



May 12, 2015

Senator David Tomassoni

75 Rev. Dr. Martin Luther King Jr. Blvd.
Capitol Room G-9
St. Paul, MN 55155

Senator Dan Sparks

75 Rev. Dr. Martin Luther King Jr. Blvd.
Capitol Room 328
St. Paul, MN 55155

Senator John Hoffman

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Senator John Marty

75 Rev. Dr. Martin Luther King Jr. Blvd.
Capitol Room 323
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Senator Bill Weber

125 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
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Representative Denny McNamara

365 State Office Building
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Representative Rod Hamilton

443 State Office Building
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Representative Tom Hackbarth

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Representative Dan Fabian

429 State Office Building
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Representative David Dill

311 State Office Building
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Dear Conference Committee Members, and Members of the Minnesota Legislature:

The undersigned conservation and environmental organizations write to express our views about policy provisions in the House and Senate Omnibus Environment bills: SF 1764 and HF 846, now in Conference Committee. We strongly encourage conferees to remove provisions that move backwards in efforts to protect Minnesota's natural resources and the health of its people.

Both bills contain policy provisions that will roll back years of progress in protecting Minnesota's natural resources, particularly the quality of its waters. These provisions will undermine the ability of state agencies to do their work, remove protections for groundwater, greatly complicate efforts by PCA to enforce laws that protect our state's air, water, and land, and drastically reduce the role of the PCA Citizens Board in guiding the work of that agency.

Undermining agency authority; politicizing science

Several provisions effectively move decision-making authority from agency experts to the political process. Science-based standards developed after years of agency investigation would be put on hold pending additional studies, reviews, and explicit legislative approval.

We oppose all of the provisions that would **suspend water quality standards**, adopted by PCA through rulemaking and approved by EPA. Provisions in both bills forbid PCA to use its science-based water quality standards in issuing permits, until the completion of:

- Legislative approval (House section 93);
- An independent “peer review” and entirely new rulemaking (House section 94; Senate section 61);
- A cost analysis conducted by a nonstate entity PLUS an entirely new rulemaking (House section 125-126; Senate section 63);
- A new rulemaking on the sulfate standard to protect wild rice (House section 128; Senate section 59);
- A TMDL study developed with North Dakota and Manitoba for Lake Winnipeg (House Section 127).

House sections 66 and 67 block DNR protection of trout streams, replacing the science-based designation process for trout streams with a political one. The House would bar DNR biologists from adding the protective trout stream designation to previously overlooked wild trout fisheries, until a political vote was held. Section 67 also bars the DNR from designating “man-made” streams as trout streams. Every section of improved or restored trout stream could fall under this vague definition.

House section 112: Time-for-meddling provision. Requires that agencies notify project proposers 90 days in advance of the general public regarding a decision to order a discretionary EIS or EAW. This change appears to be motivated by a desire for more time to influence agency decision-makers. It is a reaction to the wise and locally-supported DNR decision to order an EIS to evaluate the groundwater and other impacts of rapid conversions of pine lands to potato farms.

PCA Rollbacks--Amnesty for Polluters and Reduced Citizen Role

House section 92 provides amnesty for polluters. Under this provision, if violators report to PCA that a violation has occurred, PCA can't undertake enforcement for 90 days. PCA efforts to carry out legitimate enforcement activity would be greatly hampered by this provision. This was not introduced as a separate bill and is strongly opposed by PCA.

House sections 106 and 107 radically reduce the role of citizens on the PCA Citizens Board. These major changes in the PCA Citizens Board undermine the ability of citizens to bring concerns before the PCA. No long-standing problems have been identified to justify these reductions in the influence of citizens. The changes appear to have been motivated by a recent PCA Board decision, strongly supported by affected local residents, to order additional review of a proposed large dairy operation. We oppose the changes.

Removing Drinking Water and Groundwater Protections

House section 88 replaces DNR's science-based, location-specific groundwater modeling with an arbitrary “one size fits all” exemption threshold that will destroy countless trout fisheries and also degrade warm water fisheries. This provision arbitrarily requires DNR to allow 20% of low summer flows to be removed, effectively forcing the public to sit by as excessive, unreasonable use by a few special interests destroys public resources and depletes drinking water supplies. Current law provides

that the DNR cannot issue groundwater pumping permits to new users where it would result in negative impacts to surface waters. Data indicates that at best, up to 15% of low base flow perhaps could be withdrawn before severe impacts occur.

House section 83 exempts counties and townships from all restrictions on, and expert DNR review of, culvert placements --which can block spawning migrations and destroy eggs and habitat. Poorly placed or poorly sized culverts block spawning runs, prevent movement to cold water refuges in summer and cause extensive damage to habitat. Yet Section 83 exempts every county and township from all DNR restrictions on working in trout streams and steelhead rivers during periods of vital spawning and egg development. It also allows them to avoid expert review and permitting restrictions designed to ensure that culverts are not undersized (which causes culverts to wash out in floods) or placed incorrectly (blocking spawning runs and degrading habitat, including through flooding).

House section 109, page 103, lines 24-27: exempts non-ferrous mining from solid waste rules. This surprise floor amendment was approved with little to no discussion. We oppose this provision because in our view such a controversial provision should have had full notice to the public and a full hearing. It is written in a way that its full effect on future management of the various waste streams from nonferrous mining cannot be discerned.

Sincerely,



Steve Morse, Executive Director
Minnesota Environmental Partnership

Alliance for Sustainability

Audubon Society of St. Paul

Clean Water Action

Climate Generation

Conservation Minnesota

CURE (Clean Up the River Environment)

Environment Minnesota

Friends of the Boundary Waters Wilderness

Friends of the Cloquet Valley State Forest

Friends of The Mississippi River

Friends of The Parks & Trails of St. Paul & Ramsey
County

Izaak Walton League - Minnesota Division

Izaak Walton League Of America - Midwest Office

Land Stewardship Project

League Of Women Voters Minnesota

Lower Phalen Creek Project

Mankato Area Environmentalists

Minnesota Center for Environmental Advocacy

Minnesota Conservation Federation

Minnesota Food Association

Minnesota Land Trust

Minnesota Ornithologists' Union

Minnesota Project

Minnesota Renewable Energy Society

MN350

Parks & Trails Council of Minnesota

Renewing the Countryside

Sierra Club - North Star Chapter

St. Croix River Association

Transit For Livable Communities

Urban Roots

Voyageurs National Park Association

WaterLegacy

