



April 28, 2023

The Honorable Representative Rick Hansen The Honorable Representative Patty Acomb
The Honorable Senator Founj Hawj The Honorable Senator Nick Frentz
Environment, Natural Resources, Climate and Energy Conference Committee
Minnesota State Capitol, Room 123
St. Paul, Minnesota 55155

Dear Chairs Hansen, Acomb, Hawj, and Frentz:

As you begin the process of reconciling differences between the Senate and House versions of the Environment, Natural Resources, Energy, and Climate Appropriations and Policy bills, the Minnesota Bio-Fuels Association appreciates the opportunity to provide written testimony.

We oppose the following provisions in the Environment and Natural Resources bills:

- **Biofuel Wastewater Monitoring:** The House bill would require ethanol plants to monitor wastewater for the presence of neonicotinoid pesticides and perfluoroalkyl or polyfluoroalkyl (PFAS) substances under permits issued through the National Pollutant Discharge Elimination System (NPDES) (128.23 – 128.32). It would also provide \$1 million to fund the implementation of these new permitting requirements (10.14 – 10.18).

With respect to neonicotinoid pesticides, no ethanol plant in the state of Minnesota accepts pesticide-treated seed corn as a feedstock for biofuel production. Nor does any ethanol plant in the state of Minnesota have any intention to accept pesticide-treated seed corn as a feedstock for biofuel production.

Guidance released by the Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Agriculture in March 2022¹ specifically prohibits treated seeds from being used for ethanol, biodiesel, or other processing. Under this guidance, if a biofuel facility decided to accept pesticide-treated seed corn as a feedstock, it would be required to obtain a permit from MPCA which would include monitoring, testing, and reporting requirements.

With respect to PFAS substances, no ethanol plant in the state of Minnesota uses PFAS in the production of biofuels. While some plants previously had firefighting foam that contained PFAS on-site, no plant affiliated with the Minnesota Bio-Fuels Association ever discharged such foam during an emergency. Beginning in 2020, those foams were phased out in favor of environmentally friendly alternatives.

Additionally, requiring wastewater monitoring for neonicotinoid pesticides and PFAS is unnecessary because ethanol plants in Minnesota have transitioned their operations to be “zero liquid discharge,” meaning that they treat and re-use water through the plant rather than discharge it into the environment. Even if wastewater was present, methods for testing the presence of PFAS in wastewater have only been validated by the federal Environmental Protection Agency (EPA) in *draft* form. The use of non-validated methods that have yet to go through a full federal rulemaking process to test for PFAS will lead to test results that do not accurately reflect the presence of PFAS.

¹ <https://www.mda.state.mn.us/sites/default/files/docs/2022-04/w-hw4-51.pdf>



Finally, the federal Food Safety Modernization Act (FSMA) requires ethanol plants to adopt preventive controls to ensure the safety of co-products that are used in animal feed. All ethanol plants are inspected annually to ensure compliance with FSMA safety plans which include protocols for testing dried distillers' grains (DDGs) and corn oil.

- **Biofuel Monitoring Lifecycle Assessment:** The House bill would provide \$250,000 in one-time funding for a lifecycle assessment of the presence of neonicotinoid pesticide in the production of ethanol, biodiesel, and advanced biofuel, including feedstocks, co-products, air emissions, and the fuel itself (10.19 – 10.31).

This study is unnecessary because, as mentioned above, no ethanol plant in Minnesota accepts pesticide-treated seed corn, nor does any plant have the intention to accept pesticide-treated seed corn, as a feedstock for biofuel production. Neonicotinoid pesticides are not accepted if present on incoming feedstocks and are not used during the production process.

- **Above Ground Storage Tank Fees:** The House bill would authorize the collection of permit fees on above ground storage tank facilities (156.26 – 157.25). While we support the intent to effectively administer the above ground storage program, we are concerned that additional fees alone will not meaningfully improve permit efficiency and timeliness at MPCA.

In recent years, ethanol production plants have experienced significant delays in obtaining the permits that are necessary to build, expand, and operate their facilities. The lack of certainty in permitting timelines has led to a loss of business competitiveness relative to surrounding states and prevented plants from employing the latest production technologies that will lower greenhouse gases and allow full access to federal tax credits adopted in the Inflation Reduction Act like the Clean Fuel Production Credit and the Sustainable Aviation Fuel Credit.

We urge more consistent cooperation and defined permitting timelines from MPCA to promote business efficiency in the ethanol industry and protect Minnesota's natural resources for future generations.

Thank you again for the opportunity to provide written testimony. If you or your staff have questions, please contact me at 651-356-4330 or at bwerner@mnbiofuels.org.

Sincerely,

Brian Werner
Executive Director
Minnesota Bio-Fuels Association



Dear Members of the Energy and Environment Conference Committee,

The International Union of Operating Engineers Local 49 (IUOE Local 49) represents more than 12,000 Operating Engineers and their families in Minnesota. Their members include heavy equipment operators and mechanics, along with stationary engineers. The North Central States Regional Council of Carpenters (Carpenters) represents approximately 12,000 workers and their families across Minnesota. Their members include carpenters, millwrights, floor coverers, lathers, pile drivers, and industrial workers across the state.

Both unions work on a wide array of energy infrastructure construction and maintenance projects. Energy work is critically important to our members. As such, both unions have a significant interest in the future of our energy system. We appreciate the work of both the House and Senate to advance policies that ensure Minnesota workers will benefit from the ongoing energy transition.

Our members also perform work building and maintaining other industrial projects that are impacted by Minnesota's environmental regulations. Our members support strong protections for the environment that are balanced with the need to provide clear, consistent and science-based environmental review and permitting processes that can spur the investment needed to create jobs for our members.

We offer the below feedback on behalf of our members on the proposals under consideration by the committee.

Labor Standards

We applaud the inclusion of the labor standards—including prevailing wage—in various programs throughout both the House and Senate energy bills. These provisions complement the inclusion of prevailing wage requirements in the 100% by 2040 bill and will help ensure that the construction of clean energy infrastructure continues to provide good paying jobs and benefits for Minnesota workers and their families.

Xcel–Prairie Island Agreement

The Prairie Island Nuclear generating station is perhaps the most important carbon free asset in Minnesota and its continued operation is critical for meeting Minnesota's 100% carbon-free by

2040 goal. It is also a source of good union jobs for Minnesota workers. At the same time, the Prairie Island Indian Community has borne the burden of hosting the plant and spent fuel immediately adjacent to their community. Compensating the community is a reasonable and just approach. We thank both bodies for including funding for this initiative. We continue to believe utilizing Renewable Development Account (RDA) funding to the extent possible will help mitigate impacts to ratepayers.

Nuclear Study

As Minnesota embarks on an effort to decarbonize our economy, it is important that we are taking a hard look at all available carbon free energy resources. Advanced nuclear energy technology has the potential to play an important role in decarbonizing not just our electricity system but also buildings and heavy industry. The nuclear industry has had a long history of utilizing high-skilled union labor. This study will help all Minnesotans better understand the potential benefits, costs and impacts of advanced nuclear technology.

Intervenor Compensation

As labor unions with a significant presence in the energy sector, we seek to regularly participate in Public Utilities Commission (PUC) proceedings that have an impact on the work that our members do. Like all advocacy work we do on behalf of our members, this work is funded by our members themselves. We firmly believe that PUC proceedings should be accessible and open to a wide range of perspectives and interests—including those that differ from our own. Nonetheless we have concerns about the use of ratepayer funds being used to fund that advocacy beyond what is allowed under current law. We appreciate the recent efforts by the Senate to place limits on which docket organizations are eligible for compensation under the bill, along with right-sized compensation limits and a sunset provision.

Energy Storage Systems

As unions we look forward to supporting the deployment of energy storage systems as part of the broader effort to decarbonize our electric grid. However, we are concerned that the energy storage systems mandate put forward in the House omnibus bill has the potential to raise costs for ratepayers—including our members. The 100% by 2040 legislation that passed earlier this year avoided mandating the use of specific technologies and instead provided flexibility to utilities in determining how to best meet the the goals under the bill—while preserving affordability and reliability. We would urge the committee to preserve that flexibility.

Community Solar

Our members look forward to the opportunity to build new solar energy systems as part of the ongoing energy transition. As such, we have actively supported a number of utility-scale solar projects across the state. In the wake of the 100% by 2040 bill, and the significant number of new proposed solar projects, we believe it is time to reevaluate the community solar program. We believe the Senate omnibus bill takes important steps to incorporate distributed generation

solar into the PUC planning and procurement process. This will ensure these projects provide benefit to all ratepayers and are deployed in a planful manner.

Cumulative Impacts

As unions, we support efforts to minimize impacts of air pollution to communities and individuals—especially those that already bear a disproportionate burden. However, we are concerned that the cumulative impacts provisions, as written, will have the potential to significantly negatively impact new proposed projects, along with existing industrial facilities, that employ our members. The current language does not provide meaningful flexibility for the Minnesota Pollution Control Agency to permit beneficial projects while mitigating air pollution impacts. We believe these provisions could benefit from more discussion with industry and labor stakeholders and would encourage the committee to make meaningful changes or provide more time during the interim for further discussions.

Green Fertilizer Facility

As the committee knows, one of the more challenging sectors to decarbonize is the natural and working lands. This conference committee has an opportunity to make important strides in this area by including funding to support the production of green fertilizer which utilizes hydrogen instead of natural gas in the ammonia production process. Investing in this type of facility can help decarbonize our food production, stabilize fertilizer prices for farmers, and create construction jobs for local workers.

HVDC Power Line

As the conference committee is aware, one of the most significant barriers to decarbonization is the need for more transmission capacity to allow new sources of wind and solar to connect to the grid. The proposed grant to Minnesota Power to increase the capacity and reliability of their existing High Voltage Direct Current (HVDC) power line will leverage federal funds to help reduce costs for Minnesota ratepayers and support reliability and decarbonization. Projects like this will help bring new renewable energy resources on to the grid and create jobs for Minnesota construction workers.

Distributed Resources

Both the House and Senate bills include significant funding to encourage the deployment of distributed renewable resources. While our members more typically perform work on larger utility-scale energy projects, we recognize that some distributed resources will be part of the future grid mix. We also recognize the growing challenge of interconnecting these resources and would encourage the conference committee to be mindful of these limitations as they are funding projects and work to integrate more of the deployment of distributed generation resources into the PUC planning process.

Sincerely,

John Pollard. Legislative Director, International Union of Operating Engineers Local 49

Adam Duininck, Director of Government Affairs, North Central States Regional Council of Carpenters

100%

100% Campaign
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Chairs Acomb, Frentz, Hansen, and Hawj,

We are writing to share our priorities within the Environment and Climate conference committee bill, House File 2310, 3rd Engrossment and the Senate's House File 2310, 2nd Unofficial Engrossment.

First, we have six priorities within the Climate and Energy provisions.

- 1) We strongly support making a larger investment in **Pre-weatherization and Workforce Training**. Please invest at least \$45.133m in FY 24-25 (GF) and \$5m in FY 24-25 (RDA).
- 2) We strongly support an ongoing appropriation of \$1m/year (GF) for the **Weather Ready** program at the University of Minnesota Extension Service.
- 3) We strongly support funding for **City Climate Action Plans**. Please invest at least \$2m in FY 24 (GF) and \$2m in FY 24 (RDA).
- 4) We strongly support full funding for **Electric School Buses**. Please invest at least \$7m in FY 24 (GF) and \$7m in FY 25 (RDA).
- 5) We strongly support full funding of the **MN Climate Innovation Finance Authority**. Please invest at least \$20m in FY 24 (GF).
- 6) We strongly support the inclusion of **Next Generation Climate Action** and economy-wide **existing building decarbonization goals**. These are goals to a) reduce greenhouse gas emissions economy-wide 30% by 2025, 50% by 2030, and to net-zero by 2050, compared to 2005 and b) reduce energy use in existing commercial and residential buildings by 50% by 2035.

Second, we have four priorities within the Environment provisions.

- 1) We strongly support full funding of **Resilient Communities Grants** at PCA. Please support the full funding of \$174.416m for FY 24-25 (GF).
- 2) We strongly support including the full **Cumulative Impacts** program. Please support comprehensive and enforceable protections for environmental justice communities.
- 3) We strongly support full funding of **Soil Health investments** at BWSR. Please support at least \$26.760m in FY 24-25 (GF).
- 4) We strongly support robust **investments in trees** at DNR. Please invest in Emerald Ash Borer response with at least \$10m in FY 24 (GF) for state parks, \$9m in FY 24 (GF) for local governments, \$1m in FY 24 (GF) for schools. Please also invest in Accelerated Tree Collection at \$1.6m in FY 24-25 (GF), Planting Tomorrow's Forests Today at \$6m in FY 24-25, and ReLeaf at \$20m in FY 24-25 (GF).

Thank you for your time and consideration,

Aurora Vautrin

Aurora Vautrin
Legislative Director
100% Campaign
705 Raymond Ave. - Suite 100
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**UNITED ASSOCIATION
OF
STEAMFITTERS-PIPEFITTERS-SERVICE TECHNICIANS**

Local Union No. 455

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April 27, 2023

Representative Rick Hansen
407 State Office Building
St. Paul, MN 55155

Senator Founq Hawj
3231 Minnesota Senate Building
St. Paul, MN 55155

RE: Emerald Ash Borer/St. Paul Cogeneration/HF 2310/SF 2438

Local 455 is writing to express our support for legislation to promote the economic viability of renewable biomass power generation in the State of Minnesota, specifically in the management of tree waste by the state's largest biomass-fired combined heating and power plant, St. Paul Cogeneration (SPC).

The management of roughly 250,000 tons of tree waste by SPC contributes approximately \$15 million annually to the local economy in the form of jobs, contractors, and equipment while simultaneously managing the flood of wood waste in the region resulting from the spread of Emerald Ash Borer (EAB). SPC is the only practical disposal outlet for increasing volumes of ash tree waste, which will unquestionably continue to rise as EAB spreads and residents, municipalities, and businesses remove publicly and privately-owned infested trees.

Tree waste from businesses, municipalities, individuals, and agencies is utilized by SPC to produce renewable electricity and hot water for district heating. SPC accepts varying regional wood waste at no cost, including chips, mulch, brush, and logs, from sources such as forest maintenance work, EAB-compromised tree removals, storm damage, land development, and clean residues from other wood processors.

Without SPC acting as the last stop for otherwise unusable tree waste, Minnesotan cities, and businesses will be left to contend with the influx of EAB-infested wood, leaving the material to be open burned, negatively impacting the health and economic well-being of communities.

Accordingly, HF 2310/SF 2438 must be passed so that SPC can continue operating and maintain its vital role as critical infrastructure for the disposal of tree waste. Local 455 offers our support to HF 2310/SF 2438 and the \$28 million dollar appropriation for SPC.

Sincerely,

Tony Poole
Business Manager
Local 455



IBEW State Council

April 28, 2023

Dear Members of the Environment, Natural Resources, Energy & Climate Conference Committee,

On behalf of the International Brotherhood of Electrical Workers State Council, we would like to offer our support for HF2310/SF2438, the Omnibus Environment, Natural Resources, Energy & Climate Bill.

In addition to providing a down payment on the infrastructure needed to meet the new 100% Clean Energy Standard through incentives and grants for solar, storage, conservation, transmission and distribution upgrades, electric vehicles, electric school buses and ground-source heat pumps, we would like thank Chairs Frentz and Accomb and members of the House & Senate Energy Committees for recognizing the vital role workers will play in our energy transition. Our members build and maintain the electric grid across the state and understand the task ahead of us. The funding in this bill represents a lot of work for our members. We look forward to getting started.

We'd also like to thank both bodies for recognizing the value of a properly trained workforce, both in making sure the work is done properly and, most importantly, safely. The prevailing wage provisions will also make sure workers are paid a fair wage and share in the growing clean energy sector.

While we overall support the bill, we do have concerns with a few provisions. First and foremost is the provision to require the MPCA to consider the "aggregated levels of past and current air, water and land pollution," when deciding whether to issue a permit in or near environmental justice areas. Although the measure has been pared down in both bills, we're concerned the measure will still make it nearly impossible to build vital infrastructure in the state. This is an incredibly complicated issue, one that would benefit from a broader stakeholder process.

The Senate and House each have proposed significant changes to Minnesota's intervenor compensation statute, expanding the resources available to organizations that participate in

Public Utility Commission proceedings. While we support efforts to improve access to PUC proceedings, particularly for voices and perspectives that too often are ignored when setting energy policy, we are concerned by the potential for unintended consequences, such as the use of the funds to delay the approval of critical infrastructure projects or the crowding out of the very voices this provision is meant to amplify. We appreciate the efforts of Chair Frenz and Senator Xiong to address our concerns by narrowing the number of eligible proceedings to those that directly impact ratepayers. We also support the Senate's proposed five-year sunset, which will allow the Legislature to properly review the impacts the provision will have on our regulatory process and to ensure we are attracting the voices and perspectives intended by the measure. We urge conferees to adopt those changes in the final bill.

One of the challenges of meeting the new 100% Clean Energy Standard that was passed earlier this session is that so many of the technologies we will need still need to be developed. This bill's investments in solar and storage, in particular, will help guide our approach in the years ahead. The Senate version also includes a provision that will require the Commerce Department to issue a report on the viability of various nuclear technologies, addressing "the potential costs, benefits and impacts" new nuclear technologies could have in meeting the state's new 100% Clean Energy Standard. The study would also look at which statutes and administrative rules would need to be modified to allow a utility to build and operate an advanced nuclear plant, the economic feasibility of replacing coal-fired units with advanced nuclear reactors and technologies that could reduce nuclear waste. We urge conferees to adopt the Senate's provision for an advanced nuclear study.

We also support the \$17.5 million appropriation included in the Senate omnibus bill for Minnesota Power's upgrade to the high-voltage direct current (HVDC) transmission project, which will help the utility access \$50 million in federal funding.

Finally, we support the reforms the Senate proposed for Xcel's Community Solar Gardens. The program was designed initially as way to incent solar development in the state. However, even as solar prices have plummeted, the cost of Community Solar remains one of the most expensive sources of power in Xcel's portfolio, with the majority of the benefits going to institutional investors and large corporations. We believe the public is better served by focusing on individuals, particularly in low-income communities.

Again, we'd like to thank the members of all of committees involved in assembling this bill for your openness and willingness to engage on a variety of issue. Overall, we strongly support the bill and urge its passage.

Sincerely,

Joel Johnson
Legislative Director
IBEW State Council

Re: HF 2310

Environment and Natural Resources Policy and Finance Conference Committee

Chairs Rick Hansen and Fong Hawj

Background:

The deer farm provisions which are currently found in HF 2310 will have no effect on accomplishing the goal of eradicating Chronic Wasting Disease in either the wild or captive Cervidae herds. In fact, they will have the opposite effect by forcing the captive whitetail farmers out of business and subsequently halting valuable research which is being done in conjunction with the USDA and Board of Animal Health to stop CWD through selectively breeding for genetic resistance.

The premise that CWD is a problem within the captive farms and that they are somehow responsible for CWD in the wild is pure conjecture and not based on any factual evidence.

In fact:

1. In the past 20 years for which documentation exists, only 13 deer farms have been found to have had CWD. This is out of over 600 farms that have been registered during that time .
2. On those farms, only 54 deer have tested positive for CWD out of the many, tens of thousands of deer that have been produced. There have been over 200 documented cases of CWD positive deer in the wild. Both of these numbers are extremely low .
3. These facts are in sharp contrast to the rhetoric that has been put forward by anti deer farm groups and individuals. This rhetoric suggests that these entities and persons have weaponized CWD in an attempt to rid the landscape of Cervidae producing, small family farms in a most sinister way.
4. Deer farms and hunting preserves are significant economic drivers within their rural communities with ripple effects that significantly help those communities in very positive ways. Driving these farms out of business based on nonfactual and incorrect claims that they are causing CWD is an irresponsible and destructive path for not only deer farms but also the communities where they are established.

While we find the deer farm related provisions in the Senate version of HF 2310 to be less damaging than those in the House version, the effect of these provisions in their entirety will be extremely damaging to the deer farming industry. The required changes to current fencing practices alone will drive a significant number of deer farms out of business. When added to other provisions that would require additional liability for deer farmers when escapes result through no fault of their own, importation bans on Cervidae and Cervidae semen, annual testing with a non approved test, unnecessary legal recording requirements for any deer farmed property on which CWD is detected, and a moratorium on new deer farms, these provisions would be the end of the industry. These are just a few examples of the destructive provisions in the bill and it should be noted that the Minnesota Deer farmers Association stands opposed to both the House and Senate versions of the bill in their current forms.

We find the targeting of the deer farming industry to be especially one sided and biased. When CWD positive deer are found in the wild, none of the current restrictions that are applied to deer farms are enacted. There is no requirement for fencing to be maintained, no biohazard signs need to be posted and there are no mandates for recording the find on deeds or other legal documents. Also, the general public is not made aware of these locations in any significant way whether they occur on public or private property.

Furthermore, we are not familiar with any laws that target other likely vectors for CWD transfer in the wild deer population including Taxidermy waste, gut piles in the woods or proper disposal of road kill. The targeting of deer farms is extremely biased and very transparent in its intent. If it is our collective intention to control the spread of CWD, all

possible vectors for transmission must be targeted with equal enthusiasm. When we all work together, without bias and a common goal, that is the only way that CWD will be contained.

In the past 20 years, deer farms are seldom in the vicinity of wild outbreaks and extensive testing of hunter harvested wild deer confirm that a CWD positive farm, which occurs very rarely, is not a vector of transfer to the wild.

The Minnesota Deer Farmers Association has made significant offers to be involved in any discussions related to further regulations of their industry. Over the past several years, we have not been taken up on this offer until just last week. In a meeting with DNR, Board of Animal Health, various CWD researchers, concerned lawmakers and other stakeholders, significant progress was made in a respectful environment where the objective of ridding the landscape of CWD was the common goal. This meeting provided a collaborative environment which stood in stark contrast to the previous way of approaching this common concern. We look forward to additional discussions within this working group that will actually move us closer to our common goal and hope that the Conference Committee will allow this group to continue its work as we move closer to a conclusion of the 2023 Legislative Session. We are available to meet at any time.

Sincerely Scott Fier, President Minnesota Deer farmers



Jamie M. McNamara

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April 28, 2023

RE: Emerald Ash Borer/St. Paul Cogeneration/HF 2310/SF 2438

Dear Environment, Natural Resources, Climate and Energy Conference Committee Members:

On behalf of The International Brotherhood of Electrical Workers Local 110, I write to respectfully request that you adopt the House position regarding an appropriation to the Saint Paul Energy District's cogeneration facility (SPC) as a part of the Emerald Ash Borer (EAB) response grants program, found in Minnesota Statutes Section 88.83.

This language is found in Article I, Section 3, Subd.4(m)(2) of HF2310 (3rd engrossment) on Page 33, lines 26-29:

\$28,000,000 is for grants to a Minnesota nonprofit corporation that owns a cogeneration facility that serves a St. Paul district heating and cooling system.

The management of roughly 250,000 tons of tree waste by SPC contributes approximately \$15 million annually to the local economy in the form of jobs, contractors, and equipment while simultaneously managing the flood of wood waste in the region resulting from the spread of Emerald Ash Borer (EAB). SPC is the only practical disposal outlet for increasing volumes of ash tree waste, which will unquestionably continue to rise as EAB spreads and residents, municipalities, and businesses remove publicly and privately-owned infested trees.

Tree waste from businesses, municipalities, individuals, and agencies is utilized by SPC to produce renewable electricity and hot water for district heating. Downtown businesses depend on district energy to heat their buildings at an affordable rate. This reliable heat helps promote business growth in downtown St. Paul. This growth is not only good for the business community but also for our members who help build St. Paul.

Without SPC acting as the last stop for otherwise unusable tree waste, Minnesotan cities, and businesses will be left to contend with the influx of EAB-infested wood, leaving the material to be open burned, negatively impacting the health and economic well-being of communities.

Accordingly, HF 2310/SF 2438 must be passed so that SPC can continue operating and maintain its vital role as critical infrastructure for the disposal of tree waste. IBEW Local 110 offers its support to HF 2310/SF 2438 and the \$28 million dollar appropriation for SPC found in HF2310 (3rd engrossment).

Sincerely,

Jamie McNamara
Business Manager/Financial Secretary
International Brotherhood of Electrical Workers Local 110



April 28, 2023

Dear Members of the Climate, Energy and Environment Conference Committee,

Center for Energy and Environment (“CEE”) respectfully submits this letter to express our support for HF 2754/ SF 2847, the Climate, Energy and Environment omnibus budget bill.

Both the Minnesota Senate and House have considered many innovative energy policy ideas over the 2023 Legislative Session and have already passed critically important legislation this year to support Minnesota’s clean energy transition. We thank the Committee members for their work to-date in what has been a highly successful year for Minnesota energy policy. As the Committee builds upon that success with the omnibus budget bill, we recommend inclusion of the following policy proposals:

- Air Source Heat Pump Rebate Program
- Pre-weatherization and Workforce Training
- Commercial Codes
- Building Energy Benchmarking
- Energy Conservation and Optimization Act (ECO) Low-Income Household Definition Update
- Local Climate Action Grant Program
- Minnesota Tribal Energy Grants
- Minnesota Energy Alley
- Strengthen Minnesota Homes – Home Improvement Grants
- Advanced Nuclear Technology Study
- Electric Grid Resiliency Grants
- High Voltage Transmission Line to North Dakota

We believe these investments in our electric grid, buildings, energy efficiency, and workforce will propel Minnesota toward a resilient, reliable clean energy future, with economic and environmental benefits for all. Furthermore, CEE appreciates that both the House and Senate recognize the additional responsibilities placed upon the Department of Commerce, Division of Energy Resources and the Minnesota Public Utilities Commission and are poised to grant them their requested operating budget increases. These two entities will develop and implement more programming than ever before with the passage of 100% Clean Energy by 2040, Infrastructure Investment and Jobs Act, and Inflation Reduction Act.

