



RE: Request for veto of Environment and Natural Resources Omnibus Bill (SF844)

May 25, 2017

Dear Governor Dayton,

Thank you for your commitment to justice and fairness, your strong work on behalf of Minnesota's environment and natural resources and your unyielding interest in the public good.

On many fronts, this session has been unlike any in recent memory. The global budget agreement, which was reached late Monday night, has not been followed. The legislature is now adrift, passing budget bills that the public cannot track, falling far short of Minnesotans' documented expectations and in some cases causing long term harm to our state. With regard to the environment, proposals to defund programs, weaken protections, limit public participation and subvert municipal efforts to move forward are numbered in the dozens.

Citizens across the state worked tirelessly throughout the session to stop these provisions at every turn, but ultimately many still reached your desk. We are grateful for your veto of the first Environmental Budget bill, the positions you articulated in your veto letter and the negotiations which dropped many of these harmful provisions from the second Environmental Budget bill (SF 844). Thank you.

As you know, the Environment and Natural Resources Bill currently before you still retains many detrimental provisions. While SF844 is better than its predecessor (HF888), it raises serious concerns and chips away at the protections and resources that fund our Great Outdoors. This bill

Cuts \$22 million in operational funding to local Soil and Water Conservation districts resulting in a raid on the Clean Water Fund.¹ This reduction is backfilled with Legacy Amendment Clean Water Fund dollars, amounting to a 10% raid for the second biennium in a row, resulting in defunding drinking, ground and surface water protections across the state. We believe that, taken together, this reduction, as contained in Environmental Budget Bill (SF 844) and the Legacy bill, constitutes a clear violation of the commitment made in law by the 2015 budget and violates the intent of the Legacy Constitutional Amendment. We are greatly concerned about what this means for the long term integrity of the Clean Water Fund and the overall Legacy Amendment.

Limits citizen rights based on property ownership. Since 1969 participating in a contested case petition has been a right of citizens, guaranteeing public participation in important decisions that affect the whole state. This provision would appear to limit this

legal tool for mine permits to only those people who own property affected by the proposed operation.

Jeopardizes rare calcareous fens. Allowing DNR to approve irrigation permits that draw down important ground waters sustaining rare calcareous fens weakens the protections these sensitive ecosystems have had since the Minnesota Wetland Conservation Act was passed more than a quarter century ago.

Removes the PCA requirement to adopt air quality standards and environmental review standards for frac sand operations. Long-term low level exposure to silica dust can cause silicosis, which is fatal. This provision removes the mandate passed in 2013 that the “commissioner of the Pollution Control Agency shall adopt rules pertaining to the control of particulate emissions from silica sand projects.”

Begins the permit review process before the evaluation of environmental impact data is complete. This is especially risky when paired with the provision that allows corporations to draft their own Environmental Impact Statements (listed below).

Allows corporations to prepare their own draft Environmental Impact Statement. Aside from letting the fox guard the hen house, when the preparer of the EIS is the industry seeking the permit, the Data Practices Act protects as private the data used as a foundation for the EIS. That data and the assumptions used in its collection will therefore not be available for public review or scrutiny. This reduces the public transparency and the accountability of permitting.

Allows permit applicants to buy their way into an expedited permit. This disadvantages smaller businesses that may not have the resources to pay an expedited fee and are then put behind other businesses that do.

Interferes with science-based forest management at Sand Dunes State Forest. This end run around the existing well-established, science-based forest planning process will delay efforts to restore the forest to native oak savannah, of which less than 1% of Minnesota’s original oak savannah forest remains.

Places a 2-year prohibition on the adoption of rules limiting lead shot. Science establishing the harm of lead shot (and lead bullets) to non-target wildlife and birds (including Bald Eagles) is well-established. Other options are readily available for similar cost. Minnesota should be using its existing authority to get lead out of our environment.

Delays actions to clean-up polluted water. This provision exempts cities that build new facilities from future technology updates to meet new standards for clean water for up to 16 years. We can’t clean up our waters if we can’t ask facilities to meet standards when developed.

These provisions move Minnesota backward. Governor, with the utmost respect, this bill does not deserve your signature. Please veto SF 844.

We would be happy to meet to discuss our concerns. Please do not hesitate to contact me at any time should you have any questions.

Sincerely,



Steve Morse

Minnesota Environmental Partnership

Alliance for Sustainability

Audubon Chapter of Minneapolis

Center for Biological Diversity

Clean Water Action Minnesota

CURE (Clean Up the River Environment)

Friends of Minnesota Scientific & Natural Areas

Friends of the Boundary Waters Wilderness

Friends of the Cloquet Valley State Forest

Friends of the Mississippi River

Institute for Local Self Reliance

Izaak Walton League – Minnesota Division

Land Stewardship Project

League of Women Voters Minnesota

Lower Phalen Creek Project

Lutheran Advocacy - Minnesota

Minnesota Native Plant Society

Minnesota Ornithologists Union

Minnesota River Valley Audubon Chapter

MN350

Pesticide Action Network

Pollinate Minnesota

Renewing the Countryside

Save Our Sky Blue Waters

Sierra Club - North Star Chapter

Transit for Livable Communities

Water Legacy

ⁱ We are very glad to see a provision in the Tax Bill that would use future surplus general fund balances to repay the Clean Water Fund for this raid.