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, 2nd 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 permittable 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.
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