We thank the Committee for consideration of our recommendations for inclusion in the final omnibus bill.

Sincerely,

/s/ Audrey Partridge
Director of Policy
Center for Energy and Environment

April 30, 2023

RE: Omnibus Environment, Natural Resources, Energy and Climate Bill, HF 2310

Dear Chairs Hansen and Hawj, and conference committee members:

On behalf of Missouri River Energy Services (MRES) and our 25 municipal electric utility members in Minnesota, we would like to thank you for the work you have put into the Omnibus Environment, Natural Resources, Energy and Climate Bill, HF 2310. We know there were a lot of considerations, competing interests, and impacts to consider.

Thank you for the measures that assist the public and utilities in moving towards a cleaner Minnesota, such as funds for upgrades to residential electric panels, funds for electric school buses, weatherization assistance, and residential heat pump rebates. We also have some concerns with both bills as described below:

Problematic Changes to the Interconnection Process (House Only)

On **page 34** of the **Revisor's Climate and Energy Policy Language Side by Side (Energy Side by Side)**, **lines 326.24 to 327.15** of the House version adds language that defines "export capacity" for distributed generation resources (DER), allows DER owners to increase their export capacity with a mere 90 days' notice to the utility, and restricts a utility's ability to decline the uprate of output only if it would impact safety or reliability.

These changes not only create a burden to utilities but could negatively impact the distribution grid because the analysis needed to review safety and reliability would take more than 90 days. It also ignores a Minnesota Public Utilities Commission (MPUC) process that is already in place to evaluate, analyze, and fully vet changes to the state interconnection process and standards. This MPUC Work Group (the Distributed Generation Work Group, created in response to and at the request of DER developers, developed the current statewide distributed generation interconnection standards after a long process and with the participation of utilities, developers, and public stakeholders. The Work Group continues to meet to update interconnection standards. Adoption of this language would circumvent this existing Work Group and would make significant changes to the interconnection process without the input and expertise of the Work Group and the stakeholders. Adoption of this language would also allow DER owners to significantly uprate their DER projects and push more power on the grid than it could currently support, thus creating complications and additional costs for utilities and customers.

MRES urges removal of **lines 326.24 to 327.15** of the House version of the **Energy Side by Side**.

Overexpansion of Solar on Schools (House Only)

On **page 96** of the **Energy Side by Side**, **lines 397.23 to 397.24** of the House version contains language that would increase the capacity cap on solar from 40 kilowatts to 1,000 kilowatts. The solar on schools was

originally passed in 2022 with language that limited the size to the lesser of 40 kilowatts or 120 percent of the estimated annual electricity consumed by the school building on which the solar is installed. This limitation was made to prevent huge inflows of solar that the not-for-profit utility would need to pay for and then recoup that cost from other customers. This limitation is also consistent with other parts of statute on roof top solar or distributed generation. Even if the language is “voluntary”, it is problematic because it could put undue pressure on municipal electrics and lead to a future mandatory requirement. Finally, as indicated above, this circumvents the existing MPUC and the interconnection Work Group process.

MRES urges removal of House language at **page 96, lines 397.23 to 397.24 of the Energy Side by Side.**

Storage Mandate (House Only)

The House version contains language mandating 3,000 MW by 2033. The language appears in the House version at **pages 44 to 46, lines 327.27 to 329.26; and page 49, lines 330.11-330.22 of the Energy Side by Side.** The storage mandate is expensive, not feasible, and circumvents the integrated resource plan (IRP) process. The IRP process before the MPUC allows for the state to review a utility’s resource plans to verify that the utility is choosing the least cost resources that meets customer usage requirements as well as meets the renewable and carbon free mandates of the state. This language simply chooses the most expensive way to do storage and forces the utilities, and their customers, to blindly make this investment with no credible analysis.

MRES urges removal of the House language at **pages 44 to 46, lines 327.27 to 329.26; and page 49, lines 330.11-330.22 of the Energy Side by Side.**

Storage Certificate of Need (House Only)

The House version contains language at **page 131, lines 346.1 to 346.32; page 135, lines 350.19 and 351.16; and page 147, lines 354.24 to 355.3 of the Energy Side by Side** that would subject electric storage installations of 5 megawatts (MW) or more to the Certificate of Need (CON) process and other siting processes. This requirement would make doing storage projects, particularly solar plus storage projects, more expensive, more burdensome, and would delay getting these projects accomplished. For example, MRES is constructing a solar plus storage project near Marshall, Minnesota that includes 10 MW of solar, plus a 5 MW lithium-ion storage battery. This requirement could delay this project and others like it. It is also counterintuitive, because while a 10 MW solar facility would not be subject to the CON process, the addition of a 5 MW battery would suddenly subject it to the CON process. Also, solar plus storage projects of this size may be eligible for federal funds under the IIJA and IRA, which is geared towards “shovel-ready” projects. This additional regulatory burden could leave Minnesota projects behind when it comes to this federal funding, as the Minnesota projects wade through state regulatory tape.

Therefore, MRES urges removal of the House language at **page 131, lines 346.1 to 346.32; page 135, lines 350.19 and 351.16; and page 147, lines 354.24 to 355.3 of the Energy Side by Side.**

Climate Innovation Finance Authority (Green Bank)

The Green Bank language appears in **both the House version (pages 112-124, lines 369.12-382.10) and the Senate version (pages 112-124, lines 234.5-246.8)** of the **Energy Side by Side**. MRES is concerned that the Green Bank would undercut current electrification (ECO) or conservation improvement programs (CIP) that utilities are required to do to meet the energy efficiency goals of the state.

The House version attempts to address this concern by allowing a cooperative or municipal member on the Authority's board of directors (**page 122, lines 380.2-380.3**). This representative would provide expertise to help avoid duplication of utility efforts and provide expertise on energy efficiency projects from the not-for-profit, customer-owned utility perspective. However, while cooperatives and municipals are both consumer-owned utilities and share the same perspective on many issues, they do have differing energy efficiency programs. Therefore, **MRES urges that not only the House language be adopted, but that it be expanded to include both a representative of the municipal electric utilities and cooperative electric utilities on the Authority board.**

We would also urge that as part of its underserved market analysis (page 117, House—line 375.12; Senate—line 240.1), the Authority be required to consult the incumbent utility or utilities serving those markets. Very simple language should be added on page 118, at line 375.20 (House version) and at line 240.9 (Senate version) to require consultation with the incumbent utility, especially consumer-owned utilities. This would be similar to the language that appears at page 101, lines 402.1 to 402.3 of the House version (Solar on Public Buildings) which requires consultation with the incumbent utility. **MRES urges the addition of the House language found at page 101, lines 402.1 to 402.3 to the Green Bank underserved market analysis.**

Diversity Reporting

Both the Senate and House require utility diversity reporting, but the Senate limits it to investor-owned utilities (IOUs) (**page 129, lines 251.13-251.14**) of the **Energy Side by Side**, while the House version would include joint action agencies and individual municipals of 10,000 customers or more (**pages 129-130, lines 430.18 to 430.19**). Because of the excessive burden on smaller utilities that do not hire frequently and the potential conflicts with municipal bidding law and preferences for local suppliers, **we urge adoption of the Senate approach.**

The proposal would require both a diversity in employment recruitment plan and reporting on diversity in procurement. As to the employment piece, in greater Minnesota, our municipal utilities and JAA do not hire with the same frequency as IOUs, and when they do it is difficult to find any qualified workers in their geographic area. This new requirement would not only add burdensome reporting, but it would not likely achieve the author's goals of increased diversity.

The reporting on procurement is even more problematic. Municipal utilities are subject to public bidding laws that exist to protect and regulate the expenditure of public funds and should be adhered to as a priority. The procurement proposal conflicts with these public bidding laws. The proposed language also conflicts with other statutory requirements requiring utilities to prioritize local suppliers and local labor (e.g., the 100

percent carbon free mandate). Finally, it creates a supplier vetting process that is onerous for the municipal electric utilities. For Moorhead municipal utilities, for example, that is well over 600 suppliers to examine. Municipal electric utilities—even those with over 10,000 customers—do not have the staff to conduct day to day utility operations and undertake analysis of the ownership or employee make-up of the utility’s various suppliers.

Therefore, MRES urges adoption of the Senate Version at page 129 of Energy Side by Side that excludes municipals and cooperatives.

Additional Reporting Requirements (Senate Version)

On **page 43, lines 198.6 to 198.11 of the Senate version of the Energy Side by Side** language was added to create new burdensome reporting requirements for the utilities. By April 1 of each year, electric utilities must report to the legislature, information about the reliability of electric service and customer rates. Reliability is largely a function of the Regional Transmission Organizations, the Federal Energy Regulatory Commission, and the North American Electric Reliability Corporation. Any reports on reliability should come from these entities to give lawmakers a greater view on regional impacts, needs, assessments and resource adequacy analysis and projections. Second, rate impacts are both objective and subjective, the reporting of which would be burdensome and may not add value. **MRES urges that these duplicative reporting requirements at page 43, lines 198.6 to 198.11 of the Senate version of the Energy Side by Side be removed.**

Cumulative Impacts Analysis

A mandate for cumulative impacts analysis appears in both the **House (page 30-37, lines 150.4-156.17) and the Senate (page 30-36, lines 114.1-119.2) of the Revisor’s Side by Side—Environment and Natural Resources, Articles 3-8**. While MRES appreciates that certain neighborhoods, particularly in North Minneapolis, suffer from excessive pollution that should be addressed, the cumulative impacts requirements would increase regulatory burdens and cost, while decreasing regulatory certainty. We appreciate the efforts that have been made to narrow the bill, but including regional centers across Greater Minnesota is still problematic. Under the proposed language, air permit applications and renewals would need to undergo additional and costly analysis based on the mere possibility that the permit or renewal could have an impact. This creates regulatory uncertainty for new businesses, jobs and economic development in Greater Minnesota. In border communities like Moorhead, which has already seen businesses locate in business-friendly Fargo, it would make it even more difficult to lure economic development and much-needed jobs to the community—jobs that would be a boon for underserved communities. Therefore, MRES urges the adoption of the Senate language found at **page 33, lines 116.3 to 116.6 of the Revisor’s Side by Side—Environment and Natural Resources, Articles 3-8**

Preferred Municipal Language for Solar on Public Buildings

There are a couple of sections of the **Energy Side by Side** in which MRES prefers language as it pertains to municipal utilities in the Solar on Public Buildings Program:

- MRES urges the adoption of the **Senate** language at **page 99, lines 226.14**, which add municipal utilities to eligible local government recipients.

- MRES also urges the adoption of the **House** language at **page 101, lines 402.4 to 402.6**, that clarifies that a municipal electric utility may own and operate the solar unit for the benefit of the local government unit.

MRES would like to thank the members of the Conference Committee for their hard work on these issues and for allowing MRES to comment on this important bill.

Sincerely,

A handwritten signature in cursive script that reads "Deb Birgen".

Deb Birgen
Vice-President, Government Relations



April 29, 2023

Dear Senate and House members of the Environment, Natural Resources, Energy and Climate Conference Committee:

On behalf of the Greater Minnesota Regional Parks and Trails Commission (the “Commission”) and the Greater Minnesota Parks and Trails (GMPT) organization, we want to thank you for your work in putting together your respective omnibus bills. We believe both bodies have constructed excellent bills. We are writing to urge support and funding for the parks and trails of Greater Minnesota from Lottery-in-Lieu and the General Fund in your final bill.

Funding for Regional Parks and Trails in the Lottery-in-Lieu Formula

We urge that you adopt the Senate position allocating two percent of the Lottery-in-Lieu funds to regional parks and trails in Greater Minnesota. Regional parks and trails play an essential role in our recreation systems throughout Minnesota. They serve as a bridge between the local park around the corner and Minnesota’s outstanding state parks. Regional parks and trails are a close-to-home option for both the community and visitors. These regional facilities exist throughout the state, so it is important to support the regional parks and trails of Greater Minnesota.

Regional parks and trails have existed outside the metro area for decades, but they were not truly recognized until after the passage of the Legacy amendment in 2008 and subsequent discussions shed light on the fact that the regional parks and trails of Greater Minnesota were being ignored. In 2013, the Legislature created the Commission, which has been tasked with developing a system of regionally designated facilities in the 80 counties not served by the Metropolitan Council. Since then, more than 75 facilities across the state have been designated through a rigorous evaluation process. These parks, trails, and special features that serve Greater Minnesota are as deserving of funding as the parks and trails that serve the metropolitan area.

When the enabling legislation for the lottery-in-lieu funding passed in 2000, it dedicated 22.5 percent of the available revenues to DNR state parks and trails and 22.5 percent of the available revenues to metropolitan parks. Perhaps because there was no organization advocating on behalf of the 80 counties and countless cities outside the metro area, the regional parks and trails of Greater Minnesota did not receive funding. The Senate recognized the inequity and added a 2% dedication to the Regional Parks of Greater Minnesota and a matching appropriation. **We urge the conference committee adopt this language on the Senate version lines 128.10 – 128.21, at Articles 3 - 8, R127 and the appropriation at Senate version lines 32.21 – 32.31, at Article 1, R34.**

Lack of General Fund Support for Greater Minnesota Regional Parks and Trails

We are also concerned about the lack of general fund support for the Greater Minnesota Regional Parks and Trails Commission. We are disappointed that the committee did not include the funding for the Greater Minnesota Regional Parks and Trails Commission as requested in Senator

Hauschild's bill, S.F. 527 and its companion authored by Representative Lislegard, H.F. 873. This simple bill requested \$500,000 per year to fund the Commission. Greater Minnesota receives only half of the Legacy Share (20%) that the Metropolitan Parks and Trails and the DNR state parks receive (40%) each. Despite that lower amount, only Greater Minnesota must fund the operations of its governing commission out of its share. Funding the Commission with general fund money would provide additional funds that could be spent on parks and trails projects while allowing the Commission to complete its important work.

The regional parks and trails of the Metropolitan area will receive tens of millions in this omnibus bill. It is only fair that Greater Minnesota Regional Parks and Trails Commission receive \$1 million to help fund operations, freeing up additional funding for projects.

Thank you again for all your efforts. If you have any questions, please contact either one of us or GMPT's lobbyist Elizabeth Wefel (651-492-3998).

Sincerely,



Ben Anderson
Chair, Greater Minnesota Parks & Trails
Stearns County, Parks Director



Renee Mattson
Executive Director, Greater Minnesota
Regional Parks & Trails Commission

Saint Paul

Building and Construction Trades



Council

April 27, 2023

RE: Emerald Ash Borer/St. Paul Cogeneration/HF 2310/SF 2438

Dear Senator Foug Hawj,

The Saint Paul Building and Construction Trades Council is writing to express its support for legislation to promote the economic viability of renewable biomass power generation in the State of Minnesota, specifically in the management of tree waste by the state's largest biomass-fired combined heating and power plant, St. Paul Cogeneration (SPC).

The management of roughly 250,000 tons of tree waste by SPC contributes approximately \$15 million annually to the local economy in the form of jobs, contractors, and equipment while simultaneously managing the flood of wood waste in the region resulting from the spread of Emerald Ash Borer (EAB). SPC is the only practical disposal outlet for increasing volumes of ash tree waste, which will unquestionably continue to rise as EAB spreads and residents, municipalities, and businesses remove publicly and privately-owned infested trees.

Tree waste from businesses, municipalities, individuals, and agencies is utilized by SPC to produce renewable electricity and hot water for district heating. SPC accepts varying regional wood waste at no cost, including chips, mulch, brush, and logs, from sources such as forest maintenance work, EAB-compromised tree removals, storm damage, land development, and clean residues from other wood processors.

Without SPC acting as the last stop for otherwise unusable tree waste, Minnesotan cities, and businesses will be left to contend with the influx of EAB-infested wood, leaving the material to be open burned, negatively impacting the health and economic well-being of communities.

Accordingly, HF 2310/SF 2438 must be passed so that SPC can continue operating and maintain its vital role as critical infrastructure for the disposal of tree waste. The Saint Paul Building and Construction Trades Council offers its support to HF 2310/SF 2438 and the \$28 million dollar appropriation for SPC.

Respectfully,

Donald Mullin
Executive Secretary
612-889-1360



May 1, 2023

Members of the House and Senate Conference Committee on HF 2310 –

On behalf of the Associated Builders and Contractors of MN/ND Chapter, a statewide organization representing 330 merit shop construction industry members and their 20,000 employees, thank you for allowing me to testify and to share the following concerns regarding provisions that are included in both the House and the Senate Environment, Natural Resources, Climate, and Energy bills. Our contractor members are located throughout Minnesota and build our schools, multi-family housing, retail and commercial spaces, medical facilities, energy and other critical infrastructure, and much more.

Prevailing Wage Mandates

ABC is opposed to the various prevailing wages mandates that are included in both the Senate and the House versions of this bill. In particular, we are opposed to the mandate that prevailing wage be paid on projects funded with dollars from the Renewable Development Account. While the funds in the Renewable Development Account are administered by the State, these are otherwise private ratepayer dollars that go towards investments in renewable energy projects in Minnesota. Prevailing wage mandates increase the cost of construction and result in higher overall project costs, while doing absolutely nothing to prevent out-of-state contractors from bidding on projects or from bringing in nonlocal workers to do the job.

Our local Minnesota ABC contractors have reported increased costs due to prevailing wage mandates. We have members who have bid on projects both ways – with prevailing wage and without prevailing wage. Oftentimes, there is at least a 10% cost increase due to inflated wages and fringe benefits. This difference is even more stark in Greater Minnesota, where many of these projects will likely be built and skilled trade pay is typically lower than it is in the metro. Artificially-high prevailing wage rates eliminate the local bidding advantage and allow large construction companies from other areas or states to take away local economic development dollars. With energy rates already increasing, the last thing that is needed are policies that will result in additional rate increases for Minnesotans. Rather than enact policies that make it more difficult for high-quality, local contractors to compete, the State should be encouraging fair and open competition in the construction industry.

Registered Apprenticeship Mandates

While ABC is not opposed to the underlying purpose of the Air Ventilation Pilot Program Grants, our members are strongly opposed to the requirement that these projects be performed by workers who have either graduated from, or are currently participating in, a registered apprenticeship program. Registered apprenticeship is one way of learning a trade, but it is not the only one. ABC has dozens of HVAC contractor members who employ highly-skilled technicians who live and work throughout Minnesota and already safely perform this work in their communities. ABC members provide their employees with in-house craft, manufacturer, code, and safety training – even though not all of them are registered with the State. If you're part of the 76% of the Minnesota construction workforce who are not in a union, odds are you are not in a registered apprenticeship program and

would essentially be prohibited right off the bat from working on the projects covered under this program.

We are also concerned about the impact that this requirement will have on small and minority-owned companies who largely don't participate in these registered programs. This mandate will make it more difficult for companies owned by people of color to compete due to the poor track record of registered apprenticeship programs admitting people of color. These additional requirements will act as a deterrent to contractors from bidding and competing for these school construction projects. This will result in fewer bids, which will ultimately drive up the cost. This is not something that school districts and taxpayers deserve. We are concerned that the inclusion of this requirement will set a precedent and that our merit shop members will see this requirement continue to expand upon other areas of construction.

Project Labor Agreement Requirements

While ABC is not opposed to the underlying concept of the Minnesota Climate Innovation Finance Authority, our members are fundamentally opposed to the provision that will allow the Authority to discriminate against merit shop contractors and their workers by requiring projects to implement a project labor agreement (PLA) as a condition of receiving tax-payer financing. In practice, government-mandated PLAs typically require a contractor to become signatory to at least one union for the life of the project. This results in merit shop contractors being forced to recognize unions as the sole representative of their employees and requires them to hire union employees at the expense of their own. PLAs also often require merit shop contractors to pay into union benefit funds that their own employees won't ever benefit from.

These restrictive and anti-competitive conditions discourage merit shop contractors from bidding on taxpayer-funded construction contracts. By limiting bidders and forcing contractors to pay inflated union wages, government-mandated PLAs can raise the cost of construction projects by 12% to 20% compared to non-PLA projects. The lack of a PLA does not mean that union workers can't work on a particular project. They've successfully been able to work on countless projects across the state without PLA mandates. In contrast, the only work that will get taken away is from the 76% of Minnesota's construction workers who **choose** not to be in a union. 25 states currently ban the use of PLAs on taxpayer-funded construction, and the State of Minnesota should not be enacting mandates that discriminate against a significant portion of the Minnesota construction industry.

Rather than enacting policies that favor a certain segment of the construction industry over another, ABC looks forward to helping the committee craft an Environment, Natural Resources, Climate, and Energy bill that treats **all** Minnesota construction firms and employees fairly.

Sincerely,



Jon Boesche
Director of Government & Public Affairs
Associated Builders and Contractors MN/ND Chapter



April 28, 2023

Dear Senators Hawj, Frentz, McEwen, Xiong and Coleman
Representatives Hansen, Acomb, Hollins, Jordan and Kraft

On behalf of ALLETE, Inc. and its businesses Minnesota Power and New Energy Equity,¹ we write to share our input regarding the House and Senate versions of HF 2310, the Omnibus Environment, Natural Resources, Climate, And Energy Finance and Policy Bill.

Minnesota Power serves the most unique customer base of any electric utility in the country. More than 70% of our electric sales serve some of the largest industrial customers in the nation. These customers compete in an intense global market and are sensitive to the reliability and affordability of their electric service. Residential customers account for 13% of our electric sales, some of which live in the poorest counties in the state. We are proud that we provide the lowest residential bills in Minnesota, while being the state's leader on renewable energy. Minnesota Power has transitioned our power supply from 95% coal in the early 2000s to 50% renewable energy today. Minnesota Power supports a carbon-free energy future with a transition that protects reliability, affordability, and leaves no one behind.

Many of the provisions in these omnibus bills will facilitate implementation of that vision. We appreciate the collaborative work led by members and staff of the House and Senate committees in assembling these omnibus bills. With that in mind, we offer the following comments:

Provisions we support:

1. HVDC Modernization Project: We greatly appreciate the \$17.5 million appropriation in the Senate bill for our high voltage direct current transmission line project, which will support an upgrade to a unique infrastructure asset. This upgrade will improve grid reliability, greatly increase capacity for the transmission line from 550 MW to 900 MW and beyond, and create more than 150 union construction jobs. Additional transmission capacity is widely recognized as critical to a reliable, affordable clean energy transition. This project will improve grid reliability and provide the upper Midwest with access to additional affordable energy and renewable energy opportunities and will serve as a keystone asset in meeting state requirements to provide 100% carbon-free electricity by 2040.

This funding will strengthen our application for \$50 million to the U.S. Department of Energy through the Infrastructure Investment and Jobs Act which we submitted in March 2023 and will improve upper Midwest reliability, reduce grid congestion and stability of pricing which will together lower the cost of

¹ New Energy Equity (NEE) is a leading end-to-end distributed solar development company owned by ALLETE, Inc. that has successfully completed more than 250 projects totaling more than 330 megawatts.



the project for Minnesota customers.

The broad group of organizations that have expressed strong support for this project include:

- **Laborers' International Union of North America**
- **North Central States Regional Council of Carpenters**
- **International Union of Operating Engineers**
- **Minnesota Tribal Contractors Council**
- **Clean Grid Alliance**
- **Center for Energy and Environment**
- **Fresh Energy**
- **MN Center for Environmental Advocacy**

Unfortunately, the House version of this omnibus bill does not currently include this critical state investment. **We urge the conference committee to include this funding in the final energy omnibus package in order to leverage substantial federal IIJA and State of North Dakota funding.**

An appropriation **for \$25 million for this project is pending before the North Dakota legislature**, and this funding may be contingent upon matching Minnesota funding levels dollar for dollar.

- 2. Funding for the Minnesota Public Utilities Commission and Minnesota Department of Commerce:** We support the robust funding included in these bills for the Minnesota Public Utilities Commission and the Minnesota Department of Commerce for critical utility regulatory functions and administrative and operating support, including the ability to hire the necessary staff needed to implement new and existing energy programs. This funding will help advance the public interest in our state.
- 3. Feasibility Study for Iron-based Battery Storage:** Iron-air, long duration storage is vital to ensuring system reliability as we transition the grid to more variable resources. Funding in the Senate bill for a feasibility study to identify and process Minnesota iron resources for long-term battery storage will be critical for Minnesota to take full advantage of the clean energy transition.
- 4. Transportation Electrification Plans:** We appreciate that both bodies have included versions of this provision that will assist utility development of electric transportation plans. The House version includes the language we have worked on for electric drive mine trucks and electric drive mine truck trolley systems in our transportation electrification plans for Minnesota Public Utilities Commission filings. That language is included in the current House omnibus bill and we urge your support for it in conference.



5. Community Solar Garden Transition and Distributed Solar Energy Standard:

We support the direction the Senate is taking on this topic. New Energy Equity advises us that the difficulty of solar development in the Xcel Energy service territory going forward creates an urgency for CSG reform. We therefore support the Senate position over no reform this session.

However, we think the Xcel CSG program should be ramped down over several years, instead of suddenly eliminating the program in August of 2023 as proposed by the Senate. Similarly, we support ramping up the DG solar standard of 3% of retail sales proposed for Xcel to replace the CSG program. We would commit to a similar DG standard for Minnesota Power if the sales to our large power customers were backed out of that figure. Many of those customers take power at transmission voltage rather than distribution voltage – including these sales in a distribution generation standard would result in a DG obligation that is many times bigger than our distribution system could accommodate.

