



April 21, 2022

Dear Senator,

Thank you for the opportunity to provide comments on the Senate Omnibus Environment and Natural Resources Supplemental Budget Bill, SF 4062, 2<sup>nd</sup> Engrossment. While there are provisions in this bill that move Minnesota in a positive direction on environmental issues, a significant portion of this bill would cause irreparable harm to our ecosystems and the health of our environment and people. Due to our environmental challenges and the urgency to act, Governor Walz recommended over \$200 million of additional investment in this biennium for this issue area, yet this bill includes less than 1% of that recommendation.

**Here is a sampling of the important initiatives from the Governor's budget that are overlooked and not funded in this bill:**

- Waste Prevention and Recycling: There is bipartisan concern about the amount of waste sent to landfills or waste-to-energy facilities, yet the Governor's \$19 million proposal to provide waste prevention and recycling grants is missing.
- Restoring Grasslands and Wetlands on WMAs for Carbon Capture and Resiliency: The Governor recommends investing \$10 million in enhancing grasslands and restoring wetlands on existing state-owned wildlife management areas to sequester carbon and enhance climate resiliency.
- Healthy Soils Program: The Governor recommends \$17 million for accelerated soil health efforts, however neither the policy nor the critical funding to accomplish soil health practices is included.

**We believe the following provisions are misguided and ask you to remove them from SF 4062:**

Art. 1, Sec. 2, Subd. 3, lines 4.23 – 5.23 [Environmental Quality Board] appropriates \$740,000 for Clean Water Act Section 404 assumption, requires a report be submitted to the Legislature by December 31, 2024, and requires the State of Minnesota to apply for assumption of the Section 404 wetlands permitting program by June 30, 2025 before the report is submitted.

Article 1, Section 3, Subd. 2, paragraph (f), lines 7.17 – 7.24 appropriates \$387,000 from the heritage enhancement account in the game and fish fund to pay for studies on permits denied due to calcareous fen impacts and exempts appropriation from MS 297A.94 requiring that funds “may be spent only on activities that improve, enhance, or protect fish and wildlife resources...”

Article 2, Sections 2 and 58 Unadopted Rules: These sections define all guidance as unadopted rules, effectively “gagging” agencies by preventing publication of documents that would help regulated parties understand and comply with complicated statutes and rules. These provisions are anti-public information, unnecessary and overbroad. Under Minn. Stat. 14.381, agencies are not allowed to enforce “unpromulgated rules.”

Article 2, Section 14, lines 21.1-21.30 Timelines set on Environmental Review of Metallic Mining Projects seems to assume that all mining proposals are permissible under Minnesota and federal law, and that it is the job of state agencies to approve these proposals under a specific time frame. Minnesota agencies must maintain their ability to require more or better information if a proposal is insufficient to demonstrate that it meets the requirements of Minnesota and federal law.

Article 2, Section 26, lines 28.4-28.8 Open Season on Wolves; requires DNR to prescribe an annual open season on wolves once they are delisted under the federal Endangered Species Act. The presence of wolves on the endangered species list is not the only factor relevant to whether or how a wolf hunt should be held.

Article 2, Section 31, lines 31.2-32.12 Public Waters Inventory Revisions; These waters belong to all Minnesotans. 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 local government objects, the DNR cannot list a water even though it meets the statutory definition of “public water.”

Article 2, Section 33, lines 33.4-34.3 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.

Article 2, Section 35, lines 34.12-34.20 Transfer of Water Use Permits prevents DNR from requiring testing or putting new conditions in a water appropriation permit that is being transferred.

Article 2, Section 36, lines 34.21-34.26 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 just this one factor. Depleted groundwater tables, which groundwater management plans seek to prevent, also have negative impacts.

Article 2, Section 38, 35.6-36.21 Groundwater Management Area Plan Development language 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.”

Article 2, Section 39, lines 36.22-36.29 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.

Article 2, Section 42, lines 37.26-38.8 Well Interference provision harms those hurt by well interference by forcing the DNR to consider the “condition of the impacted well,” which has the intent of forcing DNR to reduce 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.

Article 2, Section 43 PCA Training; Section 46 Wastewater & Water Supply System Operator Certification; Sections 47 & 48 Wastewater Laboratory Certification; and Section 57 Water Permit Fees: Complicates the process for recovering program costs needed to operate state permit programs. The MPCA has not increased most water permit fees for more than 28 years.

Article 2, Section 44, lines 42.24-42.3 Effluent Limitation allows 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.

Article 2, Sections 49 through 51, lines 44.1-44.26, Section 52, lines 44.27-45.2, and Section 54 Chemical Plastic Recycling Exemptions This broad swath of statutory language would create a whole new industrial category in Minnesota statutes and exempt it from a number of existing rules and statutes that apply to similar recycling operations in Minnesota. Existing recycling operations have testified against these provisions in previous sessions.

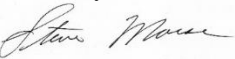
Article 2, Section 61, lines 64.10-68.8 Limits petitions for environmental review to residents of the county (or adjacent county) where a project is proposed. Air and water pollution do not respect county boundaries. This provision would limit the rights of affected persons to petition for environmental review.

Article 2, Section 75, lines 79.20-80.5; This section is a legally dubious attempt to direct the MPCA to seek a change in Minnesota’s State Implementation Plan for the Clean Air Act. Ambient air quality standards are critical to protecting public health and must be applied uniformly for all facilities to be effective.

Article 2, Sections 72, lines 78.10-78.28; Section 76, lines 80.6-80.19; Requires a rulemaking to be done to examine a highly technical effluent issue for one industry (sugar beet processing.) At a minimum, the impact of this provision on Minnesota’s water needs to be made very clear before any changes to this highly technical area are considered.

Thank you for your consideration. We ask you to help protect Minnesota’s environment and the laws that enable us to do so. The health of our ecosystems and residents depends on it.

Sincerely,



Steve Morse  
Executive Director

*Submitted on behalf of the following organizations:*

Audubon Chapter of Minneapolis  
Clean River Partners  
CURE (Clean Up the River Environment)  
Friends of Minnesota Scientific & Natural Areas  
Friends of the Boundary Waters Wilderness  
Hastings Environmental Protectors  
Land Stewardship Project  
League of Women Voters Minnesota  
Minnesota Center for Environmental Advocacy  
Minnesota Interfaith Power & Light  
Minnesota Ornithologists Union

Minnesota Trout Unlimited  
Minnesota Well Owners Organization  
MN350  
Pollinate Minnesota\*  
Pollinator Friendly Alliance  
Renewing the Countryside  
Sierra Club North Star Chapter  
Vote Climate  
WaterLegacy  
Wilderness in the City

*\*denotes non-MEP member organization*