



To: Members of the Minnesota Senate

Re: **Please Vote No on SF 2314 Environment Omnibus bill**

April 23, 2019

Dear Senator:

We, the undersigned organizations and the citizens we represent, ask you to vote NO on the Senate Omnibus Environment and Natural Resources Budget Bill, S.F. 2314. This 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 addition, this bill does little to help address issues of growing concern, including climate change, aquatic invasive species, Chronic Wasting Disease, serious pollinator declines or the continuing degradation of Minnesota's waters. Indeed, in many cases, this bill exacerbates these issues.

Though this is not a comprehensive list, we are deeply concerned that this bill divests in Minnesota's environment at a time when we need it most, is unconstitutional, and rolls back Minnesota's environmental protections and public participation.

- I. **SF 2314 proposes a 25% or \$89.6 million state General Fund budget cut for environment and conservation work, compared to total funding in the current biennium.** This budget will have dramatic consequences for state agencies.

Article I:

Department of Natural Resources:

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

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

Board of Water & Soil Resources:

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

- **Reduces soil erosion:** Reduction of funds that go to landowners to help keep soil on their land and treat and store water to provide water quality improvement and flood control
- **Controls invasive weeds:** Elimination of funding to local government for weed management cooperatives
- **Maintains wetlands and manages public drainage:** Elimination of funding to carry out the Wetland Conservation Act and Public Drainage management put both man-made and natural water systems at risk.
- **Funds local Soil and Water Conservation Districts:** these are the boots on the ground serving our current and future generations.

Pollution Control Agency:

A \$12.49 million cut (86%) of General Fund support will mean:

- **Reliance on permit fees and enforcement actions to fund the agency work.** “This is not a healthy situation for businesses, the public, nor for the environment and human health.” (Commissioner Bishop, Letter to the Senate, 4/10/19)
- **Lost opportunity to clean up St. Louis Area of Concern:** Cut to operating funding (\$484,000) to keep cleaning up this area, which leverages \$47.2 million federal dollars for the clean-up.
- **Elimination of Greater Minnesota recycling and composting grants.**
- **Elimination of dedicated staff for railroad emergency preparedness and response.**
- **Elimination of \$230,000 in historical funding for watershed monitoring activities.**
- **No funding for Electric Vehicle Infrastructure** as recommended by the Governor.
- **No funding for engineering work to begin to clean up the dangerous Freeway Landfill and Dump in Burnsville** as recommended by the Governor.
- **No funding to accelerate review of Closed Contaminated Sites to ensure people’s homes are not impacted by soil vapors or private wells contaminated** as recommended by the Governor.

II. Efforts to cover the massive cuts include unconstitutional raids of dedicated funds.

In order to fill some of the budget holes resulting from the proposed budget, SF 2314 proposes two shifts which are unconstitutional.

Article 2

State Park Operations:

Subdivision 9 (l): The \$10 million appropriation for “state park and recreation area operations and improvements” is not legal because it replaces historic state general fund support with funds from the Environment and Natural Resources Trust Fund (the MN Lottery) that voters said should *supplement* state activities. The ENRTF cannot “substitute for traditional sources of funding environmental and natural resources activities” Minn. Stat. 116P.03 (2017).

Wastewater Treatment:

Subdivision 11(a) and 12 (b): The \$10.476 million appropriation for wastewater treatment violates the constitution because the Legislature would appropriate the money in the form of grants, not loans as was dictated by the voters’ approval of a constitutional amendment dedicating these lottery resources.

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

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

IV. SF 2314 contains numerous policy provisions that rollback environmental protections and the public’s ability to engage in the decisions affecting their communities:

Article III:

Section 14: Expanded exemption for protecting endangered plant species

Endangered and threatened plants occur in public road rights-of-way throughout the state. This section would greatly expand an exemption for protecting threatened and endangered species around roadways by including land beyond the ditches and within the medians. The change allows all rights of way that have ever had any construction or disturbance to be free of the legal requirement to protect rare native plants.

Section 15: Wild Rice Stewardship Council

The makeup of the proposed council includes many positions representing industry and those who have a vested interest in preventing the adoption or application of a meaningful water quality standard for the protection of 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. Their role should be to advise the Council.

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

Section 80: Preventing Modification of Groundwater Permits During Transfer

This section prevents the DNR from modifying permits as they are transferred with the sale of land to account for evolving groundwater sustainability issues.

Section 83: Preventing Agencies from Talking about Groundwater Management Areas This limitation is a gag rule on agencies, limiting their ability to talk about Groundwater Management Areas to only information about public hearings and responses to direct public and media inquiries. This section is vague and not in the interest of either the community or regulated parties.

Section 84: Redefining Groundwater Sustainability

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

Sections 106, 112, 113, 114, 122: Requiring Legislative Approval for Fee Increases

Fees are a necessary part of funding state permit programs. The MPCA has not increased most water permit fees in over 27 years. Requiring legislative approval could create additional delays in accessing funds to efficiently process permits.

Section 107: Allowing the transfer of water from one water body to another without a permit. At a time when many water bodies are becoming more polluted and seeing an increase in aquatic invasive species, transferring water from one water body to another without a permit heightens risks and exacerbates the spread of pollution. Requiring permits helps minimize this potential.

Section 110: Giving veto power to any county board to prevent adopting a state water quality standard. This section requires all 87 county boards to approve a water quality standard before it can be enacted – regardless of scientific and technical evaluation by the MPCA.

Section 111: Allowing industry 16 years to meet water quality standards.

This section gives industry a blanket 16-year exemption from complying with any new water quality standards that may be developed, if the industry previously invested in wastewater treatment upgrades.

Section 121: Preventing enforcement of national and state air quality standards.

This section violates the federal Clean Air Act because national or state ambient air quality standards should apply to all air permits including temporary permits.

Section 127: Restricting public participation in environmental review. Though state agencies rarely extend public comment periods, on occasion they understand that it is important. Sometimes 30 days is not enough time for Minnesotans to find out about and understand a large-scale proposal that has the potential to greatly impact their community, read hundreds of pages of relevant documents, and compose and submit public comments – all while taking care of their regular duties. This is especially difficult for farmers during planting and harvesting seasons. This section would strip agency authority to extend public comment periods for any environmental assessment worksheet and give that discretion to project proposers.

Section 155: Interfering with science-based forest management at Sand Dunes State Forest. This section does an end run around the existing well-established, science-based forest planning process that already includes the involvement of local citizens and representatives. This section revokes the authority to restore any part of the forest to native oak savannah, of which less than 1% of Minnesota's original oak savannah forest remains.

V. SF 2314 Combines budget and policy language.

Lastly we would like to object to the insertion of the large amount of unrelated policy language into this biennial appropriations bill. As many of the policy provisions that have been added to this bill are highly unpopular with the voting public, this combining of budget and policy provisions allows these issues to avoid the public process and scrutiny they would receive otherwise. These unpopular issues should be required to stand on their own as separate policy bills.

This bill is not right for the shared legacy of Minnesota's Great Outdoors, the health of our air, land, water and people, and it is not acceptable to Minnesota voters. **Please vote no on SF 2314.**

Sincerely,



Steve Morse
Executive Director

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