- 6. Intervenor Compensation:** We strongly support the Senate position, which was negotiated among key stakeholders. This provision is a substantial improvement from the bill as it was introduced, will support broad participation in MN PUC proceedings while protecting against unforeseen consequences. We urge the conferees to support it.
- 7. MnDRIVE program at the Natural Resources Research Institute:** We support funding in the House and Senate bills for NRRI for continued characterization of Minnesota's iron resources and development of next-generation process technologies for iron products and reduced effluent.
- 8. Buy Clean and Buy Fair Minnesota:** We appreciate the hard work that has gone into the development of this provision and urge its inclusion in the final omnibus bill.
- 9. Energy Benchmarking:** We appreciate that both House and Senate versions include this provision which was negotiated with a broad group of stakeholders. The Senate language reflects the most up to date discussions and we urge the conference committee to adopt it. Adoption of this provision will result in benchmarking the energy usage of most of Minnesota's large buildings while reducing the cost and complexity associated with the bill as it was introduced. We are looking forward to working with the City of Duluth on implementing this provision.

Other Key Provisions we support and urge the conference committee to adopt in its final resolution on this bill include:

- **Grants to Auto Dealers for EV Training**
- **Residential Heat Pump Rebate Program**
- **Residential Electric Panel Upgrade Grant Program**
- **Advanced Nuclear Study**



Provisions for which we have concerns:

- 1. Energy Storage Mandates:** The House omnibus contains a number of unnecessary and expensive energy storage mandates on electric utilities. Energy storage will be critical infrastructure to ensuring reliable, affordable service to customers. However, these mandates are unnecessary because electric utilities are already required by state law to assess opportunities for battery storage as part of each utilities' integrated resource plans. The Minnesota Public Utilities Commission is already ordering utilities to deploy battery storage when the MN PUC finds energy storage to cost-effectively improve system reliability. Minnesota Power is currently required to deploy between 100 and 500 megawatt-hours of energy storage by 2026, under its most recent IRP order from the MN PUC.
- 2. Cumulative Impacts:** We appreciate and support the need to reduce or eliminate cumulative environmental burdens to Minnesota environmental justice areas and communities. However, we join with our allies in the building trades and others in raising concerns about this provision. As drafted, it could have unintended consequences for Minnesota's economic vitality, introducing uncertainty into an already lengthy permitting processes without the necessary clarity to understand how companies will be able to work with communities and the MPCA to navigate this new process.

Both versions of this legislation have taken significant steps to alleviate some of these concerns, but more work will need to be done to clarify how this provision will operate in practice. Currently, neither version: a) identifies a specific threshold of concern based on established, science-based risk assessment or monitoring criteria; b) delegates discretion to the Minnesota Pollution Control Agency regarding implementation; c) provides clear designation as to who the MPCA can look to in negotiating and entering into a community benefits agreement or d) appears to leverage existing permitting processes to inform environmental justice considerations as part of the existing permitting timeline. We commit to working with the authors, the MPCA and stakeholders on this topic.

- 3. Lowland Conifer Carbon Reserve:** We would like to add our voice to those raising significant concerns about this provision in the House bill. As currently proposed, there is no exclusion for mining activities in the proposed reserve. It is important that these activities be authorized under this proposal.

Thank you for the opportunity to comment, and we look forward to working with Minnesota legislators, the Walz-Flanagan Administration and stakeholders to help bring the 2023 session to a successful close.

Sincerely
Zach Martin, Manager of Gov't Affairs
ALLETE, MN Power, NEE

Mike Bull, Senior Policy Advisor
ALLETE, MN Power, NEE



April 28, 2023

Dear Senator Hawj, Representative Hansen and Members of the Environment, Natural Resources, Climate and Energy Conference Committee:

The American Petroleum Institute (API) appreciates the opportunity to provide comments to H.F. 2310 pertaining to Class B firefighting foam. API represents all segments of America's natural gas and oil industry, which supports more than 11 million U.S. jobs and is backed by a growing grassroots movement of millions of Americans. For more than 90 years, API has led the development of petroleum, natural gas and petrochemical equipment and operating standards, including several on process safety and fire protection.

These standards, and others developed in partnership with the National Fire Protection Association, historically recognized aqueous firefighting foams (AFFF) and other PFAS-containing legacy firefighting foams as a critical tool in managing large fires for the protection of workers and surrounding communities. API engages in federal and state legislative and regulatory advocacy to address the potential health and environmental concerns associated with PFAS with a focus on scientific research; technical legal and economic analysis; and public issues communication. In support of that mission, we offer the following key points:

- Over the past 10 years, API has published 180 new and updated refining safety and operational standards, including more than 15 standards intended to minimize spills, release, or process incidents which could lead to hydrocarbon fires. Yet incidents do happen, and in the event of an emergency of a hydrocarbon fire, firefighting foams that allow swift and definitive extinguishing power are required to protect the lives of the first responders, workers, and the public, as well as the environment.
- Specifically, refiners need a Class B firefighting foam that provides fuel repellency and heat stability, allows for rapid extinguishment and burn back resistance. They require a foam that protects against vapor release, which helps to prevent re-ignition and protect responders working in the area as part of the rescue and recovery operations.
- Most Class B firefighting foams in the U.S. contain fluorosurfactants, a group within the PFAS family, that form a film on the surface of the hydrocarbon. This film creates a blanket that cools the fire, blocks oxygen, and suppresses fuel vapor, quickly extinguishing the fire and, importantly, keeping the fire extinguished. In contrast, other fluorosurfactant-free foams rely strictly on bubble action, which is much more easily disrupted than the fluorosurfactant layer that has proven so effective for the last 50 years.
- Fluorosurfactant firefighting foams have been so superior in saving lives and property that for decades, various entities encouraged inclusion of these ingredients in design of systems, including fire marshals, insurance companies, National Fire Protection Association (NFPA) standard(s), Federal Aviation Agency (FAA) regulations, and Department of Defense (DOD) military specifications (MILSPEC)).

- Currently available fluorine-free foam alternatives may not be effective on all types of industrial fires, and while progress is being made, the transition to newer formulations cannot occur overnight. While testing in controlled situations has occurred, fluorine-free foams have yet to be employed during a significant large-scale tank fire at an industrial facility, creating skepticism about their efficacy in such situations.

Therefore, firefighters and other first responders should be allowed to have the most effective firefighting tools available to them to help protect & save lives and any phase-out of fluorinated firefighting foams must ensure transition timelines are adequate, be considerate of the extensive resource requirement involved in switching entire firefighting systems, and include an exemption provision for refineries should acceptable substitutes not be available.

Sincerely,

Mike Karbo
Associate Director – Midwest Region
American Petroleum Institute



April 30, 2023

Members of the HF 2310 / SF 2438 Conference Committee

Senators Frentz, Hawj, Xiong, McEwen and Coleman
Representatives Hansen, Acomb, Hollins, Jordan and Kraft

RE: Requesting Full Support for MN Climate Innovation Finance Authority – \$45 million

Dear Conference Committee Members,

Thank you for your continued dedication to addressing climate disruption and building our better future. MNIPL and our network of over 400 faith and spiritual groups from around Minnesota have been part of a broad coalition supporting the **Minnesota Climate Innovation Finance Authority (MnCIFA)**.

Thank you to both the House and Senate for your clear support of MnCIFA.

For the reasons stated below, we urge the following actions by the Conference Committee:

1. Adoption of the HOUSE LANGUAGE, and of the HOUSE TOTAL APPROPRIATION of \$45,000,000, which includes Chair Acomb's amendment to the Omnibus Jobs bill of an additional \$25,000,000 (page R-12 of the Energy Finance side-by-side).
2. Adoption of the SENATE LANGUAGE from page R112 to the end of subdivision 9 on page R121 of the Energy Policy side-by-side.
3. Adoption of the HOUSE LANGUAGE starting with subdivision 10 on page 121 of the Energy Policy side-by-side through the end of the MN CIFA section on page R124, except replace lines 380.18 - 380.21 in the House Language on page R122 with the Senate Language on 257.9 - 257.12 on page 122.

Fully funding MnCIFA with \$45 million is critical to maximize Minnesota's competitive position for federal funds under the EPA's Greenhouse Gas Reduction Fund.

Similar to green banks in other states, the MnCIFA would use state funds to leverage private finance that help our investment launch farther – an average of 3.5 times farther. If passed, the guiding language present in both the Senate and House versions will bring equity, speed and scale to our transition by facilitating community solutions that are also climate solutions.

(over please)

MnCIFA is the right economic development tool to accelerate our clean energy transition:

- Uses one-time state funds to create an ongoing vehicle for attracting private finance to multiply the impact of our investment over and over again.
- Focuses this investment on existing gaps: the communities, markets and projects that aren't already served.
- Pairs financial capacity with technical knowledge and planning to serve communities across the state.
- Directs 40% of this investment to environmental justice and low-income communities¹
- Prioritizes projects with strong labor practices²
- Requires prevailing wage for projects over \$100,000 or more.
- Contains strong consumer protections for homeowners.

One-time funding of \$45 million will position Minnesota as a national leader.

National experts on the recent Greenhouse Gas Reduction Fund passed in the Inflation Reduction Act have expressed that, because of its strong environmental justice, labor, and consumer protections, the **Minnesota bill for a green bank has the potential to demonstrate a new gold standard for how green bank functions should operate.** But this can only be realized if it is meaningfully funded so its impact can reach every corner of the state.

Fully funding MnCIFA with \$45 million will not just enable it to serve more communities, helping them realize the benefits of climate action. It will also start to drive market building and labor practices. It will lower the energy expense burden felt by families, farms, businesses, towns and cities. It can model how we address community needs by building for our future.

We ask you to please support the House position and find \$45 million for MnCIFA.

Sincerely,



Sara Wolff
Strategic Policy Director
MN Interfaith Power & Light
(651) 491-1229 | sara@mnipl.org

¹ **Environmental Justice Community** is defined in the bill as meeting one or more of the following criteria:

- 1) 40% or more of the community's total population is nonwhite;
- 2) 35% or more of households in the community have an income that is at or below 200% of the federal poverty level;
- 3) 40% or more of the community's residents over the age of five have limited English proficiency; or
- 4) the community is located within Indian country as defined in U.S. Code, title 18, section 1151.

² **Labor provisions include** a preference to projects that maximize the creation of high-quality employment and apprenticeship opportunities for local worker, especially workers from environmental justice communities, labor organizations, and Minnesota communities hosting retired or retiring electric generation facilities; certify the rights of workers to organize and unionize.



April 28, 2023

Representative Rick Hansen, Chair
Environment & Natural Resources Finance
& Policy Committee
MN House of Representatives
407 State Office Building
Saint Paul, MN 55155

Senator Fong Hawj, Chair
Environment, Climate & Legacy
Committee
MN State Senate
3231 Minnesota Senate Building
Saint Paul, MN 55155

Dear Chair Hansen and Chair Hawj,

On behalf of the American Sportfishing Association, the trade association representing the nation's recreational fishing industry, I am writing in opposition of Section 47 of Article 4 in HF 2310, requiring the designation of swan protection areas that would restrict the use of lead sinkers.

Lead has long been the most suitable metal for fishing sinkers, which are integral to many types of fishing and are a significant part of the recreational fishing economy. Recreational fishing is enjoyed by 1.8 million Minnesotans annually, supporting over 28,000 jobs with a \$4.4 billion economic impact in the state. The recreational fishing community is among the nation's leading conservationists, contributing \$1.7 billion annually to aquatic resource conservation through excise taxes, license fees and direct donations.

As we understand it, the intent behind Article 4 Sec. 47 is to limit the exposure of trumpeter and tundra swans to lead fishing tackle by designating certain water bodies in which the use of lead sinkers would be prohibited. Given the common use of traditional lead tackle, we believe the provision would adversely affect the accessibility of fishing and its economic impact. We therefore advise the members of the Environment, Natural Resources, Climate and Energy Conference Committee against the inclusion of this section in the Conference Committee's omnibus bill.

While the death of individual animals is unfortunate and should be minimized, it is important to recognize that, with rare exception, fish and wildlife are managed at the population level in the United States. According to Audubon, the conservation status of tundra swans is, "stable, and large enough to sustain a limited hunting season in some areas." According to Minnesota Department of Natural Resources, the trumpeter swan population in the state has increased from 17,000 individuals in 2015 to over 30,000 in 2020.

Given the overall population health of tundra and trumpeter swans, we encourage the Conference Committee to reject restrictions on the use of traditional sinkers for Minnesotans throughout the state. While alternatives to lead sinkers exist, namely tin, steel and tungsten, these alternatives carry tradeoffs of cost and/or performance. Forcing anglers to purchase more expensive alternatives could deter fishing participation, harming fishing-dependent businesses and communities across the seven-county metropolitan area, as well

AMERICAN SPORTFISHING ASSOCIATION

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as reducing conservation funding provided by license fees and excise taxes. Therefore, such restrictions should be based on science demonstrating population level impacts to wildlife. Should clear population level impacts be found, potential regulations are best handled by the Minnesota Department of Natural Resources. We urge you not to include swan protection site language in the omnibus bill produced by the Environment, Natural Resources, Climate and Energy Conference Committee.

Sincerely,

Mike Leonard



Vice President, Government Affairs

CC: Governor Tim Walz
Commissioner Sarah Strommen
Representative Patty Acomb
Representative Athena Hollins
Representative Sydney Jordan
Representative Larry Kraft
Senator Nick Frentz
Senator Jennifer McEwen
Senator Tou Xiong
Senator Julia Coleman

To: Chair Hawj and Chair Hansen and members of the Conference Committee on HF 2310

From: Pdon Pinkham - *Citizen of the land of 10000 lakes, Nature Lover, and Fisherman*

Re: Invasive Car (Revisor's Side-By-Side, Senate Language Articles 1, page R27, 26.4 - 27.34)

I live in Minnesota because of my love of nature including fishing and boating and have not been worried about the invasive Asian Carp because of my experiences with the standard carp.

Yesterday, I learned of the major problems associated with the Asian carp populating a body of water as opposed to the invasive carp already here - EXTREME LOSS OF GAME FISH AND SWARMS OF 30 POUND FISH FLYING 5+ FEET IN THE AIR.

Therefore, I am asking you to not just stand behind the DNR plan of catching the fish at dam 5 but to also support Dr. Sorensens (UMN) LCCMR plan (Senate Environment and Climate Appropriations SF2438) and also the idea to adjust the spillway.

A female Asian carp lays a million eggs but research has shown it takes a few dozen males and females to be able to take over a body of water. As you know this is one of the last palaces to keep them from the Saint Croix, Minnesota, and upper Mississippi rivers on their way from Iowa.

I know that if more citizens of Minnesota knew the impact the Asian carp will have on their enjoyment, they would have sent you notes, also imploring you to do whatever you can to delay if not stop the invasive Asian/silver carp progress in Minnesota the land of 10000 lakes.

Summing up: I want action in the form of funding for Dr. Sorensens's LCCMR(SF2438) technique at dam 5 to delay if not stop Asian carp migration. This would be appropriate in the Omnibus Environment bill, and if that can't happen. funding in the bonding bill where there is bipartisan support.

Thank you,

Pdon Pinkham
15876 175th E
Hastings Mn 55033
608 397 3081
Pdoncoansons@gmail.com



Alliance for Telomer Chemistry Stewardship

May 1st, 2023

Attn: House and Senate Conferees
RE: HF2310/SF2438 – OPPOSE

Dear House and Senate Conferees:

The Alliance for Telomer Chemistry Stewardship (ATCS) is a global organization that advocates on behalf of C6 fluorotelomer-based products. Our members are leading manufacturers of fluorotelomer based products. Our mission is to promote the responsible production, use, and management of fluorotelomer based products, while also advocating for a sound science- and risk-based approach to regulation. Fluorotelomer-based products are versatile chemistries with wetting and spreading features, as well as unique properties that repel water, oil and stains. These unique characteristics make fluorotelomers a critical component of first responder gear, medical garments, paints and coatings, upholstery, class B firefighting foam, among other uses that families and businesses across the world rely on.

On behalf of the members of ATCS, we respectfully oppose HF 2310 and SF 2438 as written.

About per- and polyfluoroalkyl substances (PFAS)

PFAS are a diverse universe of chemistries with a wide range of critical uses. For instance, fluorotelomers (one type of PFAS) are used in food packaging applications, but are also currently being used in medical garments, hospital gowns, drapes and divider curtains to create a barrier that provides life-saving protection against infections and transmission of diseases like COVID-19 in hospitals. Another type of PFAS, fluoropolymers, are integral to COVID-19 testing equipment and the medical technology that is saving lives across the globe. For example, fluoropolymers are used as coatings for the tubing in COVID-19 test kits because of their unmatched durability, low friction, and extreme heat resistance. They are also used in surgically implantable medical devices, increasing the lifetime of implants and reducing the likelihood of infection and invasive surgery.

The chemical industry supports a comprehensive approach to managing per- and polyfluoroalkyl substances that helps to ensure protection of human health and the environment. This includes appropriate, science-based policies and regulations.

This legislation would impose broad reporting requirements on manufacturers of all products containing PFAS sold in Minnesota, ban the sale of products containing PFAS in a variety of product categories and establish a future regulatory scheme to ban additional product categories containing PFAS.

This legislation is overly broad, lacks scientific basis and will have significant unintended consequences and could eventually ban thousands of products from sale and transport of those products into Minnesota. It would be one of the broadest bans on products containing PFAS in the nation and would have far reaching negative consequences on nearly every sector of the economy

including aerospace, autos, powersports, alternative energy, healthcare, medical devices, building and construction, electronics, pharmaceuticals, and agriculture.

PFAS are a diverse universe of chemistries that enable a huge range of products and sectors – everything from electronics, semiconductors, automotive, aerospace, and alternative energy. **However, all PFAS are not the same.** It is neither scientifically accurate nor appropriate to group all PFAS together. This broad universe of chemistries includes liquids, gasses, and solids.

There has been a lot of work done to assess individual PFAS compounds and to look at appropriate sub-groupings within this broad universe. Grouping these substances together is also inconsistent with the views of key policy organizations including the National Academies of Science, Engineering, and Medicine (NASEM), the Environmental Council of the States (ECOS), and various states that have looked at this specifically.

Today's PFAS are essential to modern life and an important enabling technology. These chemistries provide products with strength, durability, stability, and resilience. **These properties are critical to the reliability and safe function of a broad range of products that are important for industry and consumers.** They play a vital role in everything from designing automobiles with low emissions and improved safety, reliability, and fuel efficiency to manufacturing semiconductors, solar panel and high-performance electronics. Multiple industries depend on high-performance PFAS including aerospace, autos, powersports, alternative energy (solar, wind), healthcare, medical devices, building and construction, electronics, chemicals and pharmaceuticals, oil and gas, and outdoor apparel and equipment, safety clothing and Personal Protection Equipment (PPE), among other industries.

In this regard, the legislation would undermine effective product design, and in some cases, even overall product safety and efficacy for a broad range of products - including applications that are important for public safety and public health. One critical example and timely example, this bill would currently restrict critical materials that are essential to the COVID vaccine distribution and COVID testing, as well as the medical equipment used by healthcare providers that are on the front-line of fighting the COVID pandemic. This may not be the intent of the legislation, but this is the reality.

This bill also would adversely impact critical uses of this technology that are important for our society's broader sustainability objectives, including support for alternative energy and greenhouse gas reduction efforts. For example, lithium-ion electric vehicle batteries contain innovative fluoropolymer technology and are a critical product to Minnesota.

This legislation would have a significant impact on Minnesota in terms of the availability of critical products that are approved and used elsewhere. It would also foster an unworkable patchwork of state regulation with significant implications for Minnesota citizens, businesses and public entities, effectively isolating Minnesota from the rest of the country.

Presently, the Maine Department of Environmental Protection (DEP) is undertaking the arduous task directed by their legislature for similar reporting structure while the legislature is considering several bills as legislative fixes to the rulemaking. Despite having over a year to construct a rulemaking on reporting and disclosure, they have yet to formalize it while the first reporting requirement has already passed. To date, Maine DEP has received over 2,500 requests for reporting extensions and no formal submission process for those that did not receive the extension.

California passed a similar reporting bill last session that was ultimately vetoed by Governor Newsom. The Governor cited a burdensome and steep fiscal obligation for the start-up costs in the millions along with on-going costs.

Further, the measures would make Minnesota out of alignment for state and federal definitions as well as timelines of specific applications. States like Washington, California and Colorado have enacted legislation in several of these areas like carpets, juvenile products, cookware and cosmetics that this measure does not fully take into consideration.

For these reasons, respectfully oppose HF 2310 and SF 2438.

Thank you for your consideration and we look forward to working with the Committee and bill sponsors on this language.

Sincerely,

Shawn Swearingen
Director, Alliance for Telomer Chemistry Stewardship

April 30, 2023

Re: H.F. 2310 in conference

Dear Members of the Omnibus Environment, Natural Resources, Climate, and Energy Finance and Policy Bill Conference Committee:

For Audubon's 16,000+ members across Minnesota, our calling is to protect birds and the places they need. This lofty goal can only be achieved by using the best science to guide our ethical commitment to a thriving environment. A recent publication by [Rosenberg et al. \(2019\)](#) revealed that North America has lost roughly 30% of its birds, three billion overall, since 1970. This shocking revelation, paired with our understanding of birds as environmental bellwethers, has highlighted the need to discern and respond to the factors responsible for bird declines.

There are several provisions in H.F. 2310 that will help us reach these goals. In particular, Audubon Minnesota supports the following provisions and would ask that the conference committee include them in their final report:

Funding for our forests:

- Planting tomorrow's forests today
- Accelerated Tree Seed Collection
- Enhancing Minnesota's Forests through the ReLeaf Program
- Emerald Ash Borer Response
- School Tree Planting Grants
- Tree Replacement at State Parks
- Lowland Conifer Reserve
- Funding to implement the Sustainable Forest Resources Act

Funding for habitat:

- Enhancing Grasslands and Restoring Wetlands on WMA's
- Scientific and Natural Areas
- Wildlife Area Management Acquisition RIM
- Climate Accelerated Soil Practices
- RIM Reserve
- Lawns to Legumes
- Private lands grasslands/working land restoration easements (with a recommendation to include the House language on page R49 of the Side by Side, Article 1, in order to capitalize on federal matching funds).
- Private Lands Peatland Restoration for Carbon Sequestration
- Mitigation and Resiliency for RIM easements
- Habitat-friendly utilities program
- Habitat enhancement landscape program

While many factors contribute to bird declines, the loss, and degradation of habitats are the most important. Audubon Minnesota supports appropriations to improve maintenance in Minnesota's Scientific and Natural Areas and for conservation tree planting. We additionally support the appropriation of funds to replace trees impacted by emerald ash borer and thank this committee for prioritizing environmental justice areas. Similarly, the successful Lawns to Legumes program increases habitat for bees, birds, and butterflies when we are seeing dramatic declines in their populations. With 96 percent of all land-based bird species in North America feeding insects to their young, we need native plants that support the food web.

Additional provisions in H.F. 2310 that Audubon supports include:

- Requirement to use nontoxic shot when taking small game on wildlife management areas within (House language on lines 223.19-224.3, page R105 of the Side by Side, Article 3).
- Swan Protection Act and Lead Tackle Reduction

Ingestion of lead causes suffering and death of birds in Minnesota, and a growing body of literature points to population-level effects for long-lived birds. Premature mortality from lead poisoning not only removes the individuals from the population, but it prevents their contribution of future offspring which can slow population growth, or even cause declines. These findings, paired with the heartbreaking stories of birds enduring horrific deaths as their organ systems shut down when poisoned by lead, motivate our support of policies that reduce lead in our environment. **Based on this evidence, we support the inclusion of any initiative that minimizes the use of lead and reduces the impact of lead on our birds and environment.**

- Pesticide-treated seed requirements

Minnesota's birds also need native plants and the insects that have co-evolved with them to survive. Reducing the use of neonicotinoids and chlorpyrifos is good for birds. Audubon Minnesota supports the prohibition of the use of neonicotinoids.

- Cumulative impacts analysis
- Funding for the Get Out More program to enhance access and welcome new users to public lands and outdoor recreation facilities, including improvements to improve climate resiliency. (House language on lines 46.16-46.17, page R44 of the Side by Side, Article 1).
- Prohibition on storing garbage and other waste on ice (House language on lines 225.4-225.18, page R107-R108 of the Side by Side, Article 3).
- No Child Left Inside



MINNESOTA

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Finally, the U.S. Fish & Wildlife Service report “[Birding in the United States: A Demographic and Economic Analysis](#),” tells us that, as of 2016, there were 45 million bird watchers in the United States, a number that has surely grown since the pandemic reinvigorated Minnesotan’s interest in the outdoors. As of 2016, trip and equipment-related expenditures by these forty-five million bird watchers generated nearly \$96 billion in total industry output, 782,000 jobs, and \$16 billion in local, state, and federal tax revenue, with an impact distributed over local, state, and national economies.

Clean water, clean air, native plants, trees, and natural habitats are good for birds, good for people, and good for our economy.

Thank you.

Rob Schultz
Vice President

[Audubon Minnesota Iowa Missouri](#)

Dr. Dale Gentry
Conservation Director

Lindsay J. Brice
Policy Director

March 21, 2023

To: Senate Environment, Climate and Legacy Committee

From: Lawrence Baker, Ph.D.

I would like to add my voice to HF 1338/SF 1918 to re-establish the Legislative Water Commission as a retired Research Professor who has studied water issues in Minnesota for 20 years, and 40 years overall. My thoughts below also reflect my interest in “good governance”, especially through participation in the Citizens League water policy study committee that produced the report “[To the Source: Moving Minnesota’s Water Policy Upstream](#)” in 2009. I’ve also attended most of the online meetings of the current Legislative Subcommittee on Water over the past two years.

