long lived and many species take a decade or more to mature. Harvest of adult turtles, especially adult females, from wild turtle populations can result in population-level declines over the long term, even at relatively low harvest rates. The majority of states have prohibited commercial harvest, many in recent years, leaving Minnesota as one of approximately a dozen states that still allows commercial harvest of wild-caught turtles. We support this language.

The Senate language The Senate version of this provision removes the restriction that a turtle seller's license may be transferred only once to a direct child of the licensee. This creates potential for licenses to be maintained into perpetuity, and also creates potential for licenses to be sold to commercial turtle harvesting corporations, possibly foreign corporations, resulting in increased harvest of Minnesota turtles. We oppose this provision.

We ask you to include the language from the House.

Establishing “Lawns to Legumes” cost share program to increase backyard forage for pollinators.

Senate: *No Language.*

House: Unofficial Engrossment, Article 6, Section 2

(page R56 of the side-by-side)

Directs BWSR to establish a Lawns to Legumes program to provide grants for up to 75% of the cost of a project planting residential lawns with native vegetation and pollinator-friendly forbs and legumes. Residential areas that have a high potential for serving as habitat for the endangered rusty patched bumble bee may receive a grant for up to 90% of the cost of the project.

We ask you to include this language from the House.

“Soil and Water Conservation District Fee”

Senate: *No Language.*

House: Unofficial Engrossment, Article 6, Section 3

(page R57 of the side-by-side)

This provision will fund the Soil & Water Conservation Districts our farmers depend on to provide technical support, education, and information on funding sources. Unfortunately, SWCD funding levels wildly vary across the state. Requiring a small fee on certain housing filings is a step toward equitable and consistent funding for Soil & Water Conservation Districts regardless of zip code.

We ask you to include this language from the House.

Soil – Healthy Farming Goals and Soil Health Cost Share Program.

Senate: *No Language.*

House: Unofficial Engrossment, Article 6 Sections 5 and 7
(page R57-58, 60 of the side-by-side)

The first provision (Section 5) establishes a soil-healthy farming goal that at least 30 percent of Minnesota farmland implement cover crops, perennial crops, no-till, or managed rotational grazing by 2030 to boost farm income, build soil health, prevent or minimize erosion and runoff, retain and clean water, support pollinators, and increase farm resiliency. Long term perennial crops and managed rotational grazing also enable some long-term storage of carbon in the soil. The second provision (Section 7) establishes a cost share program to help achieve the stated goals.

We ask you to include this language from the House.

Including natural carbon sequestration among valuable qualities of forest resources.

Senate: *No language.*

House: Unofficial Engrossment, Article 5, Sections 20, 21, 54, 55, 92
(page R18, 30, 31, 136 of the side-by-side)

Section 54 adds “natural carbon sequestration and climate resiliency” to the list of qualities for which the DNR forestry professionals may advise those who own forest land. Section 55 adds “carbon sequestration for climate change mitigation” to the definition of Forest Resources.

Sections 20, 21, 92 adds “natural carbon sequestration” to the list of qualities for which the forests should be managed and acknowledges the important role forests play in mitigating climate change.

We ask you to include this language from the House.

“Carbon sequestration in forests of the state; goals.”

Senate: *No language.*

House: Unofficial Engrossment, Article 5, Section 95
(page R177 of the side-by-side)

This section requires the DNR Commissioner to establish carbon sequestration goals in public and private forests in Minnesota. To achieve these goals the commissioner must identify sustainable forestry strategies that increase the ability of the forest to sequester atmospheric carbon while enhancing other ecosystem services.

We ask you to include this language from the House.

“Environmental Justice”

Requires cumulative impacts analysis for environmental justice areas

Senate: *No language.*

House: Unofficial Engrossment, Article 4, Section 9
(page R79 of the side-by-side)

This section would require the PCA to perform a cumulative impacts analysis of new or expanded projects seeking permits when they are located in or near communities living in environmental justice areas.

We ask you to include this language from the House.

“Standards for Labeling Bags, Food or Beverage Products, and Packaging”

Requiring labeling accuracy regarding compostable products.

Senate: *No language.*

House: Unofficial Engrossment, Article 4, Section 42

(page R140 of the side-by-side)

This section would require labeling accuracy regarding compostable products. Currently the lack of a requirement causes confusion and materials that aren’t actually compostable are added to compost facilities, degrading the quality and usability of the compost.

We ask you to include this language from the House.

“Food Packaging; PFAS”

Prohibits food packaging that contains PFAS

Senate: *No language.*

House: Unofficial Engrossment, Article 4, Section 43

(page R140 of the side-by-side)

We ask you to include this language from the House.

“Carpet Stewardship program; Report.”

Establishing a program for the collecting and recycling of discarded carpet

Senate: *No language.*

House: Unofficial Engrossment, Article 4, Section 47

(page R175 of the side-by-side)

We ask you to include this language from the House.

“Seed Disposal Rulemaking Required.”

Requires pesticide-treated seed rulemaking for safe disposal.

Senate: *No language.*

House: Unofficial Engrossment, Article 4, Section 48

(page R176 of the side-by-side)

This section requires the Pollution Control Agency to conduct rulemaking to provide for the safe and lawful disposal of unwanted or unused seed that is treated or coated with pesticide. Pesticide-treated seeds in ethanol production were the cause of a large-scale environmental disaster in Mead, Nebraska earlier this year.

We ask you to include this language from the House.

The following are provisions of concern:

Unadopted Rules

Senate: 3rd Engrossment, Article 2, Sections 17, 125

House: *No Language*.

(page R12, 124 of the side-by-side)

These provisions upend current permitting stating that the PCA or DNR may not enforce any guideline, policy plan, manual standard or interpretive statement and may not incorporate this “guidance” into a permit or interpretation unless it has undergone rulemaking.

Relying on rulemaking alone assumes that all environmentally harmful activities must be explicitly defined by administrative rule before those activities may be guided or regulated by agencies. This assumption and approach would be contrary to the specific duties and responsibilities the legislature assigned to all state agencies under the Environmental Policy Act. Science-based decision-making and guidance relies on ever evolving peer reviewed literature. Agency permitting decisions must be responsive to new and developing science.

Relying on rulemaking is counter-productive to creating workable permits.

These proposed provisions would prevent agencies from producing any documents that would help regulated parties understand and comply with complicated statutes and rules. They would also prevent the regulated parties and agencies from being able to enter into agreements that reference documents that outline terms that both parties would have otherwise agreed to include. Flexibility of the agency on what is allowed according to the permit would be removed.

We ask that you take the House position and leave out this language.

Wild Rice Stewardship Council

Senate: 3rd Engrossment, Article 2, Section 19

House: *No Language*.

(page R13 of the side-by-side)

It is not helpful to Tribes in Minnesota for a “Stewardship Council” composed of stakeholders to direct or inform the stewardship of wild rice, a grain that has been central to their spiritual and physical sustenance for generations.

Tribal government-to-government relationships are not similar to those of “stakeholders.” The establishment of a council that puts tribal rights holders on par with industry interests is improper. The Governor and State agencies are engaging in consultation with Tribes. The proposed language telling leaders of Tribal government what they must review and consider misunderstands the role of Tribes as sovereign governments and is wholly inappropriate.

In addition, the makeup of the proposed council includes many positions representing industry and those who have a vested interest in preventing application of the sulfate water quality standard that by law must provide protection to wild rice. It is inappropriate to have those who work to eliminate the wild rice standard to now “steward” the standard and protocols for the protection of wild rice.

We ask that you take the House position and leave out this language.

“Calcareous Fens”

Sensitive ecosystem protections eroded by burdening DNR with new proof standard

Senate: 3rd Engrossment, Article 2, Section 86

House: *No Language.*

(page R62 of the side-by-side)

Calcareous Fens are one of the rarest and most sensitive ecosystems in Minnesota. They support an unusually large number of rare and threatened plant species including several that live only in calcareous fens. Groundwater is their lifeblood. They are very susceptible to disruptions in their groundwater supply. When the native plants are stressed, aggressive invasive species move in to push them out. Once the invasive species have a foothold, they do not leave even if natural levels are returned. *A reduced supply of groundwater may lead to an irreparable loss of many calcareous fens.*

This provision tells the DNR that if it does not approve or renew a groundwater permit because of its impact on a calcareous fens, the DNR must, at taxpayer cost, demonstrate by a preponderance of the evidence the basis for this conclusion within one year. This is unnecessary and asks the DNR to inappropriately employ a new standard for protecting these sensitive ecosystems. This new burden is proposed even as the Senate bill makes a punitive \$1.5 million cut to this DNR Division.

We ask that you take the House position and leave out this language.

Transferring permit

Senate: 3rd Engrossment, Article 2, Section 89

House: *No Language.*

(page R65 of the side-by-side)

This section prevents DNR from requiring testing or putting new conditions in a water appropriation permit that is being transferred. DNR should be able to review the adequacy of a permit at any time, including when it is transferred to a new operator, in order to protect groundwater resources. The transfer of a permit should result in administrative review of the terms of the permit, and modification as necessary to prevent depletion of water supplies. This language would effectively create a private sale of a permitted public natural resource

We ask that you take the House position and leave out this language.

Management plans; effect on land values

Senate: 3rd Engrossment, Article 2, Section 90 and 91 (d)

House: *No Language.*

(page R65 of the side-by-side)

These sections state “Before a management plan for appropriating water is prepared, the commissioner must provide estimates of the impact of any new restriction or policy on land values in the affected area. Strategies to address adverse impacts to land values must be included in the plan.”

This inappropriately prioritizes attention on a potential economic impact rather than on the needs of the area for sustainable groundwater. Water management plans should be about the protection of Minnesotans’ water resources. The DNR should not be required to evaluate economic interests before determining how to best safeguard the natural resources they are charged with protecting.

We ask that you take the House position and leave out this language.

