



March 29, 2012

The Honorable Bill Ingebrigtsen
Minnesota Senate
303 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Dear Senator Ingebrigtsen:

We are writing regarding the Omnibus Environment and Natural Resources Policy Bill and our thoughts on some of the provisions contained within it.

We appreciate the inclusion of the BWSR Local Government Planning, DNR Policy, Game and Fish and MPCA Policy Bills. We appreciate your willingness to work with us on these and other issues, and to consider our remaining concerns.

There are a number of provisions in the bill we oppose as they are currently written. Our staffs have testified in committees with our thoughts, and this letter summarizes those concerns.

We strongly oppose any language that results in a net loss of wetlands in Minnesota by weakening the Wetland Conservation Act (WCA). The changes to the de minimis exemptions reduce wetland protection throughout Minnesota, including within the shoreland building setback zone and the metropolitan area. Minnesota has a "no net loss" of wetland policy that has been carefully crafted over the past twenty years. The more protective de minimis exemptions must be retained if that goal and policy are to be fully met. This proposed policy change would undermine the wetland restoration work being done with Legacy dollars, which Minnesotans voted for in overwhelming support.

In addition, we oppose changing the requirement for wetland replacement plans from WCA to the federal farm bill (Swampbuster) as it removes state protections. Because the federal farm bill is up for reauthorization this year, we do not know what changes may occur or even if the protections will remain in place. The Federal Farm Bill's unique data privacy limitations restrict the state's access to any data regarding enrollment or compliance with the Swampbuster provisions. Therefore, the state has no ability to validate compliance, violations or enforcement of those provisions. Currently, BWSR and the USDA-NRCS have developed and are implementing a Memorandum of Understanding supported by an administrative contract for services to achieve consistent, coordinated and timely determinations.

We oppose the amendment that was added in the Finance Committee that eliminates the Hennepin Conservation District. Without an opportunity for a hearing in the Environment and Natural Resources Committee, this language was inserted into the bill over the objections of the agency, the Hennepin Conservation District and the State Association of Soil and Water Conservation Districts. The language in this provision would invalidate a voter-approved referendum from 2003 without any notification or process for taking public input.

We are opposed to the changes to Article 2, Section 41 on the Removal of Beaver Dams and lodges. This change would allow a local unit of government to take beaver without a permit. Beaver are valuable, protected wild animals, the

harvest of which deserves state oversight. Under current authority we can and do issue a simplified general permit to a local unit of government to conduct these activities.

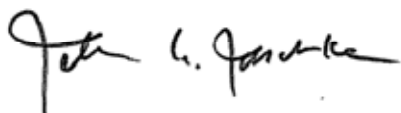
Also troubling is the requirement for another study of the Metropolitan Waste Disposal Restrictions and the resulting delay in implementing this 27-year-old law. Over the last two decades there have been multiple reports, studies and stakeholder processes on the topic, yet the landfilling problem is only getting worse. Delaying action only results in another 200,000 to 350,000 tons per year of trash going into our landfills (equivalent to over 20% of annual landfilling in the metro) instead of recovering resources from it (materials and energy).

Finally, the language exempting venison from the food safety statutes is not acceptable. Food safety is a serious concern, and Minnesota cannot become an "island" among states with exemptions to the food code. Moreover, leaving venison exempt from all oversight means that Minnesotans using food shelves – many of whom are children -- may be exposed to adulterated venison and the resulting health effects of lead poisoning. We support the venison donation program, believe it is working well, and contend it needs no changes.

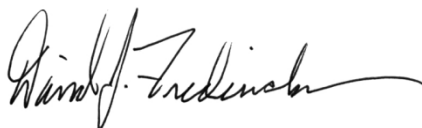
We want to take this opportunity to thank you for your support for the Governor's budget proposal to increase hunting and fishing licenses to fully fund the game and fish account. We sincerely appreciate your leadership on this issue that is so important to the countless Minnesotans who hunt and fish. That said, unless substantial revisions or deletions are made to the provisions listed above, we will not be able to support the bill. Therefore, we encourage you to consider passing this provision as a stand-alone measure, as it was introduced and moved through committee. This budget proposal enjoys broad bipartisan support and it would be a disappointment to the hunting and fishing community if these investments are not made this session.

The list of concerns outlined in this letter is not comprehensive, but rather contains those provisions of greatest concern to our departments. We and our staffs are available to answer any questions on these outlined concerns, or any other parts of the bill.

Sincerely,



John Jaschke, Executive Director
Board of Water and Soil Resources



David Frederickson, Commissioner
Minnesota Department of Agriculture



Paul W. Aasen, Commissioner
Minnesota Pollution Control Agency



Tom Landwehr, Commissioner
Minnesota Department of Natural Resources

cc: Representative Kurt Zellers
Senator David Senjem
Representative Paul Thissen
Senator Thomas Bakk
Senator Linda Higgins
Representative Denny McNamara
Representative Jean Wagenius
Will Seuffert, Office of Governor Dayton