I would like to make several statements in support of this bill:

1. Minnesota has traditionally been water-rich, and we have taken this for granted. We can no longer do this. Our precious water resource is now jeopardized by increasing municipal water use, depletion of groundwater, groundwater contamination, increasing irrigation, and habitat destruction, all made more difficult by rapidly changing climate.
2. Our water governance must evolve to face these 21st century problems to assure the well-being of Minnesota’s citizens.
3. I have attended most meetings of the Legislative Subcommittee on Water Policy by remote mode over the past two years. Throughout this period, I have observed cordial, bipartisan exchange among legislators, and extensive testimony from top water experts (agency staff; university professors, etc.), resulting in numerous thoughtful bills written by the Subcommittee legislators. In my opinion, the Subcommittee is an exemplar of good governance.
4. Given these circumstances, I believe that elevating the Subcommittee to a Commission, which would give it a 5-year term and a more permanent director, would help this group be even more effective.
5. It would also give the public greater visibility of water governance, something that is badly needed to deal with our water problems in the future.



Minneapolis Area Synod
of the ELCA

April 28, 2023

Members of the HF 2310 Conference Committee: Sen. Nick Frentz, Sen. Founq Hawj, Sen. Jennifer McEwen, Sen. Tou Xiong, Sen. Julia Coleman, Rep. Rick Hansen, Rep. Patty Acomb, Rep. Athena Hollins, Rep. Sydney Jordan, Rep. Larry Kraft,

As Bishop of the Minneapolis Area Synod of the Evangelical Lutheran Church in America (ELCA), I write to you to express my full support of the proposed Minnesota Climate Innovation Finance Authority and the \$45 million requested to launch it. This investment out of our historic state surplus will ensure that our state stays on the cutting edge of a climate secure future, an exciting next step in our just transition. A transition that will not be successful with compromises and half measures.

Environmental stewardship is one of the many ways Lutherans are called to faithfully serve alongside their neighbors. For this reason, our congregations for decades have worked tirelessly to complete projects that add solar panels to their roofs, heat pumps in their basements, insulation in their walls, and many energy efficiency upgrades. But for every congregation that has successfully completed one of these projects, there are more who would love to do so but can't because of the difficulty and complexity of financing.

Even in our success stories, we see how necessary the expansion of clean energy financing is. In 2022, University Lutheran Church of Hope in the Marcy-Holmes neighborhood of Minneapolis finished its solar array which produces 100% of the electricity the church uses and, to date, has kept 63 tons of CO2 out of our atmosphere; over its lifetime this array will protect our community from hundreds of tons more. This solar array took three years to complete after many years of interest and research even before 2019. One of the biggest obstacles was finding financing, and had the further downside of leading to problems in ownership, management, and maintenance of the system. A Green Bank will work to alleviate these problems by offering congregations more options for financing.

Our congregations have remarkable volunteers and staff searching for every way they can participate in a just energy transition. The Minnesota Climate Innovation Finance Authority will be an incredible step forward in helping make these efforts end in success.

Thank you for your support and I urge you to pass it at the full \$45 million.

Living into a hopeful future,

Bishop Ann Svennungsen



CREATING GOOD JOBS, A CLEAN ENVIRONMENT, AND A FAIR AND THRIVING ECONOMY

Dear Energy and Environment Conference Committee members,

The BlueGreen Alliance is excited to support the Energy & Environment omnibus bill, which includes the Buy Clean Buy Fair Minnesota Act. Buy Clean will establish an Environmental Standards & Procurement Task Force to ensure that stakeholders—such as state agencies, industry, labor unions, and environmental advocates—are at the table as Environmental Product Declarations (EPDs) come into play for evaluating state procurement contracts.

There is widespread buy-in from proposed task force members. The Minnesota Department of Transportation is already tracking and studying the creation of EPDs as they move towards being the industry norm and the Minnesota Department of Administration works closely with the University of Minnesota Center for Sustainable Building Research on building materials decarbonization.

Under the bill, the following things will be under the purview of the task force:

- Determining which materials will be subject to program requirements;
- Considering financial incentives to vendors for creating EPDs;
- Administering grants to vendors for the costs of creating EPDs;
- Determining which factors shall be evaluated in setting maximum greenhouse gas emissions standards; and
- Setting a schedule for standards implementation.

Additionally, a pilot program will be developed by 2024 to gather data from vendors and understand current supply levels and emissions.

Additionally, we support the inclusion of the Minnesota Climate Innovation Finance Authority and strong funding for the State Competitiveness fund, both will help our state maximize Inflation Reduction Act and Bipartisan Infrastructure Law programs.

Buy Clean Buy Fair Minnesota Act is fully funded at \$1.389 million in the House Energy omnibus bill, and only partially funded at \$500 million in the Senate omnibus. The remaining \$889 million is funded in the Senate State & Local Government omnibus bill.

Sincerely,
Abby Hornberger
Minnesota Policy Organizer
BlueGreen Alliance



Minnesota Chapter



April 30, 2023

Dear Chair Rick Hansen and members of the of Environment, Natural Resources, Climate, Energy Conference Committee,

The Coalition for Clean Transportation and Minnesota health care organizations strongly support provisions included in HF 2310, the Environment, Natural Resources, Climate, Energy Omnibus bill, that facilitate the deployment of electric school buses to protect the health of our children and urge support for \$14 million in funding for this program.

Electric school bus deployment program:

Monday through Friday, Minnesota's K-12 students are exposed to harmful diesel emissions as they travel to and from school. This year the Minnesota legislature has the power to promote electric school buses that generate health and climate benefits by supporting a Minnesota electric school bus program. Electric buses have zero tailpipe emissions, which can significantly reduce air pollution and improve air quality around schools and in surrounding communities. Deployment of electric school buses not only mitigates the effects of climate change, it also reduces the risks and health impacts related to air pollution, improving the quality of life for our children— one of the most vulnerable constituencies in Minnesota. Exposure to diesel emissions can be especially harmful for children with asthma.¹ Electric school buses eliminate a major source of exposure to harmful diesel exhaust fumes, which can cause respiratory problems and aggravate asthma and other respiratory conditions,² thus improving the health of students, drivers, and community members. In addition to improving respiratory health, studies have demonstrated that switching from diesel to electric school buses can improve students' academic performance.³

In 2017, Minnesota set a milestone by becoming the first Midwest state to introduce an electric school bus in Lakeville, where students benefit from riding on a clean electric bus. However, the state has not kept up with this progress since then. Minnesota operates over 13,000 school buses, and 2,200 of them have been running for over 12 years and need upgrades as our students continuously breathe in diesel fumes. Currently Minnesota is only running 13 electric school buses and was awarded the lowest number of electric school buses (4) among all the states in the region in the initial phase of the EPA's Electric School Bus program.

One electric school bus can cost around \$400,000,⁴ which is a substantial financial commitment for a school district. The House omnibus bill (HF 2310) allocates \$14 million towards the electric school bus deployment program, which would help purchase over 30 electric school buses. We are excited to see that

the parameters for prioritizing school districts to receive these electric school buses included in this bill focus on communities who are already facing environmental justice impacts and disparities. However, currently there is only \$7 million allocated in the Senate's companion bill (SF 2993) to go towards the deployment program, which would only get our students 15 electric school buses. Our students deserve as many opportunities as possible to ride electric school buses to better their health and futures. Allocating the full \$14 million would allow twice as many students to ride clean school buses and breathe clean air.

School districts alone are already stretched thin and don't have the capacity or resources to apply for or purchase electric school buses on their own. **Including \$14 million in the final Omnibus bill will support school districts in accelerating the adoption of electric school buses into district fleets and on Minnesota roads, creating cleaner trips to school for our kids and cleaner air across Minnesota.**

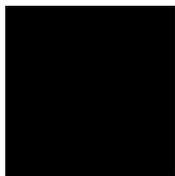
Sincerely,

Coalition for Clean Transportation member organizations
Advocates for Better Health
Alliance of Nurses for Healthy Environments
Minnesota Chapter American Academy of Pediatrics
Minnesota Doctors for Health Equity

CCT Contact: Kathleen Schuler, keschuler47@gmail.com

* * *

The Coalition for Clean Transportation (CCT) organizes and advocates to eliminate Minnesota's transportation-related climate emissions through the increased adoption and availability of sustainable and equitable electrification options, centering BIPOC and under-resourced communities who disproportionately bear the impact of climate change, air pollution, and experience high rates of mobility injustice. CCT envisions a future where all Minnesotans, from urban to suburban to rural, have equitable access to clean transportation options that promote health and connection for all.



¹ Beatty TK, Shimshack JP. *School buses, diesel emissions, and respiratory health*. J Health Econ. 2011;(5):987-99. doi: 10.1016/j.jhealeco.2011.05.017. Epub 2011 Jun 21. PMID: 21741102.

² Ibid

³ Austin, W., Heutel, G. and Kreisman, D. (2022) *Fixing school buses is an effective (and cheap) way to improve students' health and academic performance*, Brookings. Available at 3Nj4f96 (Accessed: March 15, 2023).

⁴ Rosevear, John. "Electric School Buses Are Giving Kids a Cleaner, but Costlier, Ride to Class." CNBC, CNBC, 10 Dec. 2022, <https://www.cnbc.com/2022/12/10/electric-school-buses-give-kids-a-cleaner-but-costlier-ride-.html>.

May 1, 2023

Minnesota Legislature
Joint Conference Committee – HF2310
Saint Paul MN, 55155

RE: Conference Committee on HF2310 – Environment, Natural Resources, Climate and Energy Finance and Policy Omnibus Bill

Dear Members of the Environment, Natural Resources, Climate and Energy Conference Committee,

On behalf of Clean Energy Economy MN (CEEM), I write today in support of the Environment, Natural Resources, Climate, and Energy Finance and Policy Omnibus Bill, HF2310. Both the Minnesota Senate and House have spent this session considering many innovative policy ideas and we are thankful for the great work done thus far to help Minnesota take advantage of historic opportunities for economic growth presented by the transition to clean energy. As the Conference Committee considers how to build upon these successes, we respectfully ask them to consider including CEEM's policy positions outlined below.

CEEM is an industry-led, nonpartisan, non-profit organization representing the business voice of energy efficiency and clean energy in Minnesota. We work to educate Minnesotans about the economic benefits of transitioning to a clean energy economy and are committed to delivering a 100% clean energy future where all Minnesota businesses and citizens will thrive. Our business membership is comprised of nearly 50 clean energy companies ranging from start-up businesses to Fortune 100 and 500 corporations that employ tens of thousands of Minnesotans across the state.

CEEM is incredibly grateful funding for Energy Alley was included as part of the Senate position for this conference committee. Financial assistance, ecosystem support, and expertise for our early stage entrepreneurs through Energy Alley will nurture and support our energy entrepreneurs and emerging businesses in developing the next generation of energy technologies to meet our 100% by 2040 Clean Energy goals. Just as our state became world-renowned for the development of medical devices, Minnesota must develop this market and support network for entrepreneurs in the clean energy technology space. Energy Alley is our way to do just that and we hope Conference Committee members see the value in this investment.

We also hope the Conference Committee can include the following priorities:

- Full funding for the St. Thomas Center for Microgrid Research for them to continue their groundbreaking work that has attracted millions in federal funding and private investment, adopting the Senate position on this program would be beneficial for our state's energy future;
- Increased funding for the Solar*Rewards program, specifically \$15 million per year for 2024 and 2025, as well as the establishment of a similar energy storage incentive program;
- Increased funding for the Solar on Schools program and creation of a solar on public buildings program;
- Grants to ease interconnection issues for distributed energy projects and assist small utilities in upgrading and improving their distribution grid system;
- A grant for a project to increase transmission capacity between Minnesota and North Dakota;

- Funding to help Minnesotans electrify their homes with grants to upgrade electric panels as well as a separate program to assist Minnesotans upgrading to heat pumps from traditional heating and cooling options;
- Modernization of the community solar garden program through the removal of contiguous county requirements, increased project sizes, and distributed generation market development, while maintaining some version of the subscriber model that has made the program so successful; and
- Increases to operating budgets of the Department of Commerce, Division of Energy Resources and the Minnesota Public Utilities Commission to accommodate additional duties and responsibilities stemming from capturing newly available federal funds and working to speed the energy transition.

We hope the conferees will also consider additional resources for the removal, collection, and disposal of Emerald Ash Borer (EAB) wood waste. Minnesota has approximately 1 billion ash trees and many trees have been infected by EAB since 2009 spreading across more than three dozen counties. Minnesota's Environmental Quality Board Report on the EAB in 2019 estimated that 1.67 million tons of ash wood material would require disposal within the seven-county metro area. CEEM respectfully asks the Senate to consider at least taking on the House's funding levels in the Environment portion of the bill for appropriations regarding wood waste from the EAB infestation:

- \$37 million EAB Response Grant
 - \$28 million grant to the District Energy Cogeneration Facility in St. Paul
 - \$9 million to local units of government responding or actively preparing to respond to EAB infestation
- \$4 million to Koda Energy LLC in Shakopee for a wood dehydrator to facilitate the disposal of EAB infested wood

Currently, the District Energy facility collects and processes 250,000 tons of EAB waste annually—representing two-thirds of the seven-county metro area EAB waste. Securing this funding is critical to ensuring the facility will not be forced to cease operations of biomass fuel from the metro's EAB tree waste. We encourage fully funding their request of \$35 million to avoid the costly pile-up of EAB waste, this will allow the District Energy Cogeneration Facility to continue operating for the next seven years.

We thank you for the opportunity to share our testimony. If you have any questions, please let us know.

Sincerely,



George Damian
Director of Government Affairs
gdamian@cleanenergyeconomymn.org



April 28, 2023

The Honorable Sen. Nick Frentz
Chair of the Energy, Utilities, Environment, and
Climate Committee
3109 Minnesota Senate Building
St Paul, MN 55155

The Honorable Rep. Patty Acomb
Chair of Climate and Energy Finance and Policy
Committee
593 State Office Building
Saint Paul, MN 55155

RE: Energy provisions in the Environment, Natural Resources, Energy, and Climate Conference Committee

Dear Chair Frentz, Chair Acomb, and members of the Environment, Natural Resources, Energy, and Climate Conference Committee,

CenterPoint Energy thanks committee members and staff for their extensive work throughout the session. We appreciate the opportunity to provide these comments on the respective energy omnibus positions.

Support - Securitization

Securitization. Energy Policy, Sec 5, Page R51 – R 66. Securitization is an affordability tool used in more than 26 states in case of an unforeseen event, such as a natural disaster, man-made disaster, or devastating storm that affects utility customers and results in extraordinary and unavoidable costs. Customer savings is made possible by enabling extraordinary costs to be spread over a more manageable timeframe and financed at low interest rates through the utility's ability to issue low-cost, long-term, AAA-rated bonds. Ideally, securitization is a tool that would never need to be used but have available if an emergency arises. This legislation would be a "win-win-win" for Minnesota – helping customers with their bills and allowing utilities to recover necessary costs while ensuring public accountability with regulatory oversight from the Public Utilities Commission (PUC).

Concerns - Terrestrial Sequestration

Greenhouse gas emissions-reduction goal. Energy Policy, Page R138. Line 383.3.

Specifying "terrestrial sequestration" limits the ability to utilize chemical, technological, or biological sequestration methods. CenterPoint Energy is launching a pilot project partnering with CarbinX using technology that captures carbon dioxide and converts it into potassium carbonate which is a commercially usable ingredient in soaps and detergents. The term "terrestrial sequestration" is not defined and depending on interpretation, could limit opportunities to sequester GHG emissions now and constrain new technologies.

We are encouraged to see same or similar provision for the following:

Low-income definition. Energy Policy, Page R48. This provision provides a technical update and a needed correction that enables utilities to continue assisting those who most need energy efficiency.

Weatherization. Page R77 – R80. We appreciate the allocation of funding that supports pre-weatherization, weatherization, and training to further these efforts.

Energy codes. Page R139 – R140. There is stakeholder consensus language, which is noted in the Labor Conference Committee. **We ask that this consensus language be accepted and provision addressed in the Labor Conference Committee.**

Sincerely,

Jamie Fitzke
Director of Government Affairs
CenterPoint Energy

CGA Energy Storage Language

The below language has been included as part of the House Energy Omnibus bill, and **sets the rules of the road for energy storage permitting**. This is **essential policy** to put into place; energy storage must grow exponentially to accommodate renewables as we move toward 100% carbon-free electricity.

Therefore, we must **codify permitting structures for energy storage**.

Define Energy Storage Systems (ESS)

To effectively regulate ESS, we must first define what these systems are.

- "Energy storage system" means equipment and associated facilities designed with a nameplate capacity of 5,000 kilowatts* or more that is capable of storing generated electricity for a period of time and delivering the electricity for use after storage.
- Modifies existing statute in several places to include ESS.

*The PUC has requested this number be changed to 10,000 kilowatts, or 10 MW.

Permitting Jurisdiction

Give PUC jurisdiction for projects over 5 MW

- The PUC shall be responsible for permitting all large energy storage projects.
- 5 MW threshold matches that of wind projects.

Add option to go through the local review process

- Regardless of project size, permit applicants may work with local governments to permit ESS.
- Provides flexibility and allows for continued coordination with communities without forcing local units of government to take on projects for which they do not possess the necessary expertise.

Rulemaking

Until the PUC writes rules, they shall site ESS using the same process for siting solar

- It is important that the PUC have guidance on what rules to use for ESS permitting.

Adds ESS to alternative review process

- ESS shall be included in the alternative review process, furthermore following the same practices as solar and other projects listed in the alternative review statute.

**Contact Madelyn Smerillo for more information:
msmerillo@cleangridalliance.org or (952) 607-7725**

Address	Office	Web	Date
570 Asbury Street, Suite 201, St. Paul, MN 55104	651.644.3400	CleanGridAlliance.org	4/11/2023



DEDICATED TO A STRONG GREATER MINNESOTA

April 29, 2023

RE: Omnibus Environment, Natural Resources, Energy and Climate Omnibus bill

Dear Conference Committee Members:

I am reaching out on behalf of the Coalition of Greater Minnesota Cities (CGMC) to comment on the House Environment and Natural Resources Omnibus bill. The CGMC is a group of more than 100 cities located outside the metropolitan area. Our members are dedicated to a stronger Greater Minnesota and are focused on developing viable, progressive communities for families and businesses through good local government and strong economic growth.

We appreciate all the hard work the bill authors and committee members put into these omnibus bills. As with any large bill, there are many provisions we support, and several that we are concerned could have a detrimental effect on the ability of our communities to thrive and grow. This letter highlights some of the most important aspects we support and others we are concerned about.

CUMULATIVE IMPACTS

We support the underlying goal of the cumulative impacts analysis proposal to protect the health of disadvantaged neighborhoods that are subject to the cumulative impacts of multiple pollutants due to historical racism and a combination of socioeconomic factors. We appreciate the efforts in both the House and Senate to narrow the reach of the proposal but believe that further work is needed to focus the language on preventing adverse health outcomes in the targeted communities. As written, we believe the policy is too broad and could have a negative impact on many communities throughout the state by hampering growth and economic development without achieving the authors' underlying goals.

We recognize that this proposal is a work in progress but also want to express our disappointment that many important stakeholders, including local governments covered by the bill, were excluded from the negotiations and the drafting of this bill despite the profound impact it could have on their communities. We support the Senate version that limits the targeted geographic area to the metropolitan area, though we oppose the efforts to include regional centers such as Moorhead, Mankato, and North Mankato. To the best of our knowledge, these communities were not consulted, there has not been a push from these communities to be included in the bill, and there has not been any thoughtful discussion or analysis about how this proposal would impact them.

We urge the conference committee and the author of the underlying bill to continue working on a more narrowly focused version so that both the policy's parameters and the affected geographic area align with the goal. We believe this should include a substantial impacts threshold to avoid denial of permits based on minimal impacts and more discretion for the agency to balance socioeconomic and environmental health impacts when making permit decisions. We also believe that representatives of affected areas, including elected officials, should be included in any discussion to cover portions of the state.

PFAS PROVISIONS

The potential health hazards associated with per-and-polyfluoroalkyl substances (PFAS) are well known. As PFAS is found in the drinking water of more and more Greater Minnesota cities, we appreciate the efforts to tackle this critical issue. However, we believe those efforts should be focused on providing resources to communities to monitor and remove PFAS and to control the source of PFAS that are ending up in Minnesota's waters.

We appreciate the efforts of both the House and Senate to focus on addressing the potential health hazards associated with PFAS by appropriating funds to the Minnesota Pollution Control Agency (MPCA) to address PFAS contamination in drinking water (House lines 16.10 – 16.23, Senate lines 14.6 – 14.16 at Article 1, R14). **We are strongly opposed to the House language requiring that at least 50% of the funds be appropriated to the metropolitan area.** Although, to date, more of the PFAS drinking water contamination has been found in the metropolitan area, more Greater Minnesota cities are discovering they also have detectable levels in their drinking water wells as voluntary monitoring has begun. Moreover, many communities in the metropolitan area have access to funds from the 3M settlement that our cities may not. All cities deserve this protection, and the funding should address identifiable needs and not be geographically limited.

Both versions of this bill contain multiple provisions aimed at eliminating or reducing the sources of PFAS in our air and water. We believe that addressing PFAS at the source is the best approach and support such efforts to the extent that they are grounded in the best available science.

The House's efforts to address limits for certain types of PFAS through statute, rather than rulemaking, should be removed from the bill. For example, the House version would require the MPCA to develop water quality standards for six categories of PFAS, which can then be used to impose limits on the chemicals in wastewater products. Unfortunately, there are not economically feasible, and in some cases not technologically feasible, ways to remove these chemicals from wastewater. Neither our communities nor our businesses in Greater Minnesota that do not add the PFAS to their effluent should face such limits in their permits. Requiring this rulemaking on this timeline puts the rules ahead of the science and treatment options. (House lines 181.11 – 181.30, Articles 3 – 8 at R55)

PARKS AND TRAILS FUNDING

We want to express our thanks to the Senate for including the regional parks and trails of Greater Minnesota in the Lottery-in-Lieu formula with 2% of the revenues. It is a recognition of the importance that regional parks and trails play to all Minnesotans, regardless of whether they live in Greater Minnesota or the metropolitan area. We urge the conference committee to adopt this language in the Senate version lines 128.10 – 128.21, at Articles 3 – 8, R127, and the appropriation at Senate version lines 32.21 – 32.31, at Article 1, R34.

We are disappointed that neither body provided any general fund dollars for the Greater Minnesota Regional Parks and Trails Commission, as requested in Senator Hauschild's and Representative Lisgard's bill, S.F. 527/H.F. 873. This bill made a simple request seeking some parity with the regional

parks of the metropolitan area by providing \$500,000 per year for the Commission. **Given that both omnibus bills provide tens of millions of dollars in one-time and ongoing funds to the metropolitan regional parks, Greater Minnesota's simple request should not have been ignored.** The residents of Greater Minnesota are as deserving of strong regional parks and trails as the residents of the metropolitan area.

LOCAL WATER INFRASTRUCTURE GRANTS

We thank both bodies for including funding for local government water infrastructure grants. As our communities face increasing impacts from extreme weather events, building infrastructure to withstand those events is crucial. **We urge the committee to adopt the higher funding level proposed in the Senate and to reject the House's attempt to require at least 50% of the money be provided to projects in the metropolitan area** (House lines 6.6 – 6.19, Senate lines 5.14 – 6.3, Article 1, R4). Extreme weather impacts affect the entire state and, geographically at 80 counties and many more cities, the number of places where such assistance is needed will be higher in Greater Minnesota.

FUNDING FOR MPCA WATER QUALITY EFFORTS

We appreciate the inclusion of additional funding for the Minnesota Pollution Control Agency's water quality work in both the House and Senate bills. Still, we are disappointed that the agency's request for ongoing funds beyond this biennium was not included. The failure to include this funding in the tails will only result in increased fees for municipalities. We urge the committee to find ongoing funding for this important work.

SEWER OVERFLOW LANGUAGE

The MPCA has worked with our organization, the League of Minnesota Cities, and other city groups on the language regarding notification after sewer overflows. The compromise language contained in both the House and Senate versions of the bill provides a workable solution for our wastewater facilities. (House lines 129.12 – 129.24, Senate lines 31.17 – 31.29).

Thank you for the opportunity to comment on this omnibus bill. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. D. H.", with a stylized flourish at the end.

Brian Holmer
President, Coalition of Greater Minnesota Cities
Mayor, Thief River Falls

April 30, 2023

Representative Rick Hansen
Senator Foug Hawj

Re: HF 2310: Omnibus environment, natural resources, climate, and energy finance and policy bill

Dear Chair Hansen, Chair Hawj, and Members of the Environment, Natural Resources, Climate and Energy Conference Committee:

The City of Minneapolis appreciates the opportunity to comment on the omnibus bills being considered by this conference committee.

Emerald Ash Borer – Residents in the City of Minneapolis are facing significant costs for the removal, replacement, and treatment of emerald ash borer (EAB). The City supports the \$37 million in Article 4, Sec. 40 of the House bill for grants to local governments to transport and dispose wood waste containing ash tree material. Clarification language is needed to ensure these funds can also be used for removal and replacement of ash trees. In addition, the City appreciates the inclusion of funding for the Minnesota ReLeaf program in both the House and Senate bills.

Community Air Monitoring – The City of Minneapolis supports the establishment of this pilot program, (Article 3, Sec. 41 of the House bill) to assist with measuring the air quality, with priority given to neighborhoods who experience high rates of illness associated with exposure to air pollution.

Disposition of Settlement Money – When a metal shredding facility violated their air quality permit, the Minnesota Pollution Control Agency (MPCA) successfully revoked their air quality permit. As a result, through settlement funds received, the City was able to address and mitigate asthma and lead poisoning in the surrounding neighborhoods. The City supports the inclusion of this language in Article 3, Sec. 1 of the House bill, because all communities across Minnesota that have been impacted by facilities grossly violating their permits should be required to compensate communities for the potential damages caused by their violations.