Groundwater management areas

Senate: 3rd Engrossment, Article 2, Section 91

House: *No Language.*

(page R65 of the side-by-side)

This section prevents DNR from providing public information about a water management plan under development by limiting the information that DNR can provide to “direct factual responses.” This provision is in direct conflict with the Data Practices Act, which requires public data to be provided upon request, including drafts, and also requires state staff to explain the meaning of data. Preventing a state agency from open communication with the public about its activities is poor public policy. State policy should be to support greater transparency.

We ask that you take the House position and leave out this language.

“Sustainability standard”

Proposed definition of “sustainable” not based in science; aquifer recharge should be considered

Senate: 3rd Engrossment, Article 2, Section 92

House: Unofficial engrossment. Article 5, *Section 88*

(page R65-66 of the side-by-side)

The Senate proposes language that would define “sustainable” to mean a change of 20 percent or less with regard to the “August median stream flow” which is not scientifically determining what is actually sustainable in terms of long-term Minnesota water supplies. This arbitrary figure will prevent real preservation of sustainable water resources, which must be based on actual data from a particular water source and scientific evidence.

The House proposes that the level of groundwater recharge to the aquifer must be considered when determining whether consumptive use of groundwater is sustainable for permitting uses.

We ask that you take the House position.

“Well interference; validation; contested case”

Senate: 3rd Engrossment, Article 2, Section 93

House: No Language.

(page R65 of the side-by-side)

This section further harms those hurt by well interference by forcing the DNR to consider the “condition of the impacted well,” which would result in the reduction of awards to those who have older wells. This provision will harm people who have lower incomes and cannot easily afford new wells in favor of irrigators who want additional water. Similarly, the legislation favors parties who are interfering with existing wells by limiting the ability to contest the commissioner’s award to only those parties who have been already ordered to pay an affected well owner.

We ask that you take the House position and leave out this language.

Requiring Approval to increase MPCA user-fees that fund agency services

Senate: 3rd Engrossment, Article 2, Sections 96, 98-100, 123

House: *No Language.*

(page R77 of the side-by-side)

User fees are a necessary component of funding state permit programs. The MPCA has not increased most water permit fees for more than two dozen years. These fees cover the cost of reviewing applications, certifying personnel for wastewater treatment and water supply systems, and certifying laboratories. There is no need for an additional layer of approval to be required by statute.

We ask that you take the House position and leave out this language.

“Effluent Limitations; Compliance”

Businesses may bypass wastewater quality standards for 16 years

Senate: 3rd Engrossment, Article 2, Section 97

House: *No Language.*

(page R77 of the side-by-side)

This provision gives an industry that has already constructed or made improvements to a water treatment facility a 16-year pass for meeting any other water quality standards that may be developed. Water quality standards are developed to protect human health and the viability of our waters for important uses for all Minnesotans. If new water quality standards are established, the agency should have the ability to require these new standards be met.

We ask that you take the House position and leave out this language.

“Advanced Recycling”

Category created in order to exempt this industry from waste management laws

Senate: 3rd Engrossment, Article 2, Sections 101-115, 121

House: *No Language.*

(page R78 of the side-by-side)

These sections create a new “Advanced Recycling” category in statute in order that this industry may be exempted from other waste management laws. The process being considered converts plastic waste into combustible fuel, calling it “advanced recycling.” But this is not genuine recycling. Rather the industry increases the toxic environmental consequences of plastic production.

The proposed sections in this bill would establish “advanced recycling facility” in statute with corresponding definitions, then exempt these facilities from other laws related to waste management, including the federal Resource Conservation and Recovery Act, which gives the EPA authority over hazardous waste. These provisions create loopholes through which this emerging industry can avoid measures to protect human health and the environment.

We ask that you take the House position and leave out this language.

“Permitting efficiency”: *Adds requirements to increase reporting on agency permitting.*

Senate: 3rd Engrossment, Article 2, Section 120

House: *No Language.*

(page R77 of the side-by-side)

There is no evidence that MPCA’s permitting is inefficient now, nor that simply adding more reporting burdens on the agency will change outcomes. According to a 2018 MPCA report, 97% of “priority” permits and 93% of all permits were issued within stated goals.

We ask that you take the House position and leave out this language.

“Adopting standards”

Eliminates MPCA authority to regulate air quality standards for emissions from motor vehicles

Senate: 3rd Engrossment, Article 2, Section 122

House: *No Language.*

(page R77 of the side-by-side)

By inserting the word “not,” this provision would repeal the statutory authority of the MPCA to set standards for air quality, including the Clean Cars Minnesota rulemaking underway currently, as well as any future state regulations on air pollution from motor vehicles. This authority to regulate contaminants that impact air quality has existed since the MPCA was formed in 1967.

We ask that you take the House position and leave out this language.

“Counties; processing applications for animal lot permits”

Rollbacks for factory-farm manure application

Senate: 3rd Engrossment, Article 2, Section 124

House: *No Language.*

(page R77 of the side-by-side)

This is a harmful practice that threatens clean water, while serving a handful of large operations and their wealthy investors. Instead of protecting small to mid-sized operators and the rural communities that depend on them, this provision eliminates and limits restrictions for spreading factory-farmed manure. These large operations financially squeeze small and mid-sized farms, and leave rural communities to foot the bill to clean up their detrimental impacts on human health and environment.

We ask that you take the House position and leave out this language.

“When Prepared:” *Limiting citizen petition for environmental review*

Senate: 3rd Engrossment, Article 2, Section 128

House: *No Language.*

(page R128 of the side-by-side)

Air and water pollution do not respect county boundaries. Projects undertaken in one county can significantly impact downstream or downwind communities across the state. This provision would limit the rights of affected persons to petition for environmental review.

We ask that you take the House position and leave out this language.

“State Implementation Plan Revisions:”

Regulated parties given permission to not comply with federal laws

Senate: 3rd Engrossment, Article 2, Section 162

House: *No Language.*

(page R173 of the side-by-side)

This section would allow existing air pollution sources to elude ambient air quality standards protecting public health. These provisions contravene the federal Clean Water and Clean Air Acts and will only result in regulatory uncertainty.

We ask that you take the House position and leave out this language.

Article I: Environment and Natural Resources Appropriations

There are many positive budget items in this bill. We are especially pleased to see funding to

- increase composting and recycling, including creation of a mattress recycling program
- reduce greenhouse gas emissions through the Clean Air Minnesota program
- address knowledge gaps regarding mercury levels in the St. Louis River
- address PFAs contamination across our communities.

However, we are concerned about the Senate’s significant operating cuts to the agencies funded through this budget. 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. In some cases, the lost funding due to these budget cuts is back-filled by raiding funds dedicated for other purposes, thus diverting funds from important uses or investments for which they were intended.

These cuts are short-sighted during a time when environmental degradation has reached a tipping point and new investments are needed for the health of our people, land, air and water. Our state’s agencies could and should lead our way down a cleaner, more equitable path to a brighter future. We must prioritize ensuring that they have the budgets and authority needed to do so.

Proposed Harmful Senate Cuts Include:

- MPCA general fund reduction of 33% from the Governor’s recommendations. This \$5.2 million difference includes a reduction of core operations for the MPCA and the Environmental Quality Board as well as providing no support for the Climate Adaptation and Resiliency Program.
- DNR general fund reduction of 11% from the Governor’s recommendations. This \$27.8 million difference includes a reduction of core operating funding and ground water management as well as failing to support the Governor’s proposal to ramp up aquatic invasive species protections with the Red Lake Nation and expanding tree planting for carbon capture.

- BWSR general fund reduction of 27% from the Governor’s Recommendations. This \$10.3 million difference includes a reduction in core operations as well as providing no support for new initiatives to enhance soil health through the use of cover crops or provide increased water storage as proposed by the Governor.
- Metropolitan Council – Regional Parks general fund cut of \$1.5 million for the biennium. This cut is then back-filled using “lottery-in-lieu” funds. The use of the “lottery-in-lieu” revenue to substitute for the cut in general fund appropriation directly violates Minn. Stat. 297A.94(i).

We would like to highlight strong support for the following programs that will move us toward important environmental objectives:

- **Funding for Soil and Water Conservation Districts (SWCD’s):** Our farmers depend on Soil & Water Conservation Districts to provide technical support, education, and information on funding sources. Unfortunately, SWCD funding levels wildly vary across the state. Requiring a small fee on certain housing filings is a step toward equitable and consistent funding for Soil & Water Conservation Districts regardless of zip code.
- **Establishing a Soil Health Cost Share Program:** An appropriation of \$1 million is for this Board of Water and Soil Resources (BWSR) proposal.
- **Funding for Pesticide-Treated Seed Disposal rulemaking.**

Article 3: 2021 Environment & Nat. Resources Trust Fund Appropriations

Every year a panel of Minnesota scientists, legislators and citizens review hundreds of scientific research and project applications, selecting the dozens they think will be most impactful for our environment to receive Environment and Natural Resources Trust Fund (ENRTF) funding. This ENRTF trust fund is supported with earnings from the Minnesota Lottery.

We are happy to see last year’s ENRTF allocations moving forward. At stake is over \$61 million in shovel-ready projects that would provide hundreds of jobs and help protect the environment in communities across our state.

We support passage of the package of recommendations tentatively approved by the LCCMR. However, the package included in Article 3 of the Senate bill cancels many approved projects, including \$3.2 million in projects for pollinators plus other important projects, redirecting some of those funds to parks and trails to offset the general fund budget cuts proposed by the Senate. This is an unconstitutional diversion of these funds which were created to supplement, not supplant, state investments in our natural resources and Great Outdoors.

These projects were vetted and approved by the LCCMR in response to tremendous pollinator losses that continue across Minnesota. We ask that these and other environmental projects selected by the LCCMR be restored in this package.

Article 4: 2022 Environment & Nat. Resources Trust Fund Appropriations

While we would prefer that the ENRTF Appropriations travel as stand-alone bills, we are hopeful that this package of LCCMR-recommended projects will pass in its entirety and without delay.

