

May 21, 2018

Dear Governor Dayton,

We appreciate your leadership in helping keep water on the land, to avoid erosion and pollution. Your buffer legacy is one piece of this puzzle. We strongly encourage you to veto the Agriculture Policy Bill (HF4133), due to language making it more difficult to protect against soil loss in Minnesota.

**Removes protections for Minnesota's waters:** The 2015 Buffer Law opened up soil erosion protections to all Minnesota landowners -- not just those in counties with local ordinances. Expanding soil loss protection was a necessary complement to buffer requirements in that it protected landowners who installed buffers from damages caused by upland erosion. A provision in the Agriculture Policy Bill limits soil loss protections by restoring restrictions to safeguard landowners **only** in those counties with local ordinances (currently only Fillmore, Goodhue, Mower, Olmsted & Winona).

BWSR has begun a soil loss rulemaking process including interim guidance issued in May 2016, accepting public comments in February 2017, and the first convening of an advisory group. The Rulemaking aims to develop a transparent, predictable, fair, and reasonable process to evaluate and enforce for damages caused by excessive soil erosion. It is unfair to reinstate limitations for soil loss protections only in counties with ordinances, leaving landowners in 82 counties and those downstream without protection. Soil loss is a statewide issue, and Minnesota deserves a statewide method of protecting against soil loss.

Soil erosion, and the nutrients it carries with it, is a significant pollutant. Sediment can impair fish and wildlife habitat by physically covering it. Sediment accumulates in navigation channels and water impoundments. Phosphorous, nitrogen, and pesticides carried with the eroded soil can lead to excessive algae blooms and violations of water quality standards. Eroded soil also causes damage to downhill landowners through siltation and damaged crops.

The soil-loss provision suddenly appeared during the 2018 Legislative Session as an amendment in the Senate Environment Finance Committee, without any public notice. It was part of SF1693 (Weber), heard in the 2017 Legislative Session, along with other bills to weaken the buffer law. This language never had any publicly-noticed hearing in the 2018 session.

We urge that you veto this bill to maintain critical statewide protections for Minnesota's waters. Thanks for your consideration.

Minnesota Center for Environmental Advocacy  
CURE (Clean Up the River Environment)  
Freshwater Society  
Friends of the Mississippi River

Minnesota Native Plant Society  
Environment Minnesota  
Sierra Club North Star Chapter  
Pesticide Action Network of North America  
Conservation Minnesota

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