Pesticide Control Ordinance – In 2015, the Minneapolis City Council unanimously passed and adopted a resolution declaring Minneapolis a pollinator-friendly community. The City is supportive of the House language found in Article 7, Sec. 4, as it would complement our resolution by providing us, and all cities, with the option of prohibiting the usage of pollinator-lethal insecticides within their borders.

Minnesota Climate Innovation Finance Authority (MnCIFA) – We are pleased to see the inclusion of this language in both the House (Article 14, Sec. 2) and Senate (Article 7, Sec. 44) bills. However, the City supports fully funding MnCIFA by increasing the appropriation to \$45 million as originally proposed. This is critical for advancing energy justice and unlocking Minnesota's fair share of federal funding from the Inflation Reduction Act. If adequately funded MnCIFA has the potential to reduce barriers for underserved and low-income populations statewide, creating robust consumer protections and support Minnesota's clean energy workforce.

Compensation for Participants in Proceedings – While the City appreciates the inclusion of this language in both the House (Article 13, Sec. 3) and Senate (Article 7, Sec. 26) bills, the House language is more favorable, as there is no sunset date, which is more consistent with the public interest. A sunset date, as included in the Senate language, weakens this process for intervenors who invest in and successfully advocate for the public in terms of rates and resource mixes at the Public Utilities Commission (PUC).

Thank you for your time and thoughtful consideration of this letter. Please contact me if you have any questions.

Sincerely,



Patrick Hanlon
Deputy Commissioner - Sustainability, Healthy Homes and Environment
City of Minneapolis



4407 E Lake St, Minneapolis, MN 55406

Testimony presented before the Environment, Natural Resources, Climate and Energy Conference Committee In Support of HF2310 and with concerns for SF

Thank you Chairs and Members of the Committee for the opportunity to provide this testimony today.

I am writing in support of HF2310. There are several reasons why MN350 Action supports the House Omnibus Bill over the Senate version.

There are specific programs outlined in the House bill that are crucial for Minnesota to do our part in combating climate change that are not included in the Senate version of the bill. We need initiatives like the Next Generation Climate Act, that would bring Minnesota to zero greenhouse gas emissions by 2050. The House has also added Zero Waste Grants give money to local governments to enact zero waste plans that would work to keep trash out of incinerators, which is another major contributor to Minnesota's greenhouse gas emissions and protect Environmental Justice Communities across the entire state from the health effects of trash burning near their homes.

The two different omnibus bills also give different levels of funding to important programs. For example the House gives a total of \$14 Million for electric school buses, but the Senate only gives \$2 Million. Electric school buses have a demonstrable impact on our children's health and learning outcomes, while also helping curb harmful emissions for contributing to climate change. It is Minnesota's working families that need to use buses the most, especially those that cannot afford a car, or cannot work around school schedules. \$14 Million over time seems like a reasonable price to make sure that we protect children in all Minnesota Communities. Especially in parts of Greater Minnesota that have longer commute times between home and school.

Both bills include the cumulative impacts bill, and while both versions are different, the geographic location of this bill isn't the most important language in the bill. It is more important that the bill requires Cumulative Impacts analysis from the Minnesota Pollution Control Agency (MPCA) rather than simply letting the MPCA decide whether they want to do the analysis or not. In past instances, where environmental regulations allowed state agencies to conduct analysis, they chose not to based purely on the whims of the administration in power at that time. A healthy and just Minnesota should not be at the whim of whatever party or administration is in

power. We can create a Cumulative Impacts Analysis that will require the MPCA to protect the Environmental Justice Communities most at risk, regardless of the commissioner assigned to the agency.

Thousands of Minnesotans care about Climate Justice and we ask that you create the best Omnibus Bill to make that happen. Please support HF2310.

Thank you for your time and consideration,

Tee McClenty, Executive Director, MN350 Action

Noelle Cirisan, Political Manager, MN350 Action

Eva Garcia, Political Organizer, MN350 Action



April 29, 2023

To: Chair Hawj and Chair Hansen and members of the Conference Committee on HF 2310

From: John Rust, President, Minnesota Division, Izaak Walton League of America

Re: Rough Fish (Revisor's Side-By-Side, Articles 3-9, page R132, Section 125)

The Izaak Walton League of Minnesota is a champion of all native species. We are leading a coalition of conservation organizations interested in the conservation of Minnesota's so called native "rough" fish. The historical use of the term "rough fish" in Minnesota's statutes and rules is a major impediment to the wise use and sustainability of our native fish resources. Currently, the term is defined in Minnesota Statute 97A.015, Subd. 43 to include both native species and the non-native, invasive common carp. It is unscientific and unsustainable to manage native and invasive species with the same regulations.

Native fish conservation language has been included in both the House and Senate Environment Omnibus Bills (Revisor's Side-By-Side, Articles 3-9, page R132, Section 125). This language requires a report from the Minnesota Department of Natural Resources on how to amend statutes to separately classify native "rough fish" and invasive "rough fish." These statutory changes are necessary for the scientific management of Minnesota's fish.

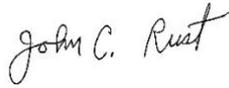
Funding is provided for native fish conservation to enable DNR staff to implement the recommendations of the report and initiate rulemaking following any statutory changes. The legislative and rulemaking process will take place in 2024 and 2025, if additional time is deemed necessary. Therefore, we request that the Legislature adopt the House version and allocation

\$134,000 each year, for two years, plus an additional \$82,000 for the required report. (See Revisor Side-By-Side, Article 1, page R38,)

Minnesota is leading the nation on many important issues. Conservationists, scientists, and fisheries managers across the country are watching the progress of Minnesota's effort to conserve all of Minnesota's native fish. With the passage of this language, we will once again lead the nation on science-based fisheries management and conservation of aquatic ecosystems.

Thank you for your kind consideration.

Sincerely,

A handwritten signature in cursive script that reads "John C. Rust".

John Rust
President MN Division IWLA
(763) 202-3346
imgahn2u@yahoo.com



Conference committee members
In consideration of HF2310/SF2438

Esteemed members of the conference committee,

Koda Energy LLC and Rahr Corporation are companies operating in Shakopee, MN. Rahr produces and distributes brewing ingredients in support of many of the craft brewers in the state and region, Koda Energy supplies heat and power for the production of malted barley and provides excess electricity production to the public grid using underutilized renewable biomass feedstocks at ~10% moisture.

We support the Emerald Ash Borer Response general fund appropriations in Chair Hansen's Environmental bill, and specifically the \$4 million towards a wood dehydrator in Shakopee, MN. The EAB infestation has been killing off our ash trees and the pace of necessary tree removal is accelerating with too few outlets available to utilize the resultant wood waste material. A wood dehydrator constructed in Shakopee will provide an outlet for up to an additional 113,000 tons/year for this clean wood waste that will be converted into both heat and electricity in the Koda facility. This will not only provide a much-needed additional outlet for wood waste, but will also reduce fossil carbon emissions in energy production.

The pace of EAB tree mortality is increasing, a study released by the Partnership on Waste to Energy projects that peak ash tree removal will occur in 2028/2029 timeframe with over 500,000 tons/year at peak (in just the seven-county metro area). We need more outlets for this material than exist today to prevent landfilling or open burning this material as a means of disposal, and it would not be prudent to lose the availability of facilities that can beneficially utilize this material while we ramp up tree removal activities.

We strongly support the additional EAB response provisions in HF2310 that provide monies to local units of government for EAB, and money to help defray the expense of processing this material so that District Energy in St. Paul can remain a viable outlet for up to 260,00 tons/year of this material until after the peak years of ash tree mortality in the seven-county metro area. Without support for utilization in our existing facilities, much of this material may need to be burned in piles similar to during the Dutch elm disease epidemic. If used in our CHP facilities we can control the particulate emissions and displace fossil energy inputs into our atmosphere. The other outlets for wood waste identified in the PW2E study would be at a higher cost to taxpayers than processing through our energy facilities. From problem to potential.

Respectfully yours,

Stacy Cook
President of Koda Energy LLC
Vice President of Sustainability for Rahr Corporation

May 1, 2023

Minnesota State Legislature
Environment, Natural Resources, Climate and Energy Conference Committee

Re: Environment, Natural Resources, Climate and Energy Conference Committee (HF2310)

Dear Conference Committee Members,

As a coalition of organizations committed to a zero-waste future, we urge you to include key policies that support a more sustainable economy in our state.

Minnesotans across our state are impacted by our growing waste crisis. We cannot continue to burn and bury millions of tons of waste each year. Instead, we need to invest in infrastructure and policies that better manage our resources, reduce waste, support local economies, and build healthy, equitable communities.

We ask that the Conference Committee prioritize zero waste values and include the following in the final omnibus bill:

Zero Waste Grant Program: Amid historic supply chain disruptions, the intensifying climate crisis, and rampant plastic pollution, there has never been a more important time to invest in a circular economy for Minnesotans that prioritizes reduction and reuse. The Zero Waste Grant program prioritizes reuse and reduction. This could look like something as impactful as helping a rural school district purchase dishwashers and reusable dishes to move away from single-use disposables, a central collection and washing station for refillable bottles for cottage industries or breweries in the area, or a community-scale composting program that reduces food waste and creates healthy soils for urban gardens. This grant program will help communities get over startup hurdles and set up sustainable systems specific to their situations.

Compostable Labeling: Counties and cities across Minnesota are increasingly developing composting facilities and diversion programs to meet our urgent climate change goals. The success of public and private programs and composting operations is dependent on reducing contamination. By setting standards for compostable product labeling, resident and business confusion will be reduced and composting programs in Minnesota can thrive. The compostable labeling requirements in the bill provides much needed standards for compostable product labeling, which will reduce operational costs for composters; reduce confusion of food establishments who accidentally buy misleading products from manufacturers, distributors and wholesalers; reduce confusion for residents participating in organics recycling programs; support compostable product manufacturers in the State, and elsewhere, who already clearly label products.

Frontline Community Protection Act: The burden of air pollution is not evenly shared. Minnesota has a concentration of pollution in certain communities, identified as Environmental

Justice Areas. As a result, overburdened and under-resourced communities are more vulnerable to adverse health impacts such as asthma and cardiovascular disease. According to the Minnesota Department of Health, data shows disparities in heart and lung disease by age, income, race/ethnicity and geography. The impacts of pollution have been disproportionately forced on overburdened communities for decades, leading to numerous environmental, health, economic, and social disparities. This issue is systemic, and we must address it with systemic change. There are environmental justice communities all across the state. No overburdened community should continue having pollution forced upon them.

Path to Zero Waste Report: Our climate crisis is directly correlated with an economy that supports linear consumption over circularity. According to the EPA, 40% of our greenhouse gas emissions come from linear consumption – producing, transporting, using, and disposing of a material good.¹ In Minnesota, nearly two-thirds of what is landfilled and burned in Minnesota could be reduced, reused, recycled, or composted with improved infrastructure.² The Conference Committee Omnibus bill should include the House provision for the Path to Zero Waste Report and provide much needed funding for the development of a comprehensive plan for achieving zero waste and transitioning our state away from incineration and landfilling.

PFAS Prevention: As we work toward a zero waste economy in Minnesota, it is imperative that we remove toxics from product and packaging. PFAS chemicals are a class of chemicals most in need of immediate policy action due to their wide-spread use in products, prevalence in breast milk and people's bodies, and persistence in the environment. Known as "forever chemicals" due to their inability to break down, PFAS also persists in the waste stream, contaminating our soil, air, and water. The Omnibus bill should require companies to disclose how they are using PFAS chemicals; ban unnecessary and dangerous PFAS use in everyday products; and expand the prohibition on PFAS in firefighting foam.

Investing in a Zero Waste infrastructure and supporting policies that aim to address our plastic pollution crisis will result in a more sustainable economy and healthier environment for Minnesotans. We thank you for your leadership on these issues and ask that you support these policies in the Conference Committee. If you have questions, please contact Lucy Mullany, Director of Policy & Advocacy at Eureka Recycling (lucym@eurekarecycling.org).

Sincerely,

The following organizations are co-signers on this letter of support:

100% Campaign

Clean Water Action Minnesota

Climate Generation

¹ <https://www.epa.gov/smm/resources-waste-and-climate-change>

² <https://www.pca.state.mn.us/air-water-land-climate/understanding-solid-waste>

Climate Justice Team, St. Croix Valley Indivisible
Community Power
Cooperative Energy Futures
CURE Minnesota
Edina Community Lutheran Church
Elders Climate Action/Twin Cities
Eureka Recycling
Fresh Energy
Green Party of Minnesota
Health Professionals for a Healthy Climate
Institute for Local Self-Reliance
Land Stewardship Project
Metro Blooms
Minneapolis Federation of Teachers
Minnesota Center for Environmental Advocacy
Minnesota Environmental Justice Table
Minnesota Interfaith Power and Light (MNIPL)
Minnesota Renewable Now
MN350
Native Sun Community Power Development
Northeast Metro Climate Action
Public Policy Project & Environmental Justice Coordinating Council (EJCC)
Reuse Minnesota
Rusty & The Crew
Sierra Club North Star Chapter
Sunrise Carleton
Twin Cities Communist Party USA
UMN Students for Climate Justice
United Women in Faith
Dr. Rose Brewer, University of Minnesota
Webber Camden Neighborhood Organization



May 1, 2023

Chair Hansen, Chair Hawj, and Members of the Conference Committee on HF 2310;

We write today to voice our support for provisions considered for inclusion in the eventual Conference Report on HF2310, the Omnibus Environment, Natural Resources, Climate, and Energy Bill.

At Conservation Minnesota, our mission is to protect the people and the places that Minnesotans love. The lasting preservation and enhancement of our natural resources and the mitigation of climate impacts are vital to these goals. With HF2310, the Legislature has the opportunity to make historic progress toward safeguarding Minnesota's environment and the communities that rely on it. And we're confident that the members of the bill's conference committee will make the most of this opportunity.

As the Omnibus Environment, Natural Resources, Climate, and Energy Bill begins its conference committee, we're encouraged by and supportive of the language that has passed in both the House and the Senate. Independently, both versions demonstrate bold, responsible action. In combination, provisions from both versions can help to maximize the effectiveness and efficiency of this action. At Conservation Minnesota, we respectfully encourage the inclusion of the following provisions in the conference report on HF2310:

Fond du Lac Band Elk Reintroduction Proposal (House)

The House version of HF2310 includes \$4,000,000 in grants to the Fond du Lac Band of Lake Superior Chippewa for a proposal to reintroduce elk to northeast Minnesota. This long overdue appropriation repairs ecosystems, restores a culturally significant species for Tribal communities, strengthens recreational opportunities, and allows Minnesotans of all ages to witness these animals in their native environment.

Department of Natural Resources Fee Increases (House)

The House version of HF2310 includes a series of fee increases on park passes, fishing licenses, watercraft registration, utility licenses, and aquatic invasive species boat surcharges. Amid decreasing hunting and fishing participation, increasing alternatives forms of outdoor recreation, and rising challenges for environmental protection, these fee increases provide vital, ongoing funding for resource management.

PFAS Prevention and Notification (House and Senate)

Both the House and Senate versions of HF2310 include provisions to prevent the use of PFAS in common consumer products and to require notification of PFAS use. PFAS are toxic "forever chemicals" with dangerous, long-term health impacts. These provisions help limit PFAS contamination across the state.

Environment and Natural Resources Trust Fund Appropriations (House)

The House version of HF2310 includes annual appropriations from the Environment and Natural Resources Trust Fund (ENRTF). The ENRTF provides crucial funding for innovative natural resource projects recommended by the Legislative-Citizen Commission on Minnesota Resources (LCCMR). The efficient passage of LCCMR recommendations by the Legislature helps to uphold good governance in conservation.

Cumulative Impacts Analysis (House and Senate)

Both the House and Senate versions of HF2310 include provisions for cumulative impacts analysis regarding permit decisions in environmental justice areas. Our state has a responsibility to prevent further disproportionate pollution in often marginalized communities. The Cumulative Impacts Bill ensures that the health and well-being of Minnesota residents is carefully considered in future facility development.



Removal of County Board Approval for State Land Acquisition (House)

The House version of HF2310 includes a provision to remove a requirement for county board approval in state land acquisitions. This requirement places an unnecessary and increasingly politicized obstacle on the state's ability to acquire land, which is already subject to Legislative oversight. We do not believe that county boards should have veto power over voluntary land purchases conducted by the state.

Buy Clean and Buy Fair Minnesota Act (House and Senate)

Both the House and Senate versions of HF2310 include Buy Clean and Buy Fair provisions, ensuring that our state can account for and consider the lifecycle climate impacts of key construction materials such as steel, concrete, and asphalt. This bill reduces emissions in the industrial sector and provides a competitive advantage to local businesses and workers. Buy Clean and Buy Fair is fully funded in the House but is divided between bills in the Senate. Regardless of location, it's important that this proposal receives full funding.

Electric Vehicle Rebates, Dealer Certification, Preference Order, Deployment Program (House and Senate)

Both the House and Senate versions of HF2310 include provisions to encourage the expansion of electric vehicles in Minnesota. The transportation sector is the state's largest emitter of greenhouse gases. The provisions considered for HF2310 help ensure that emissions-reducing vehicle electrification is affordable, reliable, and easy for both vehicle owners and auto dealers.

Community Energy Transition Grants (Senate)

The Senate version of HF2310 provides \$5,000,000 for DEED's Community Energy Transition Grant Program. The effective and equitable transition to clean energy in Minnesota relies on our ability to help energy generation communities survive and participate in this transition. The Community Energy Transition Grant Program is an important tool to help communities with retiring facilities plan for a sustainable future.

Advanced Nuclear Study (Senate)

The Senate version of HF2310 contains a \$300,000 appropriation to fund the Advanced Nuclear Study. While nuclear power often still shows environmental and safety risks, the decarbonization of our energy sector is dependent on the development of new technologies. The Advanced Nuclear Study is a good opportunity to examine the viability of innovative nuclear technologies, exposing possible benefits and risks.

With the provisions above, the Conference Committee on HF2310 can take meaningful steps toward responsible conservation and climate mitigation. We respectfully urge your support for the inclusion of these provisions in your conference report, and we look forward to working you throughout this process.

Sincerely,

Nels Paulsen, Policy Director +1 (608) 469-5299
David Pelikan, Policy Associate +1 (262) 685-7265

nels@conservationminnesota.org
david@conservationminnesota.org



Attn: Conference Committee on HF 2310/SF 2438
Re: Lead Sinker Ban in Swan Protection Areas
Date: April 28, 2023
Position: Oppose

Honorable Members of this Conference Committee,

I write you today on behalf of the Congressional Sportsmen's Foundation to respectfully request that while reconciling the differences between the omnibus Environment, Natural Resources, Climate, and Energy bills (House File 2310 and Senate File 2438) that were adopted by your respective chambers, you reject the inclusion of the HF 2310 language that prohibits the use of lead sinkers in designated Swan Protection Areas. Wildlife management decisions made by state agencies across the country, including the Minnesota Department of Natural Resources (DNR), are made at the population-level rather than based on individual instances, and there is no known scientific evidence that suggests lead sinkers impact fish and wildlife species, including swans, at the population-level. Given the scarcity of functionally equivalent non-lead alternatives, a ban on lead sinkers would have deleterious impacts on both conservation funding and on the robust Minnesota sportfishing industry. I respectfully request that you reject any language that would prohibit the use of lead sinkers in any waters.

Founded in 1989, the Congressional Sportsmen's Foundation (CSF) is the informed authority across outdoor issues and serves as the primary conduit for influencing public policy. Working with the Congressional Sportsmen's Caucus (CSC), the Governors Sportsmen's Caucus (GSC), and the National Assembly of Sportsmen's Caucuses (NASC), CSF gives a voice to hunters, anglers, recreational shooters, and trappers on Capitol Hill and throughout state capitols advocating on vital outdoor issues that are the backbone of our nation's conservation legacy.

A functional ban on lead sinkers would jeopardize the state's recreational fishing industry as anglers would have significant difficulties in complying with the requirements of this proposed bill and would therefore be unable to participate. In 2022, DNR Commissioner Sarah Strommen reversed an emergency rule that would have required non-lead ammunition while hunting on specific state lands, citing that such ammunition is "not readily available and could significantly reduce participation."¹ Like non-lead ammunition, there is not enough functionally equivalent, non-lead sinkers to meet the demand of the many sportsmen and women that annually contribute to Minnesota's storied outdoor traditions and bolster its economy.

Minnesota enjoys extreme benefits from its recreational fishing industry. According to the Minnesota Sportfishing Foundation Coalition, fishing supports over 28,000 jobs and generates more than \$4.4 billion annually for the state's economy, and more than a quarter of Minnesotans participated in fishing in 2022.² Further, through the unique "user pays – public benefits" approach of the American System of Conservation Funding, state fish and wildlife management agencies derive significant portions of their funding through license sales and excise taxes on outdoor goods such as fishing rods, tackle, motorboat fuel, and other angling-necessities.³ Because anglers would be challenged to fully comply with the requirements of HF 2368, they would likely be discouraged from purchasing a fishing license or these outdoor goods. In 2021, the sale of fishing licenses alone provided the Minnesota DNR with more than \$36.5 million, and excise taxes on

¹ *Minnesota State Register*, 47 SR 394, October 24, 2022. https://mn.gov/admin/assets/SR47_17%20-%20Accessible_tcm36-544924.pdf

² *MN-Fish*, "State of Minnesota Fishing Summit 'Great Success'" Accessed January 27, 2023. https://mn-fish.com/state-of-minnesota-fishing-summit-great-success/?utm_source=rss&utm_medium=rss&utm_campaign=state-of-minnesota-fishing-summit-great-success

³ *Congressional Sportsmen's Foundation*, "American System of Conservation Funding," Accessed January 30, 2023. <https://congressionalsportsmen.org/policies/state/ascf>

Your Inside Connection to Outdoor Legislation

outdoor goods generated an additional \$14.7 million.⁴ Banning lead sinkers creates a significant barrier to participation and puts this much-needed conservation funding at risk.

Finally, science-based management decisions made by state fish and wildlife agencies across the country are not made based on individual instances, but rather at the population-level, and yet there is no scientific evidence that suggests that lead sinkers impact fish and wildlife populations at the population-level. Management of swan populations should not follow a different standard than is applied to other Minnesota species managed by the DNR.

I respectfully urge the members of this Conference Committee to reject the inclusion of any language that prohibits the use of lead sinkers in Minnesota's waters. There is no scientific evidence that indicates lead sinkers threaten fish and wildlife at the population level in Minnesota, but lead sinkers are a foundational component of an extremely strong and important pillar of Minnesota's economy and conservation funding. This ban would render many Minnesotans unable to participate in fishing, a time-honored tradition that has supported the state for generations, due to a significant lack of available functionally equivalent and affordable non-lead sinkers.

Sincerely,



Robert Matthews

Senior Coordinator, Great Lakes States

Congressional Sportsmen's Foundation

rmatthews@congressionalsportsmen.org | 517-210-2890

⁴ *Congressional Sportsmen's Foundation*, "2022 ASCF Fact Sheet – Minnesota."



Attn: Conference Committee on HF 2310/SF 2438
Re: Taking of Wolves
Date: April 28, 2023
Position: Oppose

Honorable Members of this Conference Committee,

I write you today on behalf of the Congressional Sportsmen's Foundation to respectfully request that while reconciling the differences between the omnibus Environment, Natural Resources, Climate, and Energy bills (House File 2310 and Senate File 2438), that were adopted by your respective chambers, you reject the inclusion of the HF 2310 language that prohibits the taking of wolves in Minnesota. Professional, scientific management of many wildlife populations includes the use of hunting, and contributes to their healthy, sustainable populations while avoiding many societal conflicts. I respectfully request that you reject any language that would prohibit the regulated taking of wolves, as proscribed by the Minnesota Department of Natural Resources (DNR).

Founded in 1989, the Congressional Sportsmen's Foundation (CSF) is the informed authority across outdoor issues and serves as the primary conduit for influencing public policy. Working with the Congressional Sportsmen's Caucus (CSC), the Governors Sportsmen's Caucus (GSC), and the National Assembly of Sportsmen's Caucuses (NASC), CSF gives a voice to hunters, anglers, recreational shooters, and trappers on Capitol Hill and throughout state capitols advocating on vital outdoor issues that are the backbone of our nation's conservation legacy.

Wolf populations have far exceeded the recovery goals set by both the United States Fish and Wildlife Service (USFWS) and the Minnesota DNR with more than 2,700 wolves now inhabiting the state. The USFWS recovery goal has long been accomplished and it is overdue to delist this population from the federal list of endangered species and to have the DNR assume all management responsibility for this species within Minnesota. Presently, Minnesota's wolf population exceeds the DNR's goal of 1,600 wolves by more than 168%, and the DNR is equipped with the tools to manage their population, including through regulated hunting. The constantly growing wolf population threatens the health of the state's other important wildlife species and continues to negatively impact the state's livestock industry through depredation.

This legislature should not prohibit the DNR from utilizing wildlife management techniques that have been proven countless times to contribute to sustainable, managed wolf populations. Once wolves are inevitably removed from federal protections, the DNR will need the flexibility provided by having access to all tools associated with wolf management to manage the species properly and holistically, which includes hunting.

I respectfully request that you reject the inclusion of language that prohibits the taking of wolves.