This bill holds great potential to move us forward and uphold the shared legacy of protecting the health of our air, land, water and people. It also holds potential for significant rollbacks that will further compromise ecosystems already strained to their breaking point. **Thank you for your work.**

Please feel free to contact me if you have any questions at steve@mepartnership.org.

Sincerely,



Steve Morse
Executive Director

Eureka Recycling
Friends of Minnesota Scientific and Natural Areas
Friends of the Boundary Waters Wilderness
Friends of the Mississippi River
Humming for Bees*
Izaak Walton League - Minnesota Division
Land Stewardship Project
League of Women Voters Minnesota
Minnesota Herpetological Society
Minnesota Interfaith Power & Light
MN River Valley Audubon Chapter
MN Trout Unlimited
Pesticide Action Network
Pollinator Friendly Alliance
Sierra Club - North Star Chapter
Vote Climate
Wilderness in the City

** indicates not a member of MEP*



Minnesota Outdoor Heritage Alliance

May 4, 2021

Senator Bill Ingebrigtsen
3207 Minnesota Senate Building
St. Paul, MN 55155

Representative Rick Hansen
407 State Office Building
St. Paul, MN 55155

Re: S.F. 959 Environment and Natural Resources omnibus bill

Chairs Ingebrigtsen and Hansen,

The Minnesota Outdoor Heritage Alliance wants to thank you and your committee members for the work that you have accomplished this session. In the past year, the COVID 19 pandemic inhibited our historical outstate meetings where we would typically discuss what is top of mind for the sportsmen and sportswomen of Minnesota. Despite this hindrance, we continued to hear from sportsmen and sportswomen about their concerns and we would encourage consideration of the following issues that are important to the hunters, anglers, trappers and outdoor enthusiasts as you confer the environment omnibus bill.

Chronic Wasting Disease (CWD)

Our wild deer herd is at risk due to CWD and, unfortunately, the farmed cervidae industry takes most of the blame. Right or wrong, the proximity of positive CWD cases to farmed cervidae facilities is not an excuse for inaction or lack of progress. This is an issue that will require continued policy and funding until we have the problem solved. Burdening the Game & Fish Fund is not fair nor an adequate way to fund the solutions, which should be funded by the general fund. MOHA supports the continuation of the Adopt a Dumpster Program, the expansion of the ban on importing carcasses to all cervidae carcasses, as well as the 24-hour notification of an escaped farmed animal and the ability of a licensed hunter to take that animal without penalty. But most importantly, MOHA supports the requirement of double fencing for all cervidae farms. Double fencing is a reasonable requirement to farm deer in Minnesota. Double gating was a good first step towards managing CWD, but double fencing will have a measureable impact on minimizing escaped animals. Deer hunting brings an enormous economic impact to the State of Minnesota, its small towns and many businesses. Take the steps for Minnesota to be a national leader in dealing with Chronic Wasting Disease.



Minnesota Outdoor Heritage Alliance

Aquatic Invasive Species (AIS)

Dealing with Aquatic Invasive Species is another issue that deserves adequate funding from both the general fund and user fees. The AIS research team at the University of Minnesota does great work and we are fortunate to have this group working towards solutions. MOHA supports the increase of boat fee's, in order to fund AIS research and prevention, and boat landing infrastructure. Research and education will ultimately bring the solutions to minimize or eliminate Aquatic Invasive Species.

Shooting Sports

MOHA supports the shooting sports in Minnesota and properly funding the Shooting Sports Grant Program. Indoor and Outdoor shooting ranges are over capacity to meet the needs of old and new gun owners. This program is an investment in the future of young people, as well as small businesses across the state. The shooting sports are an important pillar of our outdoor heritage.

No Child Left Inside

MOHA supports the No Child Left Inside Grant Program to be funded with general fund dollars. Refunding this program ensures our young people have ways to experience the outdoors and participate in activities that otherwise might elude them. There is no shortage of non-government organizations to take advantage of this program.

Wolf season

MOHA has been outspoken in its support for managing the wolf population in Minnesota based on science. An annual season for hunting and trapping wolves has a lot of support from the sportsmen and sportswomen of Minnesota. With the USFWS delisting the wolves from the Endangered Species list, it only makes sense that we manage our wolf population like we do other game animals and predators.

MOHA supports the requirement for a permit for Bowfishing Tournaments, which would be in line with how angling tournaments for other fish species are conducted. The permit process would help manage our great fishery in Minnesota.

In conclusion, the Minnesota Outdoor Heritage Alliance wants to thank you for your consideration of these important issues. Our lakes, streams, fish and wildlife count on sound policy and adequate funding made possible by the work you do for all Minnesotans.

Sincerely,

David Carlson
President, MOHA



Minnesota Outdoor Heritage Alliance

CC:

Senator Carrie Ruud, Chair, Environment and Natural Resources Policy and Legacy Finance Committee, SF959 Conferee

Senator Justin Eichorn, SF959 Conferee

Senator Dave Tomassoni, SF959 Conferee

Senator Torrie Westrom, SF959 Conferee

Representative Ami Wazlawik, SF959 Conferee

Representative Kelly Morrison, SF959 Conferee

Representative Peter Fischer, SF959 Conferee

Representative Josh Heintzeman, SF959 Conferee

May 3, 2021

Omnibus Environment and Natural Resources Funding Conference Committee

Senators: Ingebrigtsen, Ruud, Eichorn, Tomassoni, Westrom

Representatives: Hansen, Wazlawik, Morrison, Fischer, Heintzeman

Re: Prohibition of Lead Ammunition for Taking Small Game on WMAs **Position: Oppose**

Dear Conference Committee Members:

On behalf of the National Shooting Sports Foundation (“NSSF”), I express strong opposition to House language in [SF0959/HF1076](#) which seeks to ban the use of traditional, or lead, ammunition while hunting on wildlife management areas in Minnesota.

As the trade association for America’s firearms, ammunition, hunting, and recreational shooting sports industry, the NSSF seeks to promote, protect, and preserve hunting and the shooting sports. NSSF has a membership of more than 12,000 manufacturers, distributors, firearms retailers, shooting ranges, and sportsmen’s organizations. Our manufacturer members make the firearms used by law-abiding Minnesota sportsmen and women, the U.S. military, and law enforcement agencies throughout the state.

The proposed prohibition of the choice of lead shot on WMAs will undoubtedly increase the price of alternative ammunition and could have a detrimental impact on hunting in Minnesota, affecting not only sportsmen and women and Minnesota’s tourism economy, but wildlife and conservation efforts in Minnesota. Recently, efforts by the Minnesota Department of Natural Resources (“DNR”) to ban traditional ammunition on WMAs was met with strong opposition by hunters and conservation groups demonstrating that choice in ammunition is vitally important to Minnesota’s hunting communities.

Despite there being no scientific evidence to support the hypothesis that lead ammunition is endangering the health of individuals or any wildlife, anti-hunting interest groups are continuing to press state legislatures and departments around the country to support a ban on traditional ammunition. Much more research on the actual claims of toxicity in humans must be done prior to even considering abolishing the use of lead in ammunition.

Our industry is proud of its strong presence and economic impact in Minnesota, but we are equally mindful of the important role sportsmen play in Minnesota’s economy. Our membership includes Minnesota-based federally licensed firearms retailers, most of which are small “mom-n- pop” businesses that are the backbone of the state’s economy, and large ammunition manufacturers such as Federal Premium Ammunition. Such a ban on the use of traditional ammunition could lead to the closure of small businesses and exasperate the ammunition shortages Minnesota is currently experiencing. This will of course impact mostly rural communities since these businesses are the ones that bring tax revenue to the small towns and provide the jobs for the citizens.

Additionally, any action taken by the legislature that leads to the reduction in the number of hunters or creates barriers for new or reactivated hunters will adversely affect management and restoration of wildlife in Minnesota. NSSF member, Federal Premium Ammunition, which has contributed several hundred million dollars over the last few years to the Pittman-Robertson Act which funds wildlife nationally as well as in Minnesota.

For these reasons, the NSSF strongly opposes any attempt to ban the use of lead ammunition, or lead shot, also known as traditional ammunition.

Respectfully,



Christopher Lee



Minnesota Chapter

Date: April 27, 2021
To: Representative Hansen and Senator Ingebrigtsen, Chairs, Omnibus Environment and Natural Resources Conference Committee
Cc: Omnibus Environment and Natural Resources Conference Committee members
From: The National Wastes and Recycling Association (NWRA)
Thru: Douglas Carnival, McGrann, Shea, Carnival Law Firm representing NWRA
RE: Solid Waste Legislative Issues in SF 959/HF 1076

NWRA Supports the Following Provisions:

PFAS Advisory Group (Senate Article 1, Section 2, Subd. 2 (k)): NWRA supports the Senate approach to establishing a PFAS advisory committee that includes a private sector representative from NWRA. We have a local, nationally recognized private sector expert that can provide scientific, technical information to the advisory group. Landfills are the current management option for WWT sludges and liquids containing PFAS. Increased costs for liquids managed by solid waste facilities due to new regulatory requirements for pre-treatment will result in increased costs to all customers, including WWT facilities. Our industry needs a voice at the table and we need to work together.

NWRA Opposes the Following Provisions:

PFAS (House Article 4, Section 44 - 45): Solid Waste facilities (landfills, WTE, and compost facilities) are receivers of spent waste products just like wastewater treatment facilities. We support a strong focus on examination of upstream products and packaging in the waste stream that ultimately get thrown in the trash and end up generating PFAS at our facilities. We do not support legislating a PFAS standard because we believe the rulemaking process would provide a more methodical approach, including an economic impact analysis and greater opportunities for public input.