Sincerely,

Robert Matthews

Senior Coordinator, Great Lakes States
Congressional Sportsmen's Foundation
rmatthews@congressionalsportsmen.org | 517-210-2890

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April 26, 2023

To:

Governor, Tim Walz

Lieutenant Governor, Peggy Flanagan

Representative Melissa Hortman, Speaker of the House

Representative Jamie Long, House Majority Leader

Representative Patty Acomb, Chair, House Climate and Energy Finance and Policy Committee Representative

Rick Hansen, Chair, House Environment & Natural Resources Finance & Policy
Committee

Senator Kari Dziedzic, Senate Majority Leader

Senator Nick A. Frentz, Chair, Senate Energy, Utilities, Environment, and Climate Committee

Senator Foug Hawj, Chair, Senate Environment, Climate, and Legacy Committee

Minnesota Department of Agriculture

Thom Peterson, Commissioner : Thom.Peterson@state.mn.us

Andrea Vaubel, Deputy Commissioner : Andrea.Vaubel@state.mn.us

Peder Kjeseth, Assistant Commissioner : Peder.Kjeseth@state.mn.us

Minnesota Pollution Control Agency

Katrina Kessler, Commissioner : Katrina.Kessler@state.mn.us

Kirk Koudelka, Assistant Commissioner : Kirk.Koudelka@state.mn.us

Frank Kohlasch, Assistant Commissioner : Frank.Kohlasch@state.mn.us

Minnesota Department of Natural Resources

Sarah Strommen, Commissioner : Sarah.Strommen@state.mn.us

Shannon Lotthammer, Assistant Commissioner : Shannon.Lotthammer@state.mn.us

Minnesota Department of Commerce

Grace Arnold, Commissioner : commissioner.commerce@state.mn.us

Michelle Gransee, Deputy Commissioner : Michelle.Gransee@state.mn.us

RE: Emerald Ash Borer/St. Paul Cogeneration

We are writing to make you aware that the state's largest biomass-fired combined heat and power plant, St. Paul Cogeneration, LLC (SPC), will be forced to cease operations if funding is not secured to support the use of biomass fuel from metro region tree waste. SPC's power purchase agreement (PPA) expires the end of 2024, but current economic conditions all but guarantee that the business will be forced to shut down sooner if sufficient funding is not secured this session.

The reason for this is straightforward: the legislation passed in 2021 caps the amount SPC can charge for the electricity it generates. Given that rate coupled with the rapid and unexpected changes in market conditions that occurred between 2021 and today, SPC is currently operating at a loss. Simply put, inflation has put SPC into the red. In addition, the 2021 legislation and resulting Public Utilities Commission approval, set the expectation that any future extension of SPC's PPA beyond 2024 would require further reduction in the price

for the electricity it sells. This reality makes it impossible to chart a path forward that does not include a fuel subsidy. Generating energy from biomass is a capital-intensive business. To maintain operational viability, multi-year revenue certainty is needed to make necessary capital investments and repairs. SPC currently has no such certainty, and 20 months left on a PPA that is generating insufficient revenue to cover costs.

It is SPC's understanding that all stakeholders involved: the counties, municipal governments, and state government, want SPC to continue providing the service of managing the metro region's tree waste by using biomass fuel processed from 250,000 tons of it each year. Many have stated it is critical for SPC to do so since it manages approximately 2/3 of the tree waste generated in the metro and surrounding counties. It is also the understanding of SPC that there is no credible, cost-effective, near-term alternative to SPC in place or in planning to manage this quantity of tree waste. That is also the conclusion of an October 2022 EAB study completed by Cambium Carbon for the Partners on Waste and Energy (PWE). That study states "Without (St. Paul Cogeneration's) processing capacity, it is impossible to absorb current material volumes through other offtake channels."

To maintain financial viability, funding of \$20 per ton of biomass fuel is needed to make the economics of renewable power generation viable at SPC. At 250,000 tons of biomass from processed tree waste per year, that comes out to approximately \$5M per year. Multi-year certainty of that funding is needed to make necessary capital investments and repairs.

SPC is agnostic on the exact mechanism by which such a subsidy is generated. However, whatever solution is arrived at must provide funding certainty and stability over a significant length of time for the business to be viable. Given the current state of the EAB epidemic, SPC has suggested a one-time appropriation of \$35M to a special revenue fund as the solution. Funding at that level would allow SPC to operate until 2030. At present, the House position in the Environment Omnibus Finance bill would provide \$28M in funding for this purpose. This presents a less optimal solution, but still provides sufficient certainty and a long enough runway for the stakeholders involved to work on a sustainable solution while SPC continues to provide the public service of using 250,000 tons of biomass fuel from tree waste annually.

SPC is very much in favor of the creation of a functional, properly monetized waste stream management system for tree waste, and is prepared to engage in any process that state, county, and municipal government would like to initiate to design and implement that system. It is SPC's understanding that MPCA has the technical expertise necessary to lead that effort. SPC would be extremely grateful for their leadership on this issue. However, as a private company SPC is at a make-or-break point now. SPC simply cannot continue to provide the service of using 250,000 tons of biomass fuel from tree waste annually unless a long-term source of funding providing \$20 per ton is made available. Lacking that, SPC will inevitably be left with the decision to cease operations to mitigate financial losses, and sell off assets. To avoid this outcome, SPC would strongly support setting up a special revenue account at the level of the House position and adding language requiring that the appropriate agency be empowered to work with all necessary stakeholders to create a functional, monetized waste stream for tree waste management, and provide reports back to the Legislature. Once that stream is operational, all funds remaining in that special revenue account should revert back to the appropriate agency. Given the continuing ravages of the EAB pandemic, this funding will no doubt be sorely needed in the years to come.

SPC is proud to have provided the service of managing large volumes of metro region tree waste for past 20 years. A creative public private partnership that resulted from legislative action in the 1990s that caused SPC to be developed with private funding to manage a significant regional tree waste management issue by generating energy from it. It is SPC's sincere wish that the economics of generating energy from biomass fuel

would allow it to continue to provide this service with minimal cost to stakeholders, but that is no longer possible. Instead, SPC can provide the following value proposition: a significant portion, around 80%, of the cost to manage regional tree waste is paid for by selling renewable electricity to Xcel Energy and hot water to District Energy to heat buildings. Instead of using natural gas, approximately 50 percent of the heat District Energy needs for the annual heating load of 32 million square feet of buildings in downtown Saint Paul, including the Capitol Complex is generated by SPC. This approach also keeps millions of dollars spent on tree waste processing and management in the metro while reducing the use of fossil fuels. With time to work the problem and seek new efficiencies, it is our wish to make that value proposition even stronger.

We are now less than a month away from the end of the 2023 legislative session, and given the historic nature of Minnesota's budget surplus and the targets negotiated by the Governor, House, and Senate, there is without question the funding available to address this particular issue at clearly a critical time. To reiterate: SPC is fully committed to working with all stakeholders to find a more sustainable solution with regards to tree waste management. That said, SPC simply cannot continue to limp along with short term solutions that result in increased business risk and at best works for two or possibly three years with no guarantee that a sustainable solution will be found. Under such uncertain conditions the correct business decision would be to shut down.

We understand that such a decision would severely undermine the functioning tree waste management system currently serving the metro region, and would force stakeholders and hundreds of vendors to make difficult decisions about how to manage tree waste disposal without SPC and EWS. Unfortunately, we are quickly approaching the point where SPC will be left with no other alternative.

Sincerely,

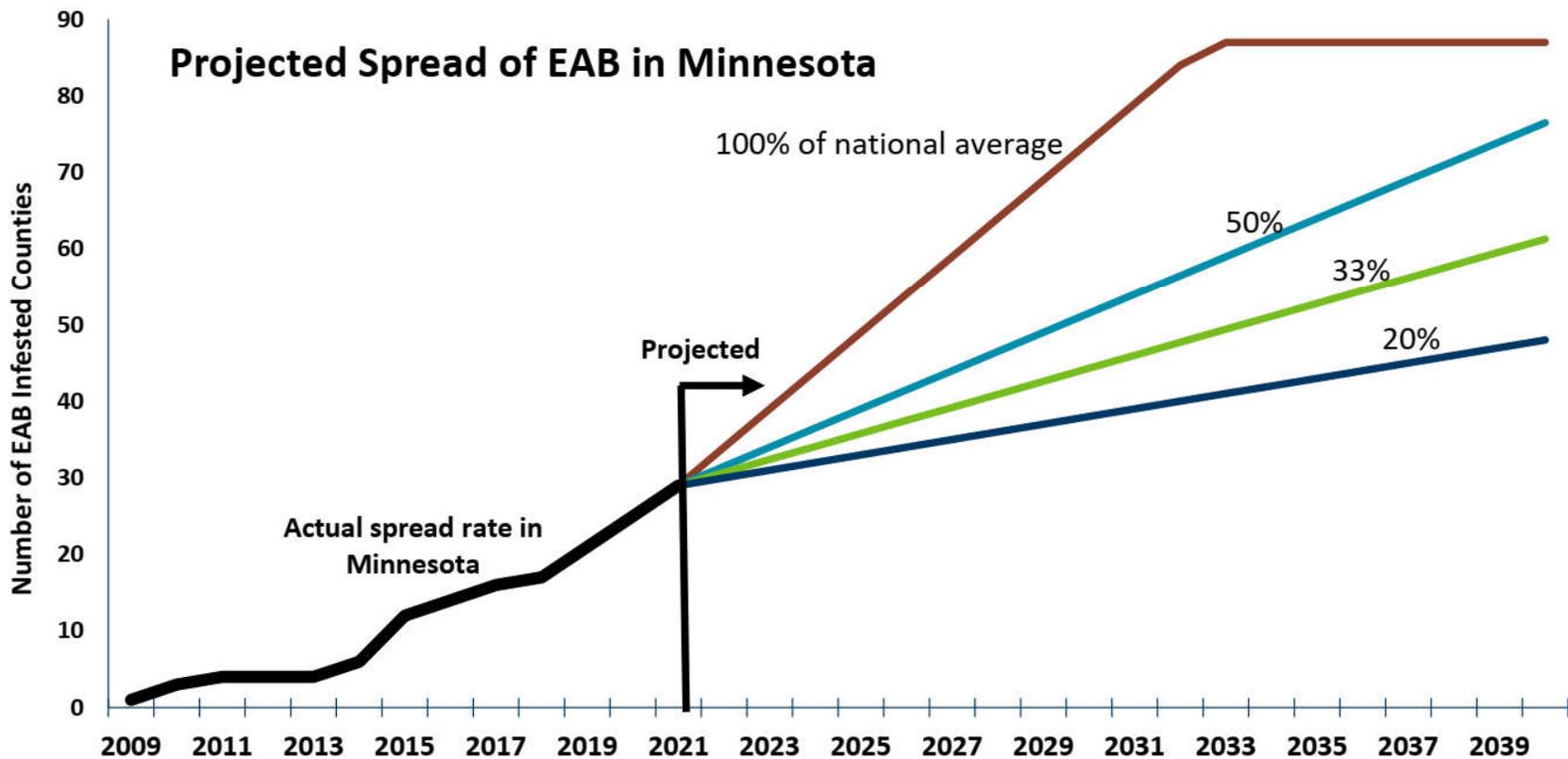


Ken Smith, CEO

EAB Impact on Community Tree Removals – How Much Wood is Left?



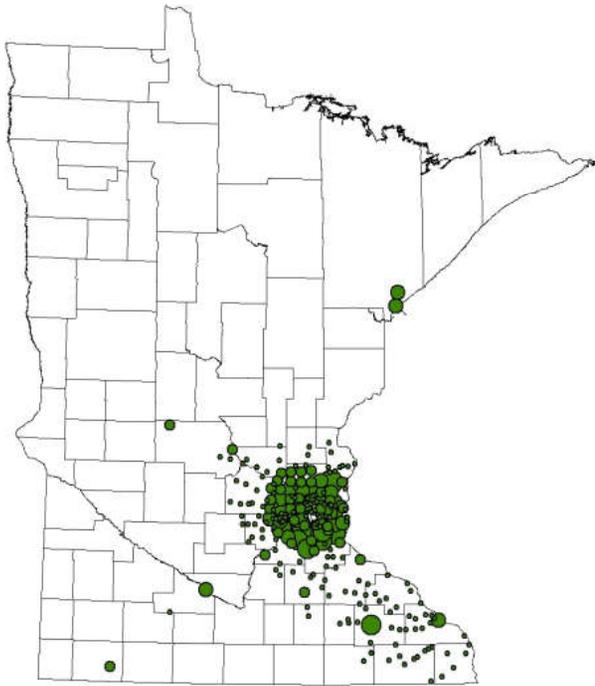
EAB Impact on Community Tree Removals – How Much Wood is Left?



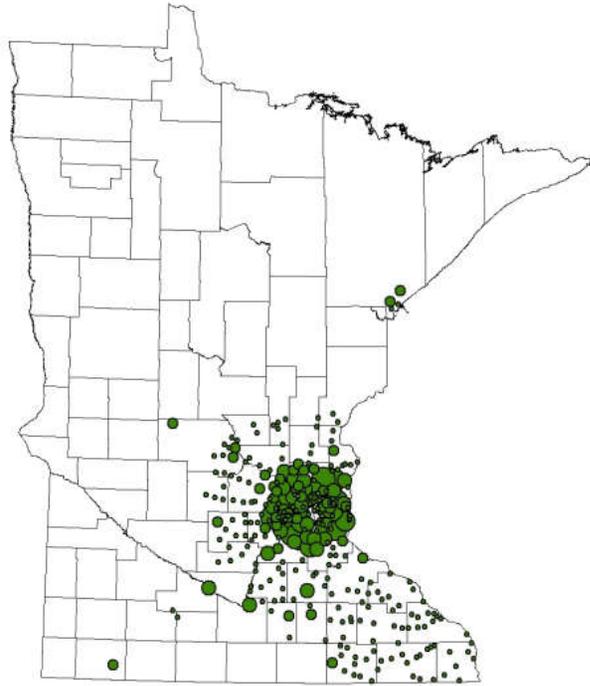
EAB Progression through Minnesota Cities

Estimated yearly ash removals

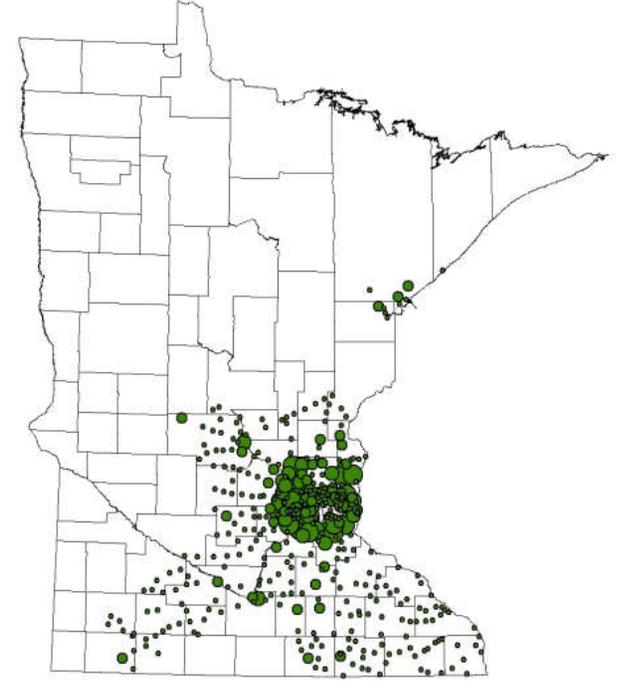
2025



2027



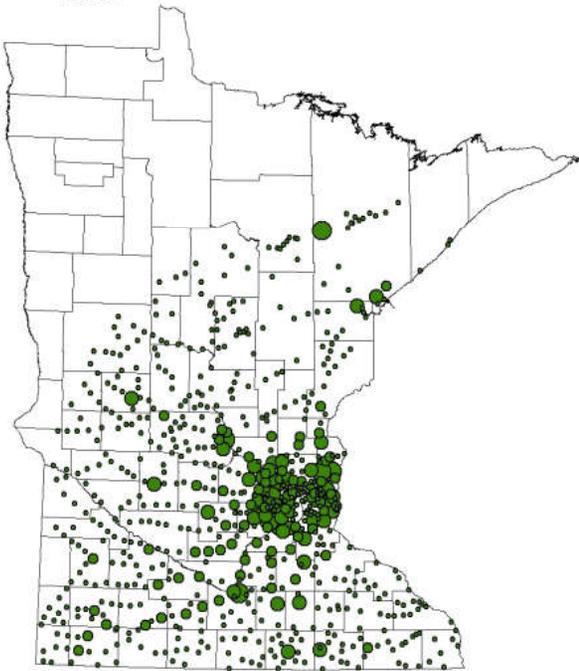
2029



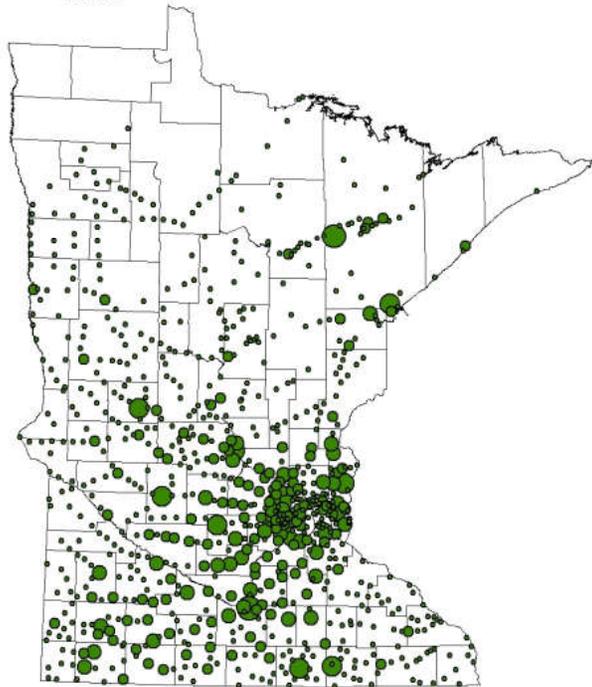
EAB Progression through Minnesota Cities

Estimated yearly ash removals

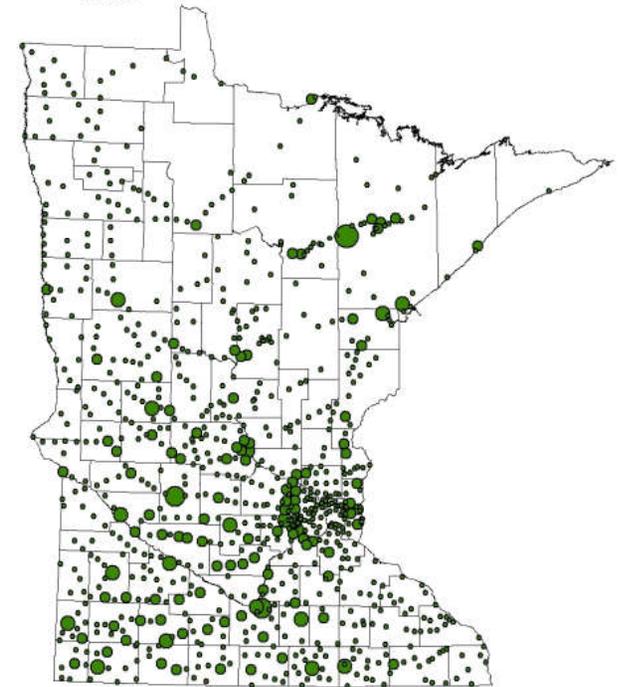
2035



2037



2039



In 2019 St. Paul Cogen/Environmental Wood Supply experienced a significant increase in tree waste from EAB at the Pigs Eye Wood Recycling Center.

An independent 2022 study estimates that SPC/EWS manages 2/3 of the wood waste in the Twin Cities Metro.

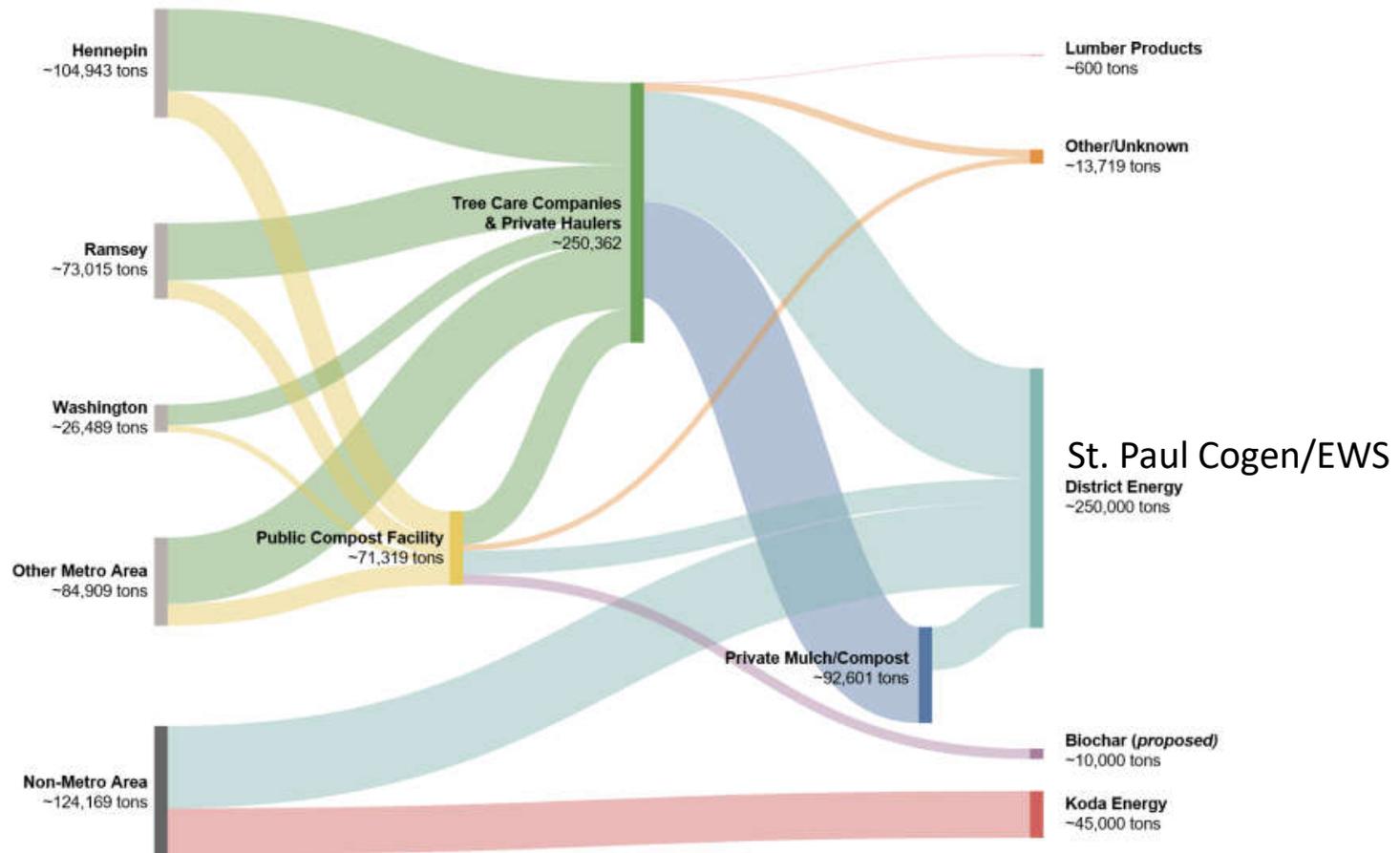


Figure 8: Twin Cities Wood Waste Flow Sankey Diagram (Illustrative Only)

Source: Twin Cities Metro Area Emerald Ash Borer Wood Waste Study prepared for Partnership on Waste & Energy by Cambium Carbon October 2022

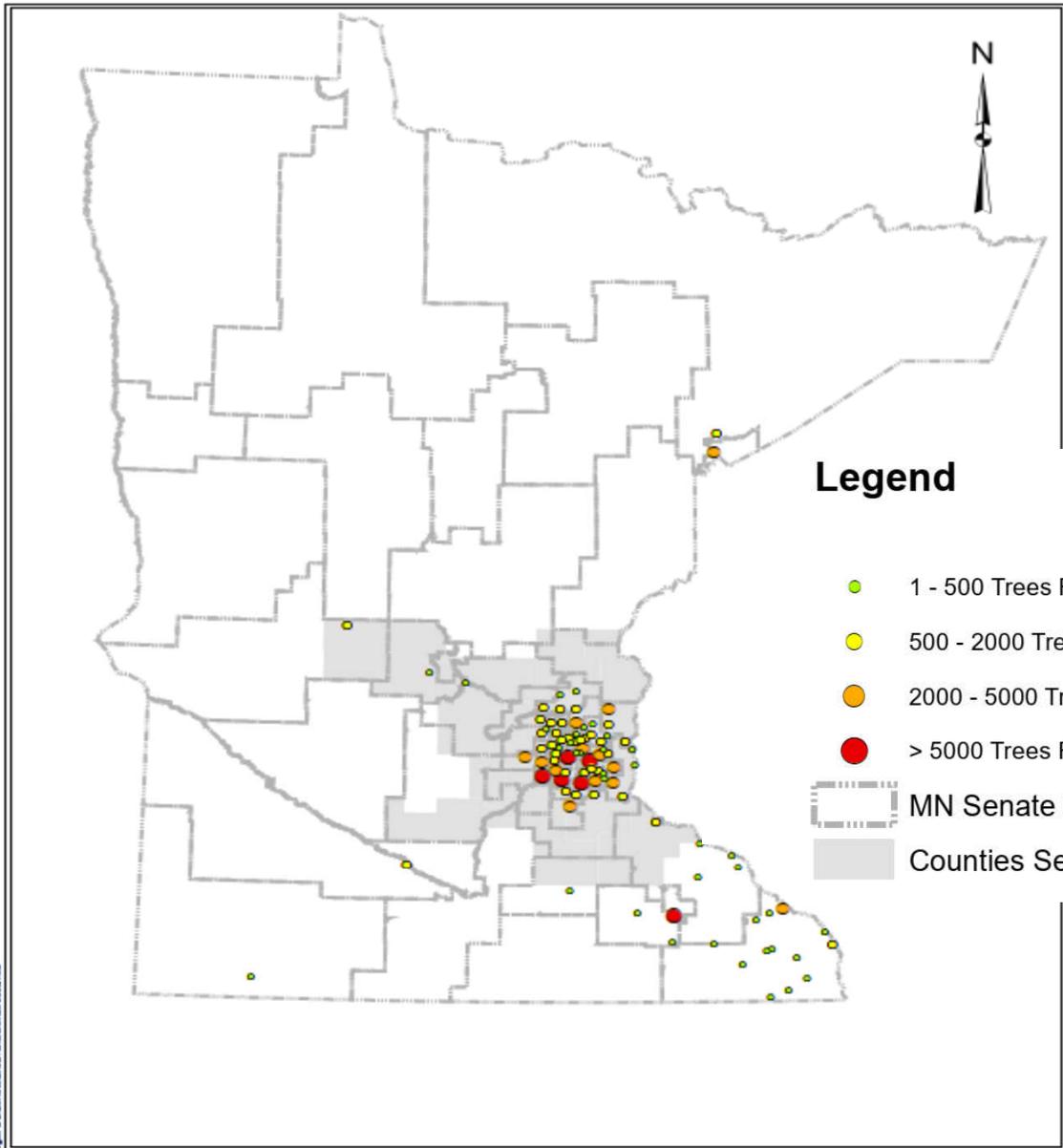
In 2022 SPC/EWS had to curtail drop off of brush and logs at the Pigs Eye Wood Recycling Center for 9 weeks due to a lack of space and safety concerns...

It was a first since beginning operation in 2003.

Pigs Eye Wood Recycling Center



The maps that follow display MDA's projections for estimated ash tree removals by year with volumes color coded for clarity.

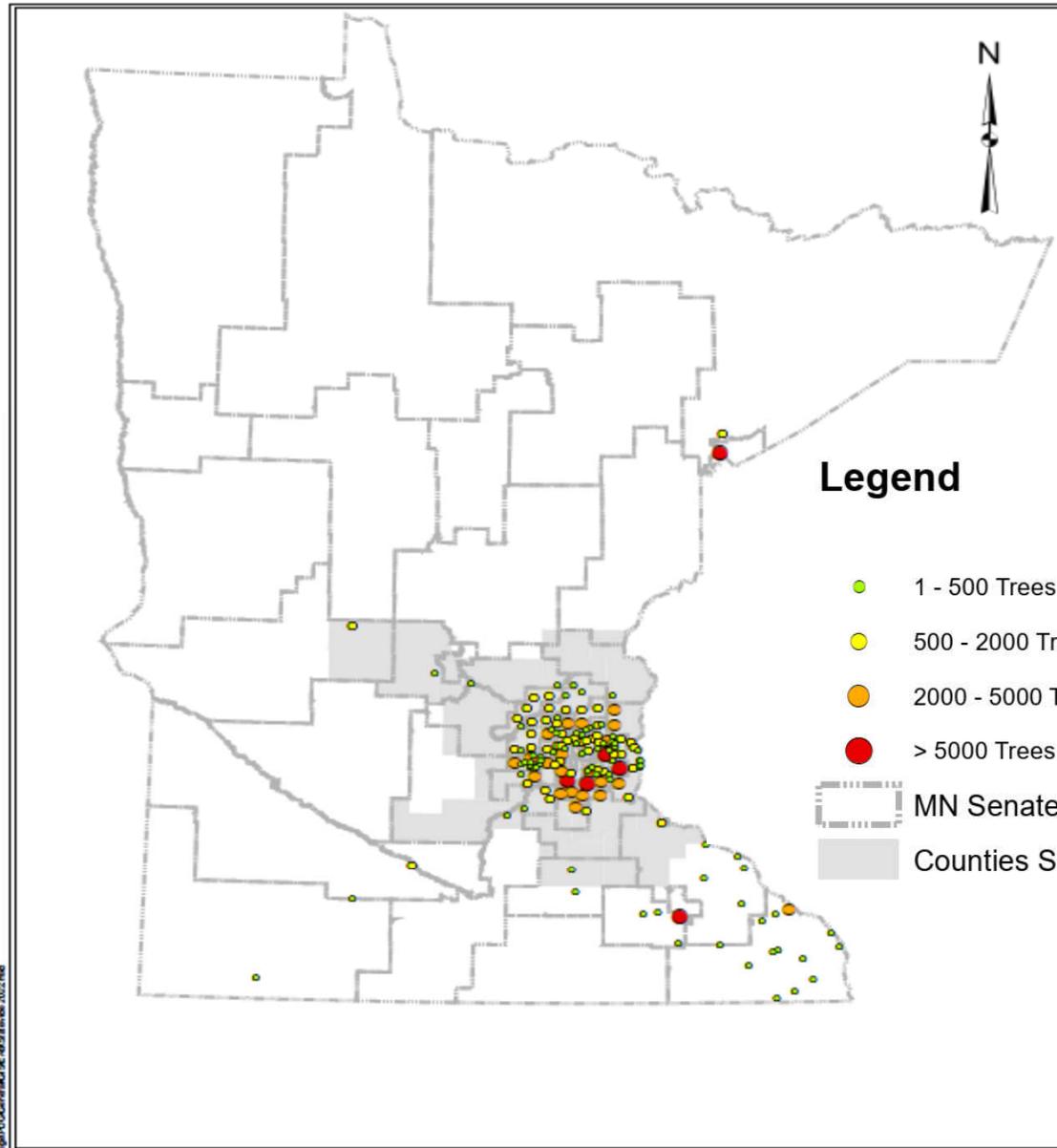


2019

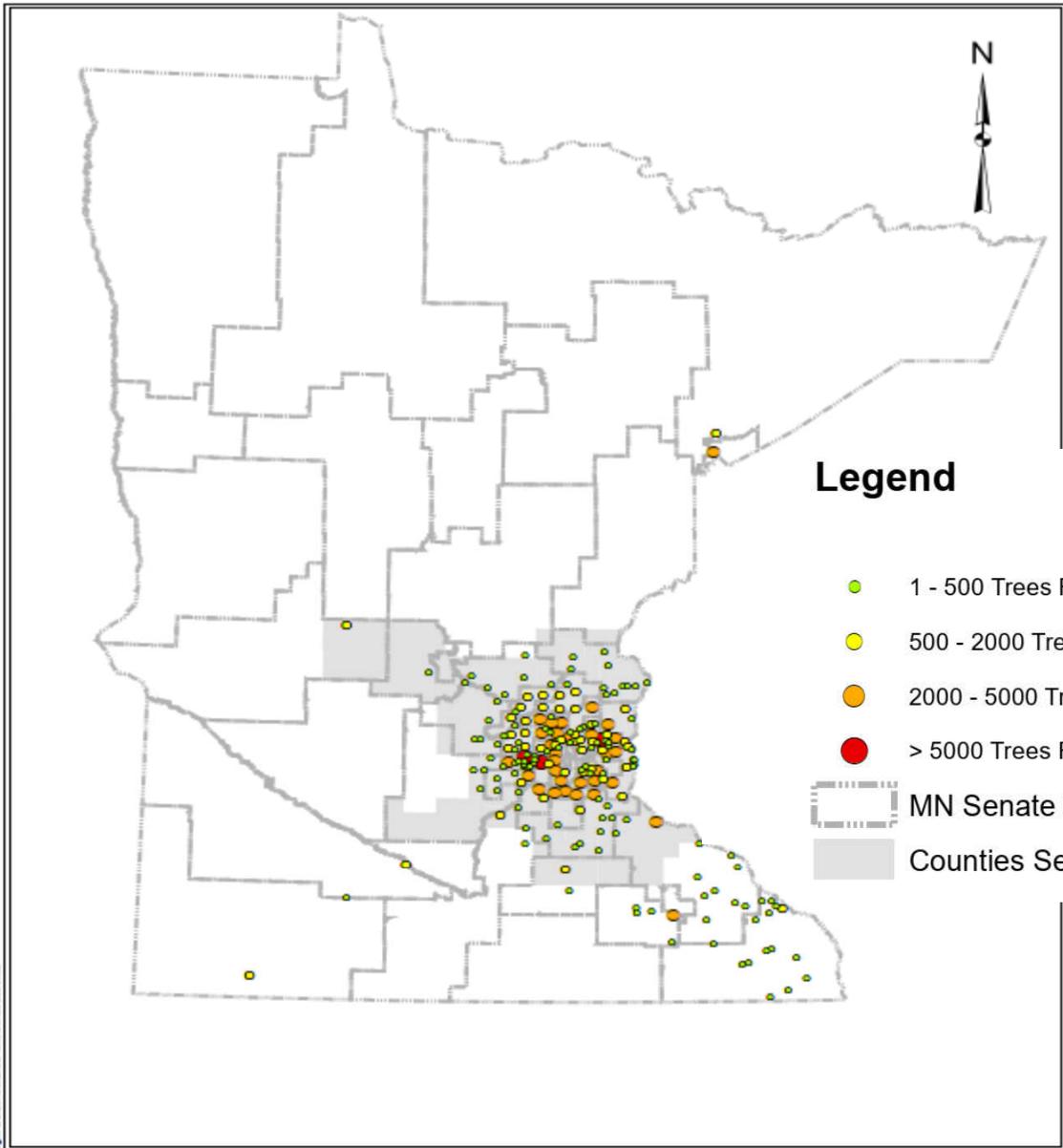
MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY
2019

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2022



MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY
2022



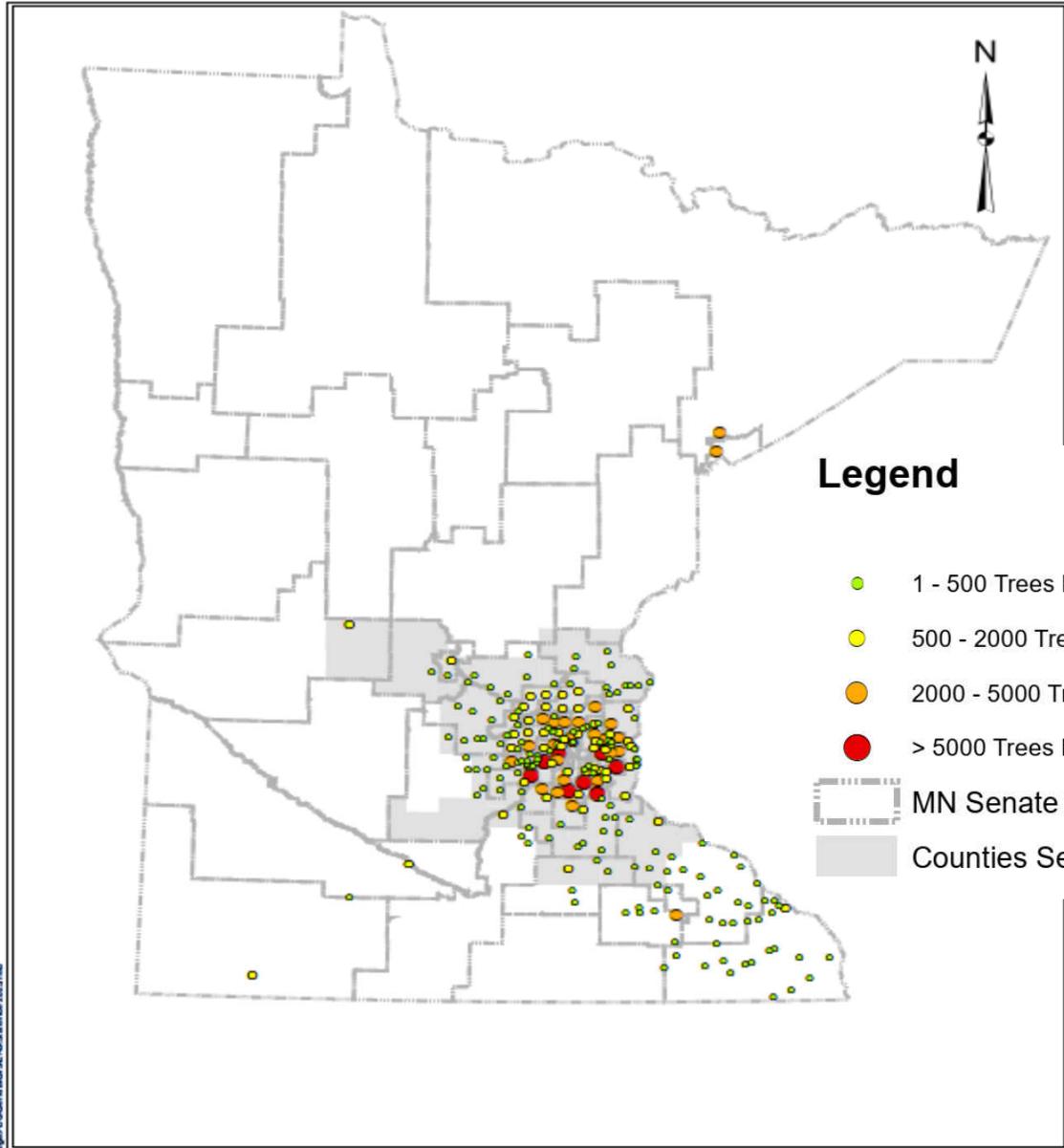
2024

Legend

- 1 - 500 Trees Removed
- 500 - 2000 Trees Removed
- 2000 - 5000 Trees Removed
- > 5000 Trees Removed
- MN Senate Districts
- Counties Served By EWS 2021-2022

**MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY
2024**

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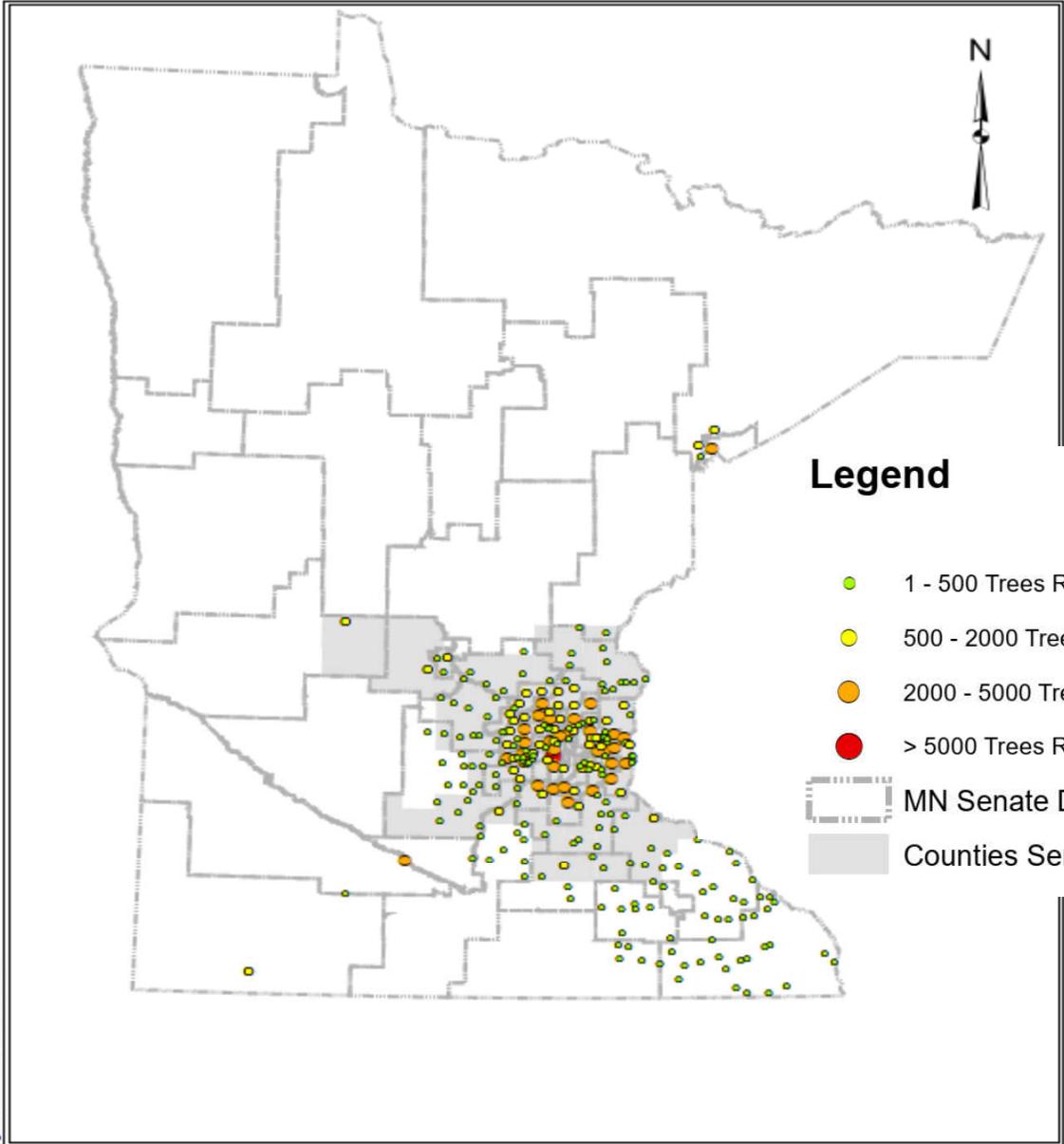
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**MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY
2025**

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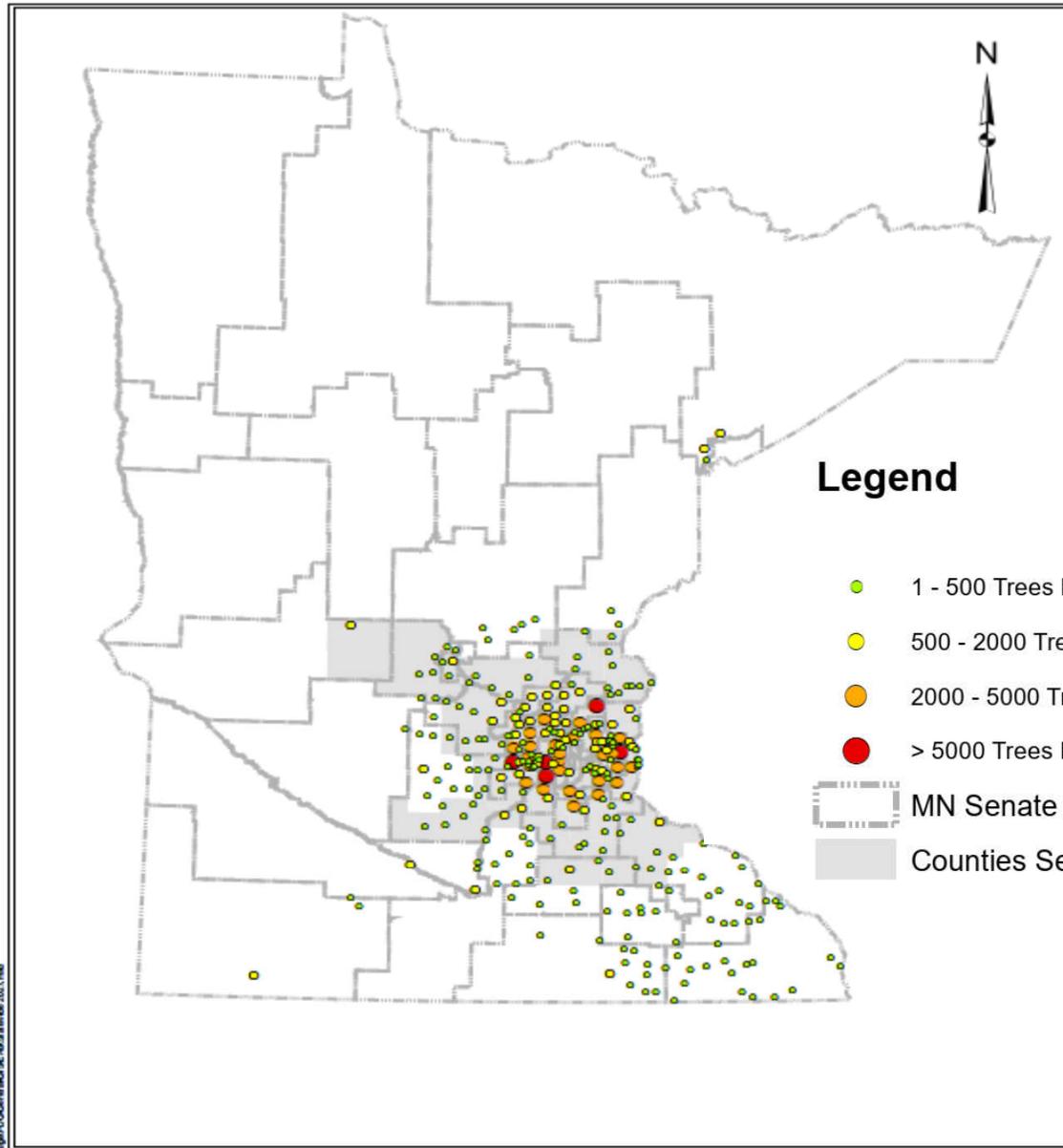
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MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY
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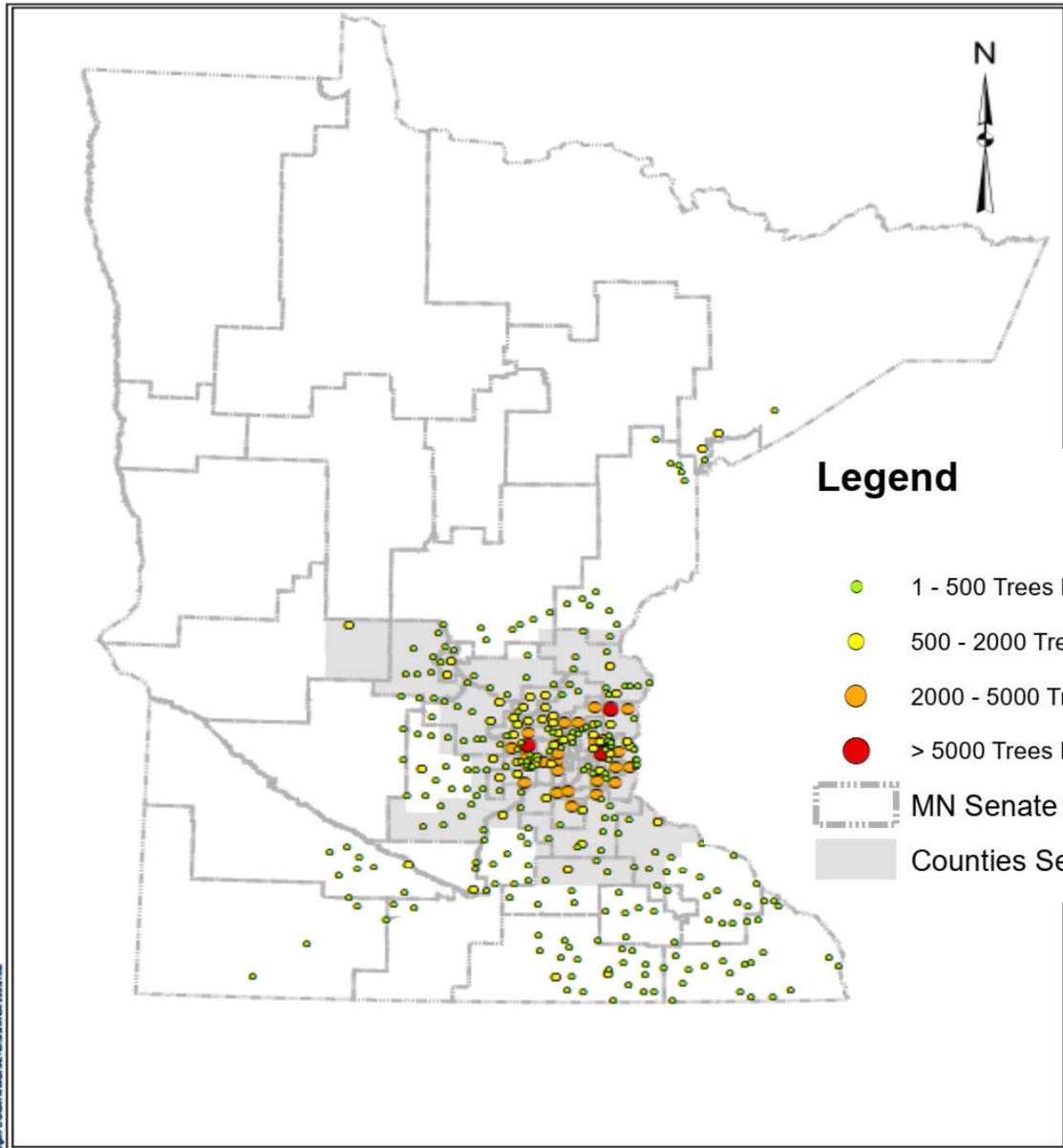


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MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY
2027