MPCA Budget, Landfill Responsibility Act and 3% Landfill Tax (House Article 4, Section 17 et. seq.): NWRA opposes the proposed Landfill Responsibility Act and MPCA budget item establishing a new statewide 3% gross revenue tax on MSW landfills that creates a new reuse

and repair grant program to be administered by landfills. Landfills will pass through millions of dollars in taxes to residents and businesses who will see increases in their trash bills. Reuse and repair are not our core businesses and grant administration is not what we do. As laid out, the program will require significant state resources (5.0 FTE) and significant private sector resources. Furthermore, the SCORE program that is already in place is the best source of funds and local oversight of this type of program.

Waste Composition Studies (House Article 4, Section 22): NWRA opposes legislation requiring waste composition studies at landfills every three years. Waste composition studies are extremely expensive, onsite studies will be disruptive to our operations, and pose safety hazards for study participants and liabilities for all parties. Access to private sector files and information is overly intrusive by the MPCA and should not be allowed.

CONCLUDING STATEMENT: Thank you very much for your time and attention to these important issues affecting our industry. We truly appreciate the opportunity to participate in the process and hope that you will take them into consideration as you reconvene the House and Senate bills in conference committee.

MEMORANDUM

May 5, 2021

Senator Bill Ingebrigtsen
Senator Carrie Ruud
Senator Justin Eichorn
Senator David Tomassoni
Senator Torrey Westrom

Representative Rick Hansen
Representative Ami Wazlawik
Representative Kelly Morrison
Representative Peter Fischer
Representative Josh Heintzeman

Dear Members of the Environment and Natural Resources Conference Committee (S.F. 959/H.F. 1076):

The Partnership on Waste and Energy (Partnership) is a Joint Powers Board of Hennepin, Ramsey and Washington counties. We seek to end waste, promote renewable energy and enhance the health and resiliency of communities we serve while advancing equity and responding to the challenges of a changing climate. We would like to comment on several provisions in the House and Senate versions of S.F. 959.

Provisions the Partnership Supports

- **Waste Reduction and Reuse:**
 - MPCA appropriations for food rescue, food waste reduction and organics diversion grants (*Senate Art 1, Sec. 2, Subd. 7(g), Lines 15.12-15.23; House Art. 1, Sec. 2, Subd. 7(g), Lines 13.14-13.22*).
 - LCCMR appropriations for food rescue to Second Harvest (*Senate Art. 3, Sec. 2, Subd. 7(c), Lines 180.17-180.25; House Art. 2, Sec. 2, Subd. 7(c), Lines 63.5-63.13*).
 - LCCMR appropriations for reuse to Better Futures, Natural Resources Research Institute and ReUSE Minnesota (*Senate Art. 4, Sec. 2, Subd. 7(e), Lines 231.27-232.7 and Subd. 7(f), Lines 232.8-232.20; House Art. 3, Sec. 2, Subd. 7(e), Lines 107.31-108.11 and Subd. 7(f), Lines 108.12-108.24*).
- **SCORE:** Funding increase in the next biennium (*Senate Art. 1, Sec. 2, Subd., 7(d), Lines 14.30-14.35*). We further support the eventual goal of distributing all solid waste management taxes intended for county waste reduction and recycling programs.
- **Emerald Ash Borer Response:**
 - DNR appropriations for grants and assistance to communities (*House Art. 1, Sec. 3, Subd. 4(j), Lines 23.10-23.32 and House Art. 1, Sec. 10, Subd. 4(h), Lines 41.11-41.17*).

- LCCMR appropriations for community forest grants and University of Minnesota research (*Senate Art. 3, Sec. 2, Subd. 6(b), Lines 178.7-178.18 and Subd. 6(e), Lines 178.34 – 179.12; House Art. 2, Sec. 2, Subd. 6(b), Lines 60.30-61.5 and Subd. 6(e), Lines 61.21-61.34*).
- **New and Expanded Markets:**
 - Carpet product stewardship task force and plan (*House Art. 4, Sec. 47, Lines 175.13-176.16*).
 - LCCMR appropriation for eco-friendly plastics research at the University of Minnesota (*Senate Art. 3, Sec. 2, Subd. 7(b), Lines 180.8-180.16; House Art. 2, Sec. 2, Subd. 7(b), Lines 62.31-63.4*).
 - MPCA appropriations for recycling market development grants (*Senate Art. 1, Sec. 2, Subd., 7(f), Lines 15.8-15.11; House Art. 1, Sec. 2, Subd. 7(f), Lines 13.10-13.22*).
- **Compostable Products Certification and Labeling:** Certification standards and labeling requirements for compostable packaging and products (*House Art. 4, Sec. 42, Lines 172.1-174.1*).
- **PFAS:**
 - LCCMR appropriations to address PFAS in land-applied biosolids and PFAS reduction in solid waste facilities (*Senate Art. 3, Sec. 2, Subd. 4(c), Lines 173.30-174.4 and Subd. 4(e), Lines 174.15-174.27; House Art. 2, Sec. 2, Subd. 4(c), Lines 55.32-56.6 and Subd. 4(e), Lines 56.17-56.29*).
 - MPCA appropriations to reduce PFAS at wastewater treatment and solid waste facilities with advisory group engagement (*House Art. 1, Sec. 2, Subd. 2(m), Lines 5.27-5.32*).
 - MPCA appropriations to analyze sources of PFAS at solid waste facilities (*House Art. 4, Sec. 43, Lines 174.2 – 174.24*).
 - Eliminating PFAS in food packaging (*House Art. 4, Sec. 43, lines 174.2-174.27*).
- **MPCA Environmental Justice Authority:** Expanding MPCA authority to define and advance environmental justice in permitting and enforcement activities, examine cumulative impacts and engage with communities and community members in the permitting process (*House Art. 4, Sec. 9-10, Lines 141.5-141.26; Sec. 32, Lines 161.17-164.15 and Sec. 36, Lines 166.1-166.28*).

Provisions the Partnership Supports with Reservations

- **Mattress Recycling:** We support product stewardship and have concerns with this proposal as drafted (*Senate Art. 2, Sec. 116, Lines 98.28-105.29*). We support point-of-sale fees that fund an industry-coordinated mattress collection network with local

government participation. It is important that the bill supports and builds on the existing mattress recycling infrastructure to achieve higher levels of recycling, provides for the disposal of mattresses that cannot be recycled and minimizes and manages improperly discarded mattresses in partnership with local government. We continue to work with the author and proponents on final language.

- **Advanced Recycling:** We support the concept of using new and emerging technologies to increase the recycling of plastic waste, recognizing the need to also reduce the volume of plastic waste. (*Senate Art. 2, Sec. 101-115, Lines 94.18-98.27 and Sec. 121, Lines 109.25-110.15*). We continue to work with the author and proponents on final language.
- **E-waste Recycling:** We support changes to the e-waste statute recommended by the MPCA (*House Art. 4, Sec. 11-16, Lines 141.27-149.7*). We urge a future legislative effort to establish an e-waste product stewardship program addressing current significant cost burdens counties now face.
- **MLCAT Repayment:** We support actions that restore funds borrowed from the MLCAT account to address urgent, costly needs at landfills (*House Art. 1, Sec. 2, Subd. 10(b), Lines 15.28-16.3*). We encourage full repayment on a faster timeline.

Provision the Partnership Opposes

- **Unadopted Rules:** We oppose creating barriers against efficient, orderly and effective implementation of state environmental policy, goals and laws, including impacts on solid waste planning, public information services and county budgets that cause unintended consequences for public health and environmental protection (*Senate Art. 2, Sec. 125, Lines 119.1-119.11*).

Thank you for the opportunity to present the Partnership's positions in the effort to create an Environment & Natural Resources Omnibus bill that best advances state public health and environmental protection goals required of local governments and helps create partnerships with the state, municipalities, businesses and non-private organizations. Please contact Rob Vanasek at Capitol Hill Associates for further information on the Partnership's positions on these provisions (rob@capitolhillassoc.com; 612-964-4876).

Sincerely,



Commissioner Victoria Reinhardt, Ramsey County
Chair, Partnership on Waste and Energy

cc: Megan Hennen, Committee Administrator, Senate
Peter Strohmeier, Committee Administrator, House
Commissioner Debbie Goettel, Hennepin County
Commissioner Fran Miron, Washington County

To: Conference Committee Members
From: Craig Cox, Environmental Working Group
Re: SF 959 - Environmental & Natural Resources Finance Omnibus Bill
Date: May 3, 2021

House and Senate members of the Environment and Natural Resources Conference Committee (SF959), thank you for the opportunity to express our opposition to Art. 2, Secs. 89, 92, and 93 of the Senate Environmental & Natural Resources Finance Omnibus Bill 3rd Engrossment (Senate bill).

Environmental Working Group (EWG) is a nonprofit organization committed to helping people lead healthier lives in a healthier environment. Together with a coalition of tribes, community members, scientists, farmers, and agency experts, EWG has been fighting harmful and unsustainable irrigation permitting. This irrigation permitting has already caused significant water contamination, water depletion and negatively impacted pollinator health and human health in Minnesota's threatened Pineland Sands ecosystem. Attached is committee testimony from EWG's partners – Honor the Earth, Minnesota Well Owner Organization, and the Northern Water Alliance of Minnesota.

EWG respectfully requests that the Conference Committee remove Article 2, Sections 89, 92, and 93 in the 3rd Senate Engrossment of SF959 to prevent exacerbation of widespread pesticide and nitrate contamination, water depletion, pollinator die-offs, and public health impacts, including cancer and to comply with promises made in the 1855 and 1867 treaties. Additionally, EWG supports including Article 5, Section 88 of the House version.

As Minnesota Department of Natural Resource (DNR) experts have already testified, Art. 2, Sec. 89 of the Senate bill, if enacted, would undermine the agency's ability to execute its duty, identified in Minn. Stat. 103G.287 Subd. 5, to ensure water appropriation permits do not harm ecosystems, degrade water, or reduce water levels beyond the reach of private domestic wells. At the time of transfer of a water appropriation permit, DNR must be permitted to evaluate whether, in light of current and proposed future conditions and legal requirements, an irrigation operation threatens ecosystems, water quality, water quantity, or private wells. Proposed changes in an irrigation site, or a proposed transferee's aggregate operational impacts, may require additional permit conditions to satisfy state environmental review laws as well as human and resource protection mandates in the state's water appropriation statute. Art. 2, Sec. 89 of the Senate bill threatens to undermine sustainability requirements in Minnesota's water appropriation law as well as bedrock environmental review protections.

Art. 2, Sec. 92 of the Senate bill further ignores testimony and scientific assessment from DNR experts. DNR has testified that allowing irrigators to deplete twenty percent of surface water resources connected to pumped underground aquifers is unsustainable. Reductions much less than twenty percent of groundwater baseflow to rivers and wetlands may cause significant and irreversible harm to these ecosystems. As state experts have made clear, the amount of depletion that can be allowed through irrigation permitting must be evaluated continuously, on

a case-by-case basis, to protect local populations as well as water and habitat resources. Continuous, case-by-case analysis is critical as precipitation and temperature patterns shift due to climate change, likely exacerbating low-flow stream conditions and dry periods in irrigated areas. Setting an arbitrary value in the statute is not sustainable. Additionally, Art. 2, Sec. 92 of the Senate bill conflicts with Art. 5, Sec. 88 of the House bill. EWG supports substituting the House version.

Art. 2, Sec. 93 of the Senate bill violates the statutory mandate that DNR prioritizes private well owners and domestic water supplies in carrying out a water appropriation program. Well interference is a dangerous public health threat. Leaving a household without water for any period presents immediate sanitation and welfare concerns and impinges on the fundamental human right to a safe and secure water supply. Art. 2, Sec. 93 of the Senate bill attempts to draw out, through contested case hearing proceedings, resolution of well interference claims, threatening long-term out-of-water well interferences at residences. Moreover, the provision incorporates language suggesting that well interference claims from residents with shallow, sand point wells, which have long provided clean, safe, reliable drinking water in Minnesota, may not be addressed. This provision threatens to unjustly shift thousands of dollars in well replacement costs per residence onto economically and socially vulnerable families and individuals, who are at risk of becoming victims of irresponsible and unsustainable industrial irrigation operations.

High-volume irrigation has long been a high-stakes undertaking. High nitrate in the Straight River demonstrates that we cannot safely scale back site-specific irrigation permit evaluations or the well interference process. The Straight River has one hundred times the natural background levels of nitrate due to irrigated farming operations. A substantial number of private wells in high-density irrigation areas exceed Safe Drinking Water Act Nitrate limits. With climate change as a threat multiplier, now is the time to increase, not decrease, human health and natural resource protection. EWG respectfully requests that the Conference Committee heed the science and jurisdictional agencies' expert opinions and remove Article 2, Sections 89, 92, and 93 in the 3rd Senate Engrossment of SF959.

Respectfully,

Craig Cox
Senior VP Agriculture & Natural Resources
Environmental Working Group
111 Third Ave. S. Suite 240
Minneapolis, MN 55401

To: Senate Environment and Natural Resources Finance Committee
From: Winona LaDuke, Honor the Earth
Re: SF 959 A3 DE Amendment- Environment and Natural Resources Budget Bill
Date: April 6, 2021

Members of the Senate Environment and Natural Resources Finance Committee, thank you for the opportunity to submit comments on the A3 DE Amendment in SF 959, the Environment and Natural Resources Budget Bill (bill) on behalf of Honor the Earth.

Honor the Earth uses indigenous wisdom, music, art, and the media to raise awareness and support for Indigenous Environmental Issues. We leverage this awareness and support to develop support for Indigenous struggles for land and life.

I am writing to you today to express my deep concern about the preposterous provisions of SF 959 that threaten the *nibi* (water). The water that exists underground is connected to the water we on the surface and is connected to the water in our bodies. We are all connected to this water as an inseparable component of life.

It is from this seat of knowledge that we oppose Secs. 81, 84 and 85 of SF 959. They further tilt the balance away from our brothers and sisters who rely on groundwater. They make a mockery of the word “sustainability” by putting into the statute a definition that is by no means sustainable and does not protect people or life on the lands and in the waters.

The proposal is also a direct violation of the treaty and water rights of the Anishinaabe people, as expressed in the 1855 and 1867 treaties. These treaties reflect a promise and intention to protect the ability of Anishinaabe people to hunt, fish, and gather in the ceded territories.

Honor the Earth submits our opposition with Secs. 81, 84 and 85 of SF 959 and asks the committee to remove these sections from the bill.

Respectfully,
Winona LaDuke
Executive Director, Honor the Earth

April 6, 2021

Testimony on ill-advised sections of SF 959 from:

Mike Tauber

2540 Co Rd 41 Nw

Backus Mn 56435

218 675 5717

Director, Northern Water Alliance of Mn

Pine River 1W1P Advisory Committee

Pineland Sands Area resident

Senators,

I will not mince words. Sections 81, 84, and 85 of Senate File 959 are a direct legislative assault on my family and my neighborhood in the Pineland Sands. The damage being done by industrial agriculture in the sandy outwash plains of the state is growing as fast as the trees can be cleared, as fast as the chemicals can be sprayed, as fast as agencies can issue irrigation permits. I have many neighbors now that cannot drink their water because irrigation has flushed chemicals through the sand and into their wells, some that have lost their original wells because the irrigation next door uses over a million gallons per day. We have seen wetlands eliminated and public waters drawn down drastically.

Every week helicopters and irrigation equipment spray chemicals on fields, including known carcinogens and chemicals that harm the brains of young children, and those chemicals waft over the homes and yards of me and my neighbors. I humbly request that you think of us, and not just the requests of corporations and the MN Irrigators Association, when you consider provisions included in this bill.

I have watched old friends dying of cancer, watched the neighbor kid's puberty interfered with because there is so much nitrate in the water, and watched my family's favorite duck pond dry up. This all comes from irrigation in places that the Creator meant for growing forests. Both jurisdictional state agencies, the MN DNR and PCA, have voiced opposition to this bill, because it strips well protections from citizens, places our prized wetlands and swimming holes at unacceptable risk and limits DNR's authority to evaluate and amend permits as required to protect the environment and public health.

The SF 622 bill provisions hidden in this omnibus bill serve out-of-state industry, the RD Offutt Company in particular, at the expense of Minnesota citizens, your constituents. These provisions are not theoretical concepts, they are matters of life and death to me, my family and our friends and neighbors. I respectfully request this body heed the concerns of government agencies and citizens by eliminating the reckless provisions relating to irrigation permitting and well interference from this bill.

Thank you,

Mike Tauber

April 6, 2021

From: Jeffrey S. Broberg, LPG, MA

Minnesota Licensed Professional Geologist #30019

Director: Minnesota Well Owners Organization

Re: Senate Testimony for Senate Environmental and Natural Resources Finance Committee

5-Ways to Hurt Private Well Owners

I am Jeffrey S. Broberg, a Minnesota Licensed Professional Geologist and founding Director of the Minnesota Well Owners Organization (MNWOO). MNWOO's Mission is to provide education, technical and legal services, and advocacy to those who own private wells and rely on private wells for their drinking water and preserve, protect, and restore Minnesota's water resources.

I want to provide input to help you understand the adverse impact on private well owners from proposed Amendments to MS103G, sections 81 (Water-Use Permit Transfer), 82 (Groundwater Management Plans), 83 (Groundwater management areas), 84 (Sustainability Standards), and 85 (Well Interference) will have on those Minnesotans who rely on private water wells.

- Potable water for every household is essential for drinking water, food preparation, and sanitation and is given the highest priority for protection under Minnesota Statutes. Availability of adequate quantities of clean water is more than an economic issue; it is fundamental to rural life, health, safety, and welfare. All other water uses have a lower priority. Most permitted water users, except for municipal water supplies, value water economics more than they do the necessity of well water household health and welfare.
- Minnesota has a wide diversity of private well installations that are still in use and essential to every household they serve.
 - In the last three years, MNWOO has conducted free nitrate screening clinics and has encountered a wide range of wells:
 - Century-old hand-dug wells.
 - Old pre-well code, multi-aquifer wells drilled and completed without casing.
 - Shallow sand point wells that penetrate only the top 10 or 20 feet of surficial aquifers
 - Modern cased and grouted well that comply with Minnesota's Well Code

Every household relying on private wells depends on the availability and safety of groundwater. We all need to know that our shared groundwater resource is protected. Our rural families should never be threatened by high-volume users or others whose agricultural or commercial water use could deplete our wells or contaminate the water.

Sec 81 amending Minn Stat 103G subd. 7. Permit transfer is allowed without review

To protect local water resources, that transfer of water appropriation permits must consider all proposed changes in use. Changes in a proposed usage, water volume, and water quality testing

reveal the permit's risks to local private well owners. Water quality standards were never considered with the original appropriation permits.

Sec. 82 amending Minn Stat 103G.271. Groundwater Management Plans

The proposed addition of 103G.271 Subd. 8 only benefits large water users and local government and is detrimental to households who rely on groundwater. The proposed language ignores the necessity of adequate safe water for drinking, food preparation, and sanitation. Furthermore, analysis of land values, and more economic analyses more broadly, have not yet been able to adequately assign value to groundwater ecosystem services that support groundwater-dependent ecosystems like rivers, lakes, and wetlands.

Support for land value impacts favors only those who see water as a commodity and is harmful to all of us who have existing wells that could be impacted by local groundwater use.

Sec 83 amending Minn Stat 103G.287, subd. 4. Groundwater Management Areas

The language in subd. 4 (a) that limits public information is an anti-science meme. For the public and impacted well owners to understand any proposed Groundwater Management Plans, there needs to be a free flow of information that may include the discussion of uncertainly. Scientific principles are under attack with this provision.

The language in the proposed subd. 4 (d) poses a similar hazard to private well owners like the proposed Sec 82 amendment above. Focusing on land value effects of any new restrictions or policies cannot effectively capture the lost value of water necessary for households, nor can it effectively evaluate the ecosystem services that groundwater gives to groundwater-dependent ecosystems. So far, there has been no adequate and enforceable economic evaluation standard that considers the inevitable degradation of water quality from uses like agricultural irrigation.

Sec 84. Minn Stat 103G.287 subd. 5 (b) Amendment, Sustainability Standard

A narrow definition and view of sustainability that assumes no harm for a 20% decline in August streamflow is incomplete and makes an invalid assumption that a 20% decline in streamflow creates no harm. Furthermore, narrowing the definition of sustainability does not consider water quality impacts from high volume water use incomplete and poses a threat to rural households.

Sec 85. Minn Stat 103G.289 subd. (b) and (c). Amendment, Well Interference

The added language in 103G.289. (b) is the most egregious attack on households who use private wells is to assume that the condition of the affected wells is the cause of any well interference complaints. Estimates provided by the Minnesota Department of Health claim that perhaps 1/3 of Minnesota's private wells do not meet the well code. Yet, these wells offer an essential service to the households who use them. If there is any evidence that nearby high-volume pumping has impacted a private well, the permitted high-volume owner must be responsible for assuring adequate water volume and quality. Responsibility for all nearby private wells is one of the risks that high volume users must consider. The age, construction, or condition of existing wells should not be a criterion for denying an interference claim.

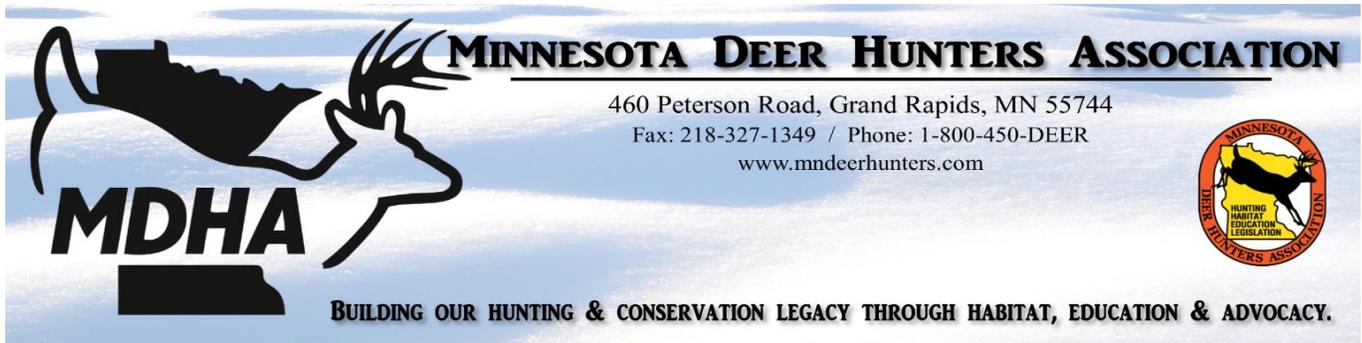
The added language in 103G.289 (c) allowing any well interference to automatically allow a "contested case hearing" is troubling for private well owners and public policy. With this

provision affected, well owners could suffer months or years without resolving a contested case challenge. This provision is also prejudicial to well owners who have low incomes, lack of technical skills, or lack of legal resources to defend the interference claim. Additionally, the general costs for preparing and administering contested case hearings are much more expensive than taking responsibility for fixing the problem in most cases.

For these reasons, we kindly request the removal of Sections 81 through 85 from SF979.

Thank you,

Jeffrey S. Broberg, LPG, MA



May 5, 2021

Senator Bill Ingebrigtsen
Representative Rick Hansen
Environment and Natural Resources Finance Conference Committee

Dear Senator Ingebrigtsen and Representative Hansen:

I am writing today on behalf of the Minnesota Deer Hunters Association (MDHA) regarding provisions contained in the Omnibus Environment and Natural Resources Finance Bill, SF 959. MDHA would like to highlight its support and opposition to several specific measures in this important bill.

MDHA supports the following sections:

- Makes permanent a provision allowing a person to leave a portable deer stand overnight in WMAs in certain areas of Northwestern Minnesota (Senate)
- Requires a person in a fabric or synthetic ground blind on public land during the deer season to have a blaze orange or blaze pink on top of the blind and on each side of the blind (Senate)
- Repeals the DNR's authority to implement Antler Point Restrictions (APR) anywhere in the state (Senate)
- Requires DNR to prescribe an annual open season on wolves so long as they remain unlisted under the federal Endangered Species Act (Senate)
- Allows a licensed hunter to kill and possess an escaped farmed cervid without being liable to the owner for the loss of the animal (House)
- Requires identification of farmed white-tailed deer to include certain contact information of the owner (House)
- Expand the carcass importation ban to include all cervid carcasses, not just hunter-harvested ones (House)
- Requires commercially farmed white-tailed deer to be confined by two or more perimeter fences of at least 120 inches high (House)
- Prohibits new white-tailed deer farm registrations (House)
- Requires fencing on premises where chronic wasting disease (CWD) has been detected to be maintained for ten years and prohibits raising farmed cervids on the premises for at least ten years (House)
- Transfers the oversight of cervid farms from the Board of Animal Health to the DNR (House)

Senator Bill Ingebrigtsen
Representative Rick Hansen
May 5, 2021
Page 2

MDHA opposes the following sections of the bill:

- Requires synthetic ground blind on public land during the open deer hunting season to have **only** a blaze orange safety covering (House)
- Requires that hunter clothing worn during the firearms deer season **only** be blaze orange. Prohibits the use of blaze pink clothing during the firearms deer season (House)

Thank you for your time and consideration of our views. We welcome and look forward to the opportunity to work with all conferees on these important issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "Craig Engwall". The signature is fluid and cursive, with a long horizontal stroke at the end.

Craig Engwall
Executive Director
Minnesota Deer Hunters Association

Senator Bill Ingebrigtsen
Chair, Senate Environment & Natural
Resources Finance Committee
3207 Minnesota Senate Building
95 University Avenue West
St. Paul, MN 55115

Representative Rick Hansen
Chair, House Environment and Natural
Resources Finance & Policy Committee
407 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd
St. Paul, MN 55115

Chairs Ingebrigtsen and Hansen:

May 3, 2021

As the conference committee on SF959 begins the work of assembling a final environment and natural resources policy and finance omnibus bill, we write to ask that the conference committee **maintain the integrity of funding for Minnesota's natural resources.**

Specifically, we encourage the conference committee to work to maintain the base level of funding for the Department of Natural Resources (DNR). While reductions have been proposed in several DNR programs, the state's natural resources have never been in greater demand and seen such high levels of use and access than they are today. At a time when Minnesota's outdoors are seeing increased traffic and expanded pressures on biodiversity, it would not serve the state's fish and wildlife, outdoor recreationists, or local businesses to reduce investments. We call on the committee to **ensure that base general fund allocation continue without reductions**, especially in light of the current and projected state budget surplus.

Additionally, as the conference committee reconciles differences between the House and the Senate pertaining to the Reinvest in Minnesota (RIM) Critical Habitat Match account, we also request that you **uphold the integrity of the funds** as they were intended to be used, and the expectations of Minnesotans who make voluntary contributions to the matching account. We support the proposed change to the match ratio requirement, to allow the use of \$2 from the account for every \$1 in private match, as well as matching with state bond funds. We encourage the conference committee to specify that the allowable allocation to match the "chickadee check-off" be up to \$1.5 million per year for the nongame program. We also support clarifying that these dollars may be spent on restoration and enhancement. There is ongoing demand for the RIM Critical Habitat Match program and with the above-referenced modifications to the statute, the program will be able to improve delivery of the results promised to those who purchased the Critical Habitat Match license plates.

Lastly, we ask that the conference committee **prioritize passage of the Environment and Natural Resources Trust Fund appropriations for both the FY 2021 and FY 2022 funds.** We encourage the conference committee to support projects that participated in the competitive grant process overseen by the Legislative-Citizen Commission on Minnesota Resources (LCCMR). These projects represent hundreds of jobs for Minnesotans and shovel-ready projects to improve the air, water, land, fish, wildlife and other natural resources across our state.

Thank you for your work on behalf of Minnesota.

Sincerely,

Audubon Minnesota
Conservation Minnesota
Backcountry Hunters and Anglers
Ducks Unlimited
Friends of Minnesota Scientific and Natural Areas
Izaak Walton League – Minnesota Division
Minnesota Conservation Federation
Minnesota Center for Environmental Advocacy
Minnesota Deer Hunters Association
Minnesota Land Trust
Minnesota Outdoor Heritage Alliance
Minnesota Trout Unlimited
Minnesota Valley National Wildlife Refuge Trust
National Wild Turkey Federation
Pheasants Forever
Ruffed Grouse Society and American Woodcock Society
The Conservation Fund
The Nature Conservancy
Trust for Public Land

CC:

Senator Carrie Ruud, Chair, Environment and Natural Resources Policy and Legacy Finance
Committee, SF959 Conferee
Senator Justin Eichorn, SF959 Conferee
Senator Dave Tomassoni, SF959 Conferee
Senator Torrey Westrom, SF959 Conferee
Representative Ami Wazlawik, SF959 Conferee
Representative Kelly Morrison, SF959 Conferee
Representative Peter Fischer, SF 959 Conferee
Representative Josh Heintzeman, SF959 Conferee

May 3, 2021

Senator Bill Ingebrigtsen
Chair, Senate Environment & Natural
Resources Finance Committee
3207 Minnesota Senate Building
95 University Avenue West
St. Paul, MN 55155

Representative Rick Hansen
Chair, House Environment and Natural
Resources Finance & Policy Committee
407 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd
St. Paul, MN 55155

Dear Chairs Ingebrigtsen and Hansen and conference committee members,

The undersigned organizations have been working together to support policy and programs for soil health. We write to you as you initiate the Environment and Natural Resources Policy and Finance Conference Committee and consider, among many priorities, the subject of soil health. As agriculture and environmental organizations, we have invested in research, developed best practices, and worked with our members to implement a variety of practices related to soil health.

Our organizations' collective approach to soil health is based on the following principles:

- Support the science of soil health benefits that further quantify the economic costs, benefits and environmental impacts of different management practices on soil health, which consider different regions, soil types, and cropping systems;
- Support the development, access to, and use of soil health measurement for farmers and farm advisors;
- Support farmer-to-farmer learning, access to soil health management plans and technical assistance;
- Support expanded demonstrations of soil health practices to increase understanding;
- Support increased access to cover crop seed, equipment and technologies necessary to adopt soil health practices;
- Support manure use and value which will help to build soil organic matter, improve soil health and limit nutrient imports to Minnesota;
- Support public and private entities that provide access to soil health products, services and technologies;
- Support market opportunities for soil health practices and the environmental benefits they provide while reducing risks for farmers and landowners adopting soil health practices; and
- Support increased financial assistance and farmer access to it for greater soil health adoption.

As the conference committee works to resolve bill differences and compile a final committee report, we encourage you to consider the soil health language included in the House bill with some enhancements. Additionally, state funding is necessary to achieve soil health goals and the resulting environmental and economic benefits. To advance soil health in the omnibus

Environment and Natural Resources Policy and Finance bill, we recommend incorporating the following approaches (side-by-side page/section references included):

1. A precision agriculture and manure management/application among the list of soil health practices (Page R60, House position, Sec. 7, subdivision 1, paragraph (e), lines 226.10-26.18).
2. Maintain and strengthen the involvement of a multi-sector group of stakeholders to work with state agencies, local units of government and the University of Minnesota to develop a soil health plan and develop the soil health cost-share program that will help to achieve the goal of increased soil health practice adoption (Page R58, House position, Sec. 5, paragraph (b), lines 223.29-224.2)
3. Expand financial assistance to include cover crop seed and seed establishment, or planting, in addition to purchases or subscriptions of equipment technology which will ensure precision agriculture practices are eligible (Page R61, House position, Sec. subd.3, lines 226.26-226.27).

The undersigned organizations contend that the above outlined enhancements to the soil health language will assist our members in adopting soil health practices and help to meet the goal of increased adoption and will enable farmers to determine the best soil health practices for their own farm based on local conditions.

Sincerely,

Minnesota AgriGrowth Council
Minnesota Corn Growers Association
Minnesota Farm Bureau Federation
Minnesota Farmers Union
Minnesota Milk Producers Association
Minnesota State Cattlemen's Association
The Nature Conservancy

May 3, 2021

The Honorable Bill Ingebrigtsen
Chair
Environment and Natural Resources Conference Committee
3207 Minnesota Senate Bldg.
St. Paul, MN 55155

The Honorable Rick Hansen
Chair
Environment and Natural Resources Conference Committee
407 State Office Building
St. Paul, MN 55155

RE: Anti clean cars rulemaking language in environment omnibus

Dear Chair Ingebrigtsen, Chair Hansen, and members of the environment and natural resources conference committee,

We would like to offer the below feedback for your consideration regarding Section 122 [Repeal of Vehicle Emissions Standards Authority] the environment omnibus bill. The Union of Concerned Scientists (UCS) is the nation's leading science-based nonprofit putting rigorous, independent science to work to solve our planet's most pressing problems. On behalf of UCS's 6,800+ supporters in the state, we strongly oppose inclusion of Section 122 in the environment omnibus package as it eliminates the Pollution Control Agency's (PCA) *longstanding authority* to address emissions from motor vehicles, which jeopardizes our health and welfare.

Minnesota is already experiencing the impacts of climate change driven by combustion of fossil fuels.¹ The recent greenhouse gas inventory confirms that transportation sector is *the* largest source of global warming pollution in Minnesota.² While emissions have decreased 7% compared to 2005 levels, the reductions have tapered off.³ We need to move forward on reducing emissions instead of *making it harder* to protect Minnesotans from harmful transportation pollution. PCA must retain its authority to address vehicle emissions so it can adopt commonsense policies like the Clean Cars Minnesota rules as we strive to meet climate goals such as the state's Next Generation Energy Act, which we are currently *not on track* to achieve.⁴

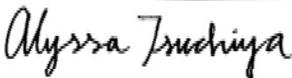
Policies that promote transportation electrification, such as the Clean Cars Minnesota rules, are crucial because air pollution from vehicles on Minnesota's roads today poses a significant and inequitable public health problem.⁵ The science is clear: no level of particulate matter (PM_{2.5}) is safe to breathe.^{6,7,8,9,10,11,12,13,14} Recent UCS modeling found that PM_{2.5} pollution burden from cars, trucks, and buses is inequitably distributed among racial and ethnic groups in the state.¹⁵ People of color experience an undeniable "pollution disadvantage." Looking at the state as a whole, African Americans are exposed to 65 percent higher PM_{2.5} concentrations from on-road transportation than the average PM_{2.5} exposure for all Minnesotans.¹⁶ Latinx residents experience concentrations 28 percent higher than the average resident.¹⁷ At the same time, white residents have an average exposure that is 9 percent lower than the average for the state.¹⁸

The analysis also shows that less affluent households have a higher exposure to air pollution than more affluent households, although this disparity is not as pronounced among income brackets as it is among racial and ethnic groups.¹⁹ One of the most striking examples is in Hennepin County, where our analysis shows that the lower the income, the dirtier the air breathed by those households.²⁰ Those earning less than an annual \$20,000 breathe air that is 25 percent more polluted than the county average, while those earning more than \$200,000 breathe air that is 15 percent cleaner than the county average.²¹

Minnesota should use clean vehicle policies to reverse a history of local, state, regional, and national decisions about transportation, housing, and land use that have led to and perpetuate inequitable air pollution burdens. With the inclusion of affected communities in decision-making processes relating to emissions reduction from transportation, Minnesota is being handed an opportunity to redress past actions.

We strongly believe the Pollution Control Agency has the resources and expertise to take on the interconnected challenges of inequitable air pollution burdens and climate change mitigation in the transportation sector. While there is much progress to be made, the agency's 50+ year track record of success does not indicate a need to shrink PCA's statutory authority. In conclusion, UCS strongly urges the committee to strip Section 122 from the environment omnibus bill to protect the health and welfare of Minnesotans across the state.

Sincerely,



Alyssa Tsuchiya
Clean Transportation Program
Union of Concerned Scientists | ucsusa.org

¹ Minnesota Pollution Control Agency. No date. Effects of climate change in Minnesota. Saint Paul, MN. Online at www.pca.state.mn.us/air/effects-climate-change-minnesota, accessed December 4, 2019.

² Minnesota Pollution Control Agency. 2021. Greenhouse gas emissions inventory 2005-2018. Online at <https://www.pca.state.mn.us/sites/default/files/Iraq-1sy21.pdf>.

³ *Ibid.*

⁴ *Ibid.*

⁵ Moura, M.C.P. 2019. Who Breathes the Dirtiest Air from Vehicles in Minnesota? *The Equation* (blog), February 3. Online at <https://blog.ucsusa.org/cecilia-moura/who-breathes-dirtiest-air-from-vehicles-minnesota>.

⁶ Landrigan, P.J., R. Fuller, N.J.R. Acosta, O. Adeyi, R. Arnold, N. Basu, A.B. Baldé, R. Bertollini, S. Bose-O'Reilly, J.I. Boufford, P.N. Breyse, T. Chiles, C. Mahidol, A.M. Coll-Seck, M.L. Cropper, J. Fobil, V. Fuster, M. Greenstone, A. Haines, D. Hanrahan, D. Hunter, M. Khare, A. Krupnick, B. Lanphear, B. Lohani, K. Martin, K.V. Mathiasen, M.A. McTeer, C.J.L. Murray, J.D. Ndashimananjara, F. Perera, J. Potočnik, A.S. Preker, J. Ramesh, J. Rockström, C. Salinas, L.D. Samson, K. Sandilya, P.D. Sly, K.R. Smith, A. Steiner, R.B. Stewart, W.A. Suk, O.C.P. van Schayck, G.N. Yadama, K. Yumkella, and M. Zhong. 2018. The Lancet Commission on pollution and health. *The Lancet* 391(10119):462–512. Online at [https://doi.org/10.1016/S0140-6736\(17\)32345-0](https://doi.org/10.1016/S0140-6736(17)32345-0).

⁷ Lelieveld, J., J.S. Evans, M. Fnais, D. Giannadaki, and A. Pozzer. 2015. The contribution of outdoor air pollution sources to premature mortality on a global scale. *Nature*, September 16, 367–371. Online at <https://doi.org/10.1038/nature15371>.

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- ⁸ Brook, R.D., S. Rajagopalan, C.A. Pope III, J.R. Brook, A. Bhatnagar, A.V. Diez-Roux, F. Holguin, Y. Hong, R.V. Luepker, M.A. Mittleman, A. Peters, D. Siscovick, S.C. Smith Jr., L. Whitsel, J.D. Kaufman; American Heart Association Council on Epidemiology and Prevention, Council on the Kidney in Cardiovascular Disease, and Council on Nutrition, Physical Activity and Metabolism. 2010. Particulate matter air pollution and cardiovascular disease: An update to the scientific statement from the American Heart Association. *Circulation* 121(21):2331–2378. Online at <https://doi.org/10.1161/CIR.0b013e3181d8e3e1>.
- ⁹ Orellano, P., N. Quaranta, J. Reynoso, B. Balbi, and J. Vasquez. 2017. Effect of outdoor air pollution on asthma exacerbations in children and adults: Systematic review and multilevel meta-analysis. *PLoS ONE* 12(3):e0174050. Online at <https://doi.org/10.1371/journal.pone.0174050>.
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- ¹¹ American Lung Association (ALA). 2018. Particle pollution. Online at www.lung.org/our-initiatives/healthy-air/outdoor/air-pollution/particle-pollution.html, accessed July 30, 2019.
- ¹² Gauderman, W.J., E. Avol, F. Gilliland, H. Vora, D. Thomas, K. Berhane, R. McConnell, N. Kuenzli, F. Lurmann, E. Rappaport, H. Margolis, D. Bates, and J. Peters. 2004. The effect of air pollution on lung development from 10 to 18 years of age. *The New England Journal of Medicine* 351(11):1057–1067. Online at <https://doi.org/10.1056/NEJMoa040610>.
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- ¹⁴ Fine, P.M., C. Sioutas, and P.A. Solomon. 2008. Secondary particulate matter in the United States: Insights from the Particulate Matter Supersites Program and related studies. *Journal of the Air & Waste Management Association* 58(2):234–253. Online at <https://doi.org/10.3155/1047-3289.58.2.234>.
- ¹⁵ Moura, M.C.P. 2019. Who Breathes the Dirtiest Air from Vehicles in Minnesota? *The Equation* (blog), February 3. Online at <https://blog.ucsusa.org/cecilia-moura/who-breathes-dirtiest-air-from-vehicles-minnesota>.
- ¹⁶ *Ibid.*
- ¹⁷ *Ibid.*
- ¹⁸ *Ibid.*
- ¹⁹ *Ibid.*
- ²⁰ *Ibid.*
- ²¹ *Ibid.*

FRESHWATER

2550 University Ave. W. Suite 212N | St. Paul, MN 55114 | 651.313.5800 | freshwater.org

Freshwater Society is a nonprofit organization working to inspire and empower people to value and preserve our freshwater resources.

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May 7, 2021

Environment and Natural Resources Conference Committee

RE: SF 959/HF 1076

Dear Chairs Hansen and Ingebrigtsen,

As the conference committee for SF 959 begins the work of assembling an environment and natural resources finance omnibus bill, Freshwater would like to provide comments on provisions in both the House and Senate bills.

Water Quality and Storage Program: Article II Side-by-Side Pages R58-R60

Thank you for including language from SF 81 and HF 932 in your omnibus bills, establishing the framework and providing funding for a Water Quality and Storage program in BWSR. As you know, Minnesota is seeing more frequent mega-rain events. These mega-rain events have led to increasing water volume and runoff rates which in turn leads to higher levels of flow, erosion, and property damage. We support the House authorizing language on page R58 and on page R59 the Senate language includes a number of agreed-upon practices that achieve reduced flow. These practices are distinctly different from flood control, which of course is a well-known problem with well-defined programs offering solutions. The Senate language adds value to the House establishment language.

We appreciate the inclusion of \$1 million in the House bill for this program, as well as the provision that give priority to the Minnesota River Basin. Decades of study and research in the basin have shown us where and how water storage can be used most effectively. Additionally, communities and landowners in the basin support this initiative. Freshwater requests that the conference committee adopt the House prioritization language and encourage significant funding to get this program off the ground in a meaningful way.

Groundwater Policy: Article II Side-by-Side Pages R64-R67

We are pleased to see agreement between the House and Senate on a number of provisions to protect groundwater and support local planning efforts for sustainable groundwater use, including protecting the Mt. Simon-Hinckley aquifer and prohibiting the bulk sale and transfer of water out of the area. We would urge quick adoption of these provisions.

We would like to voice our concerns on Senate groundwater provisions, specifically sections 89-93 on pages R65-R67 of the Article II Side-by-Side. We echo the Department of Natural Resources concerns, and would request that these provisions not be adopted.

Soil and Water Conservation District Funding: Article II Side-by-Side Page R57

Lastly, we want to acknowledge the House's work on the need to shift funding for Soil and Water Conservation Districts (SWCDs) from the Clean Water Fund to a more stable, permanent source of funding. At present, there are several efforts underway to identify this consistent funding source, including the language in the House omnibus bills, and we are encouraged by the momentum that has built over the last year that moves us closer to a solution. Whether that funding comes from fees, is shifted back to the General Fund where it had been before, or is found in other ways—we are committed to seeing the recent reliance on the CWF come to an end.



We believe another idea worth pursuing is convening interested parties from across Minnesota to explore additional possibilities for meeting the future needs of SWCDs. Convening stakeholders in the original Group of 16 (G16) led ultimately to the Clean Water Funding and the Legacy Constitutional Amendment, and we support considering a similar approach.

With gratitude,

John Linc Stine, Executive Director
Dr. Carrie Jennings, Research and Policy Director
Jen Kader, Senior Program Manager

MEMORANDUM

May 6, 2021

Senator Bill Ingebrigtsen
Senator Carrie Ruud
Senator Justin Eichorn
Senator David Tomassoni
Senator Torrey Westrom

Representative Rick Hansen
Representative Ami Wazlawik
Representative Kelly Morrison
Representative Peter Fischer
Representative Josh Heintzeman

Dear Members of the Environment and Natural Resources Conference Committee (SF959):

The Partnership on Waste and Energy (Partnership) is a Joint Powers Board of Hennepin, Ramsey and Washington counties. We seek to end waste, promote renewable energy and enhance the health and resiliency of communities we serve while advancing equity and responding to the challenges of a changing climate.

In a separate letter addressed to the committee, the Partnership included support for certain Emerald Ash Borer (EAB) provisions amidst comments on several other provisions in the Senate and House omnibus bills currently being deliberated in the committee. We would like to call specific attention to these EAB provisions and emphasize our strong support.

EAB is now established in at least 27 Minnesota counties and continues to spread. Communities are removing and replacing ash trees as quickly as funding will allow to slow the spread of EAB. The challenge of properly managing the surge of waste wood created as we battle EAB is one of the urgent concerns of the Partnership.

State law prohibits landfilling wood waste. Wood waste cannot be sent to MSW waste-to-energy facilities. Open burning, even if it were allowed, creates fire dangers and poor air quality, adversely impacting human health.

The Partnership urges the conferees to adopt the following provisions to increase efforts to slow the spread of EAB and slow the rate of increase of wood waste.

- \$3,500,000 in LCCMR appropriations to protect community forests through DNR surveys, assessments, trainings, assistance and grants to communities for EAB management. This is critically needed as we approach the peak years of the EAB threat. (*Senate Art. 3, Sec. 2, Subd. 6(b), Lines 178.7-178.18; House Art. 2, Sec. 2, Subd. 6(b), Lines 60.30-61.5*)
- \$750,000 the first year and \$1,000,000 the second year, and continued availability of \$700,000 in prior appropriations, for DNR grants to local government to develop community ash management plans, tree replacement and canopy diversification. (*House Art. 1, Sec. 3, Subd. 4(j), Lines 23.10-23.32 and House Art. 1, Sec. 10, Subd. 4(h), Lines 41.11-41.17*)

- \$320,000 transferred to the DNR to provide surveys, assessments, trainings, assistance with grants to communities for EAB management and canopy diversification. (*House Art. 2, Sec. 2, Subd. 20(3), Lines 85.31-86.3*)
- \$700,000 in LCCMR appropriations to the University of Minnesota for research on long-term EAB impacts and optimal forest diversification. (*Senate Art. 3, Sec. 2, Subd. 6(e), Lines 178.32-179.12; House Art. 2, Sec. 2, Subd. 6(e), Lines 61.21-61.34*)
- \$840,000 in LCCMR appropriations to the University of Minnesota's Natural Resources Research Institute to develop and demonstrate technologies to enhance the long-term health and management of Minnesota's forest resources, including emerging market opportunities. (*House Art. 3, Sec. 2, Subd. 19(a), Lines 131.3-131.16*)

Thank you for the opportunity to present the Partnership's positions with respect to EAB funding. Please contact Sam Richie at Fryberger, Buchanan, Smith & Frederick, P.A. for further information on the Partnership's positions on these issues (srichie@fryberger.com, 218-301-9758).

Sincerely,



Commissioner Victoria Reinhardt, Ramsey County
Chair, Partnership on Waste and Energy

cc: Commissioner Debbie Goettel, Hennepin County
Commissioner Fran Miron, Washington County
Megan Hennen, Committee Administrator, Senate
Peter Strohmeier, Committee Administrator, House

Dear member of the Conference Committee on SF 959,

TruGreen is the largest professional lawn care company in the North America and is proud to operate out of 6 locations across Minnesota.

We are writing to express serious concern about a provision in the House Omnibus Environment bill allowing local regulation and bans of pesticides. *(HF version of SF 959 Article 5 Section 16&17)*

Since 1987, the Minnesota Department of Agriculture (MDA) has had sole substantive authority over the proper application and use of pesticides. Minnesota is one of 43 states having a statutory preemption on local regulation of pesticides. The professionals at the Minnesota Department of Agriculture regulate and control the use of pesticides and enforce violations of state statute. All of TruGreen's pesticide applicators are trained and licensed by the Minnesota Department of Agriculture. Professionals who abuse chemical use can be fined, lose their license, and face disciplinary action. Significant State and Federal oversight ensures industry compliance and the proper use of products according to the label and the law.

The cited provisions in the House bill would suddenly turn Minnesota's rational and informed pesticide regulation by the USEPA and the MDA on its head! This provision would suddenly allow 853 Minnesota cities to regulate and ban pesticides. Adding another layer of regulation by cities who are totally lacking in the necessary, personal, expertise and scientific training would be moving responsible regulation several steps backward. While local control makes sense in many areas, the highly technical field of pesticide and chemical use is clearly not one of them.

We are aware of no data suggesting there is a human health threat in [Minnesota](#) from the proper application and use of pesticides. Indeed, properly applied pesticides are effective in preventing threats to human health coming from mosquitos and ticks as well as preventing environmental damage from turf-destroying grub worms and tree/shrub destroying beetles, the Emerald Ash Borer and other invasive pests in the lawn and around the home.

Please allow the Department of Agriculture the ability to continue the responsible Federal and State regulation of pesticides. As the Conference Committee deliberates on SF 959, we urge you to reject the provisions of House Article 5, Section 16 &17.

Thank you,

Jeff Fedorchak

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