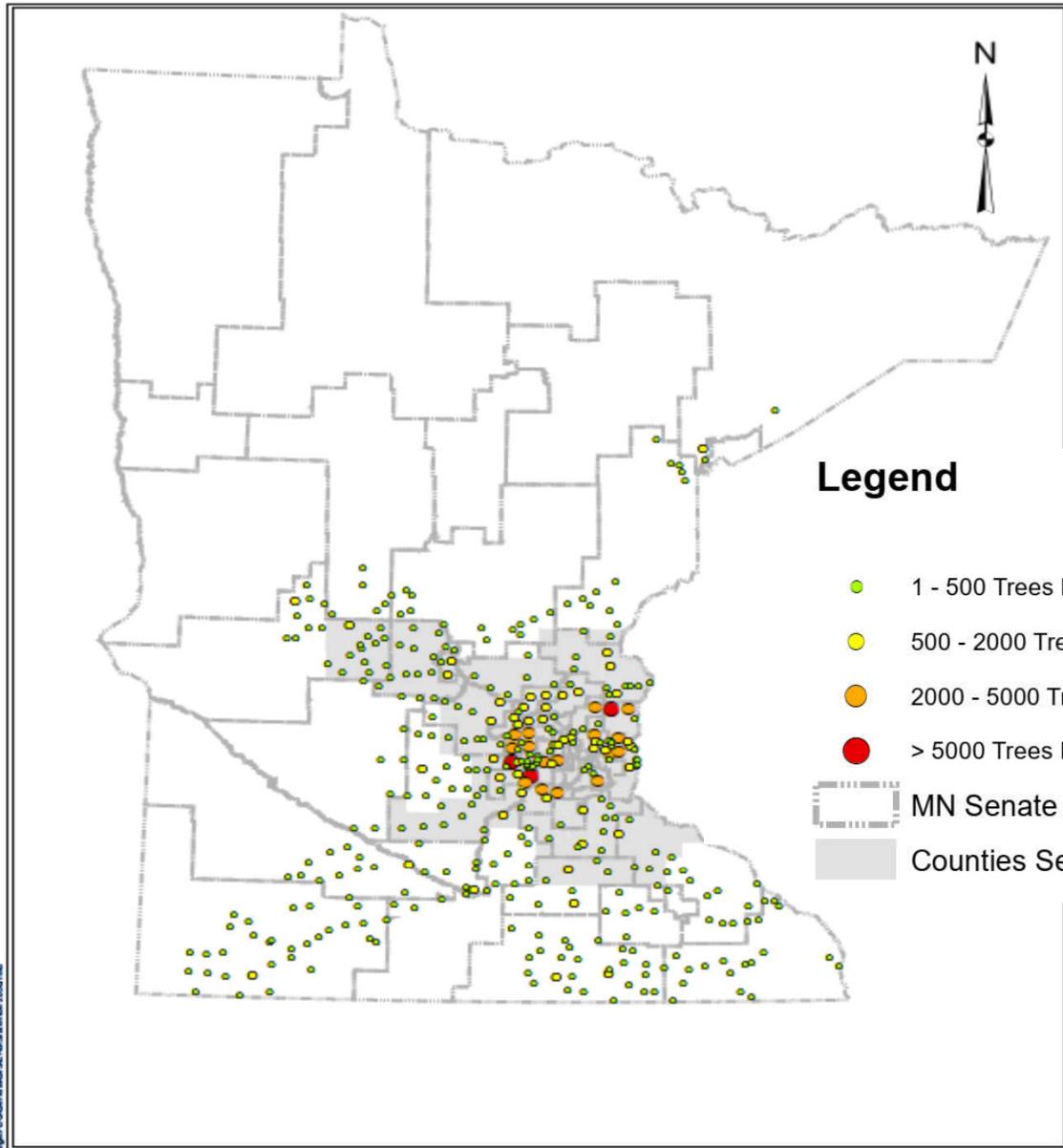
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**MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY
2028**

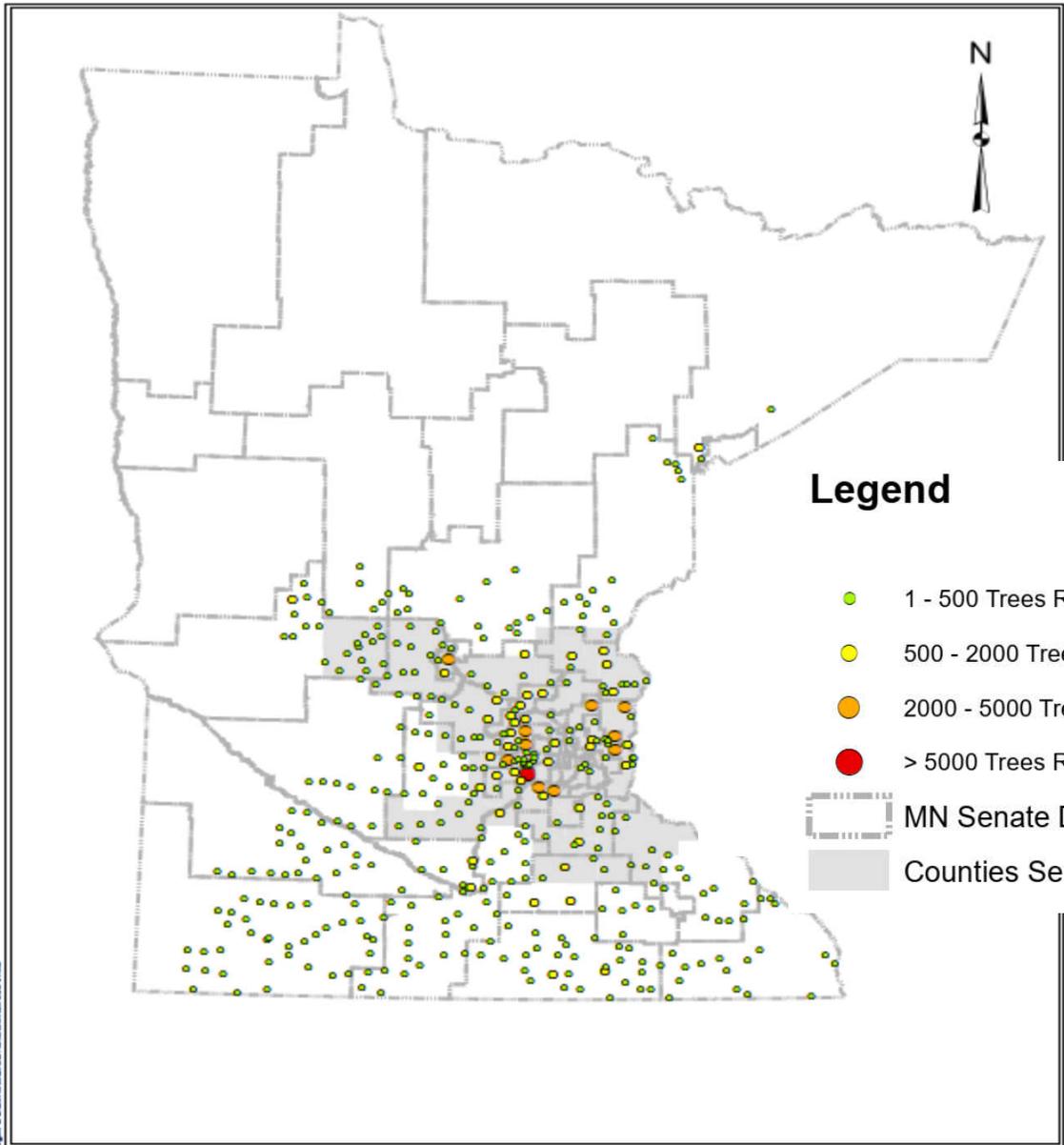
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2030

MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY
2030

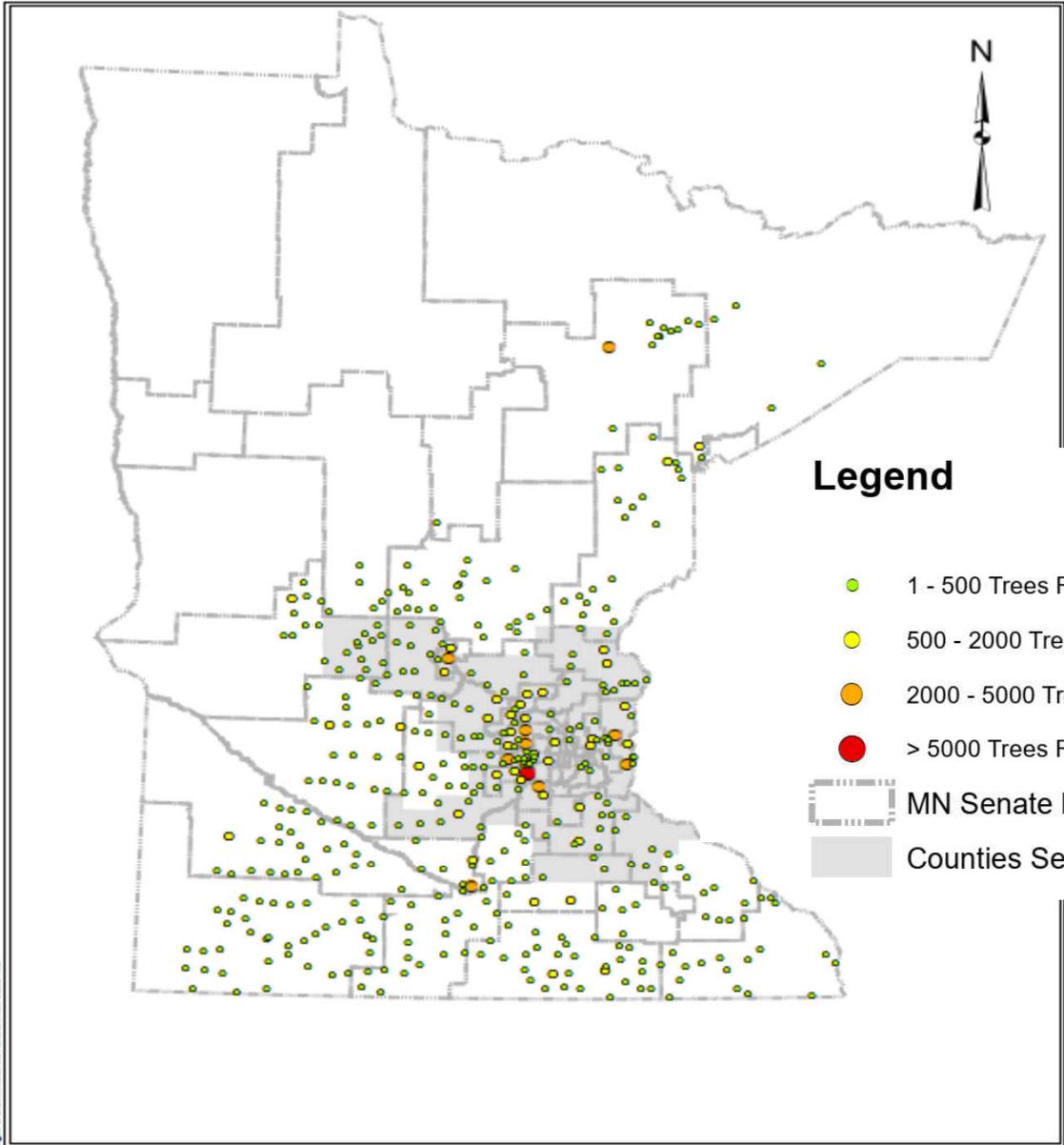
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2031

MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY
2031

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2032

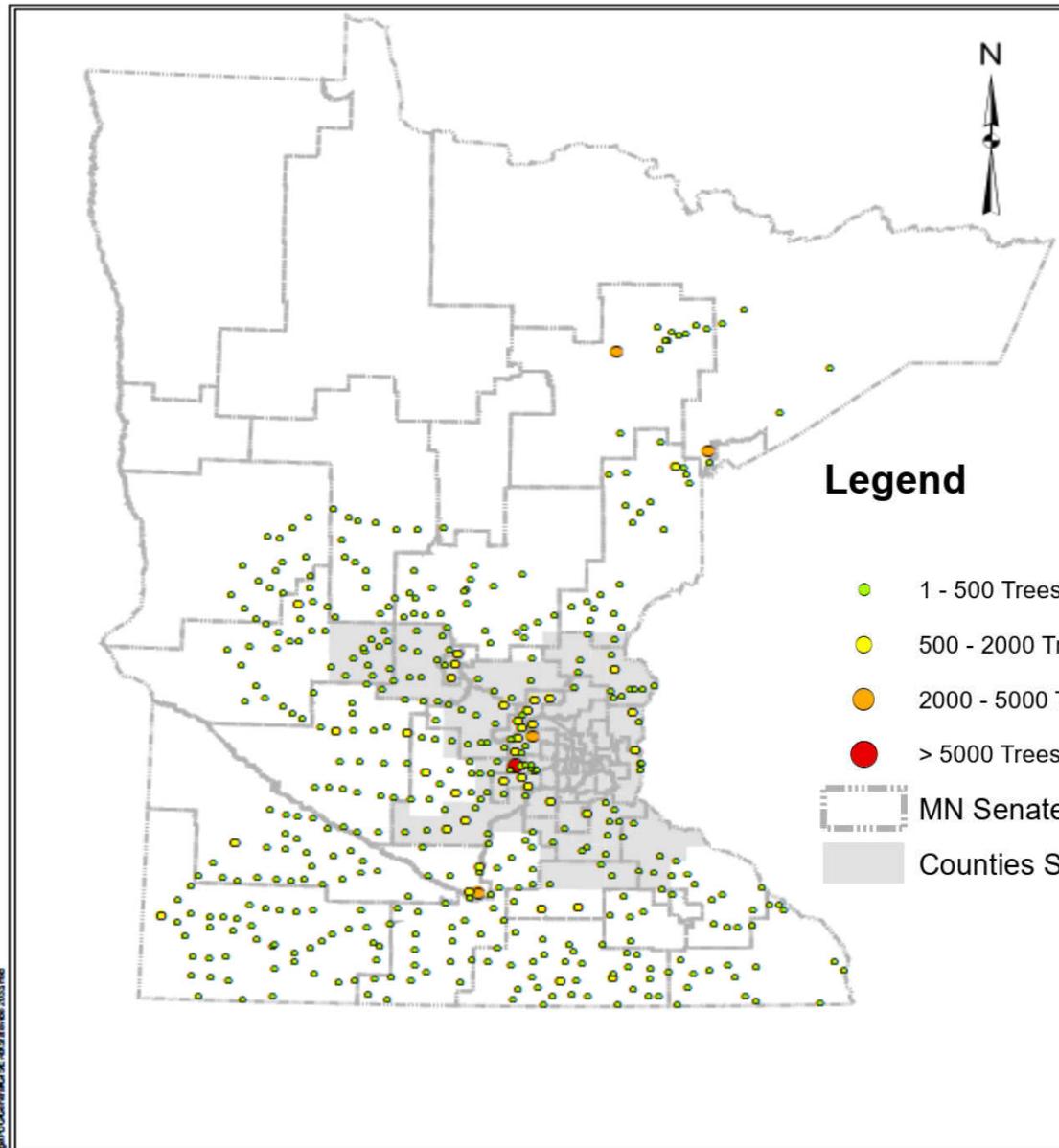
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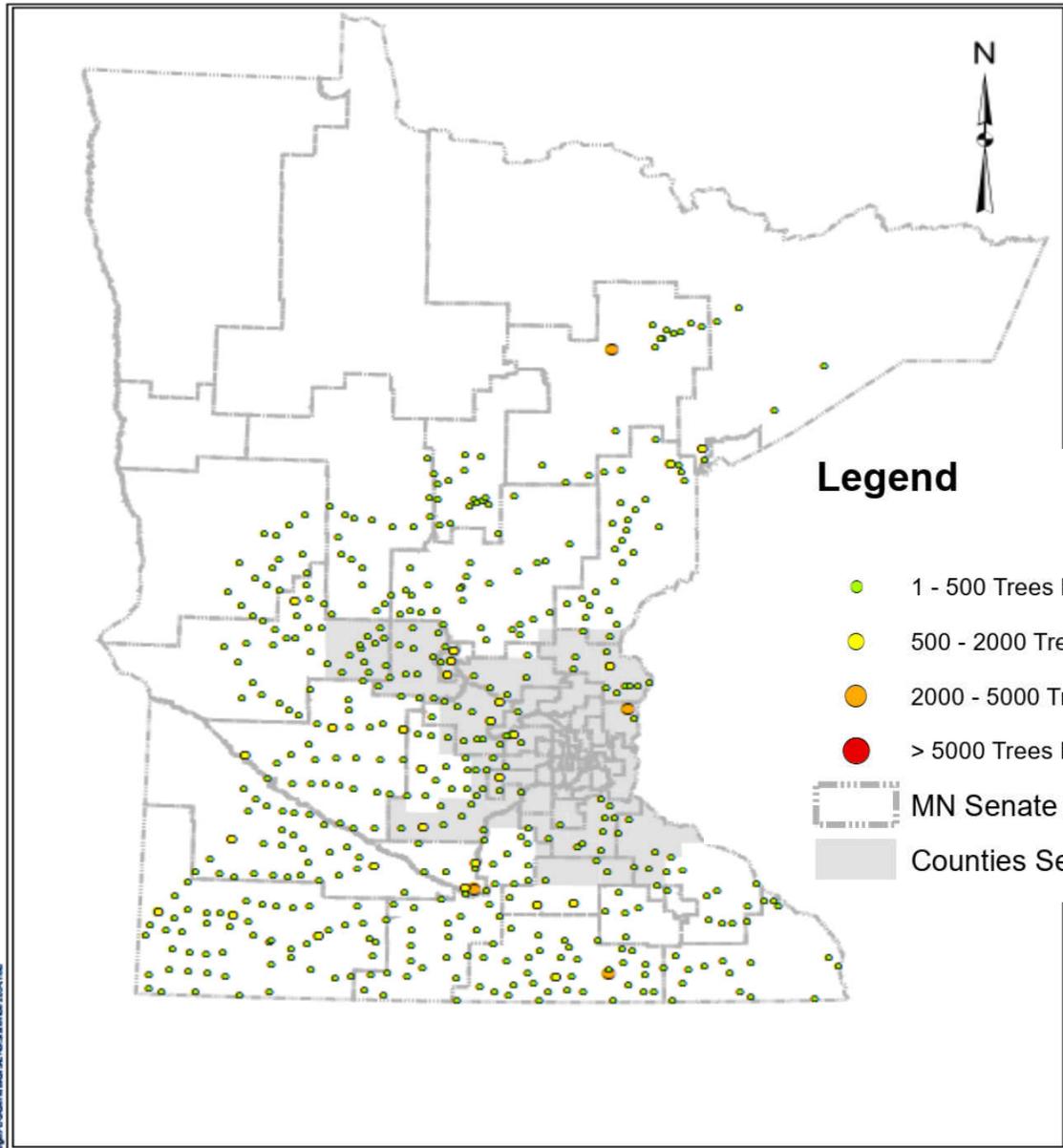
**MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY
2032**

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2033



MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY
2033



2034

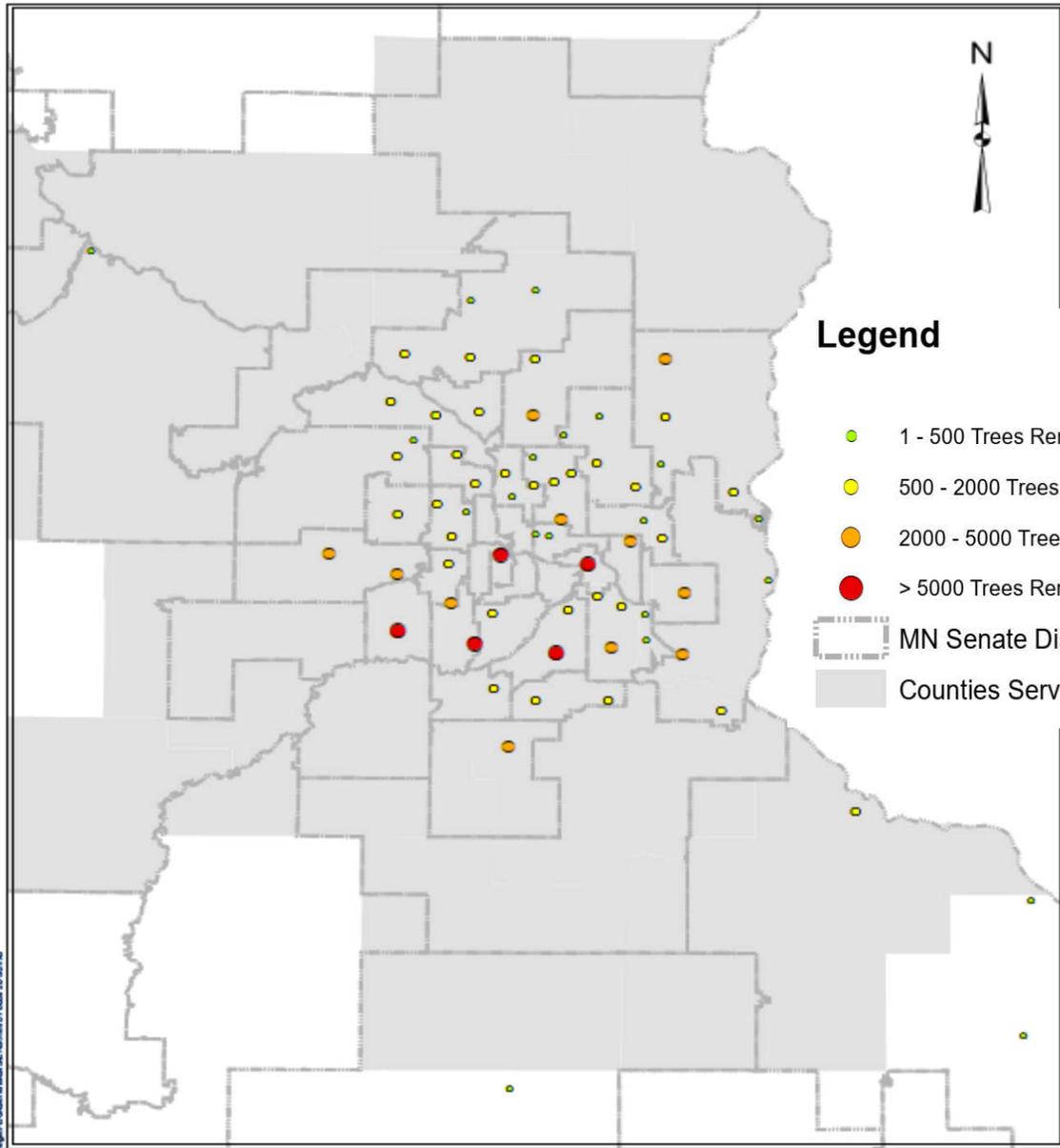
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- Counties Served By EWS 2021-2022

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**MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY
2034**

Metro 2019



Legend

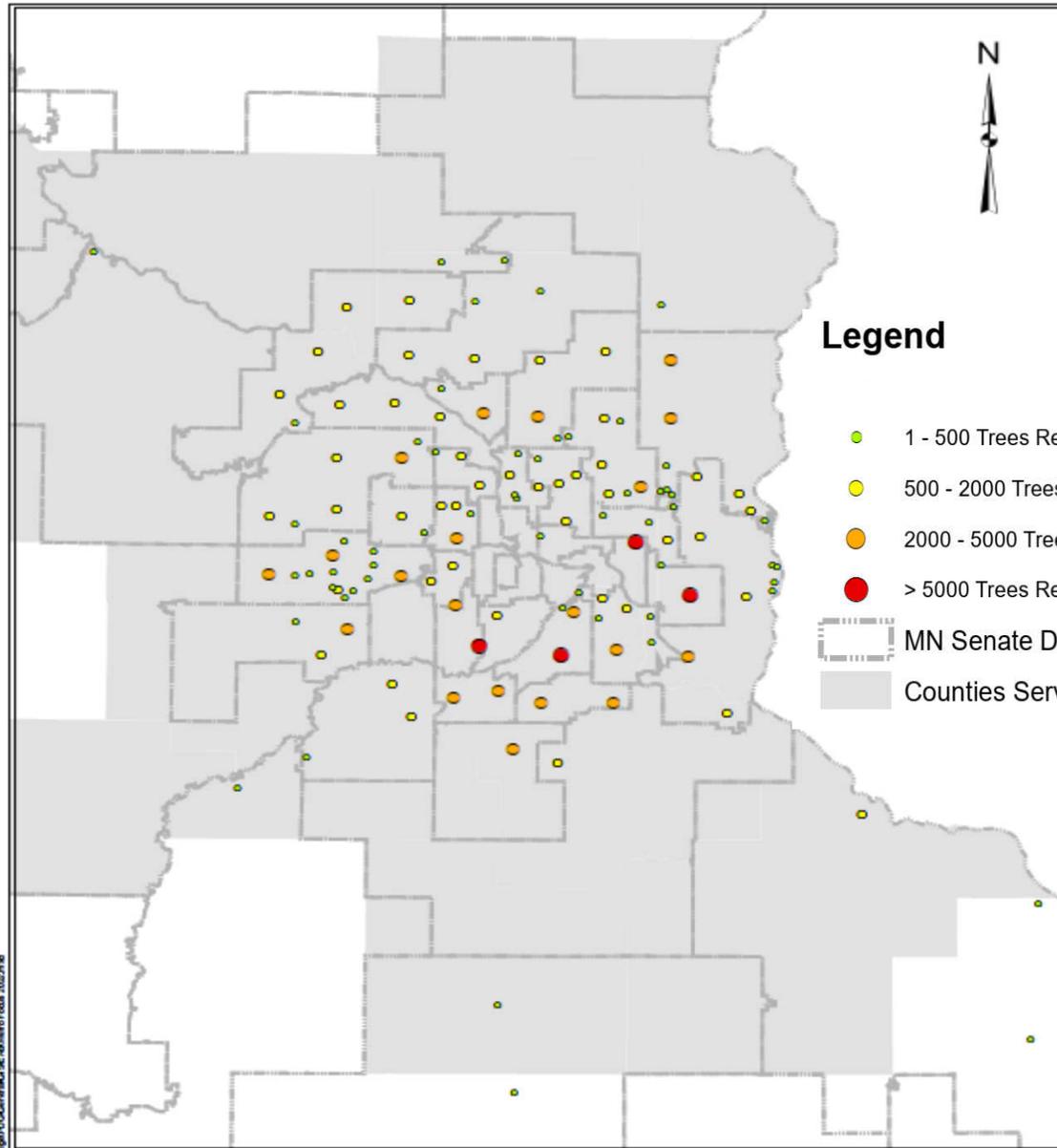
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- ▭ Counties Served By EWS 2021-2022

MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY (METRO)
2019

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Metro

2022

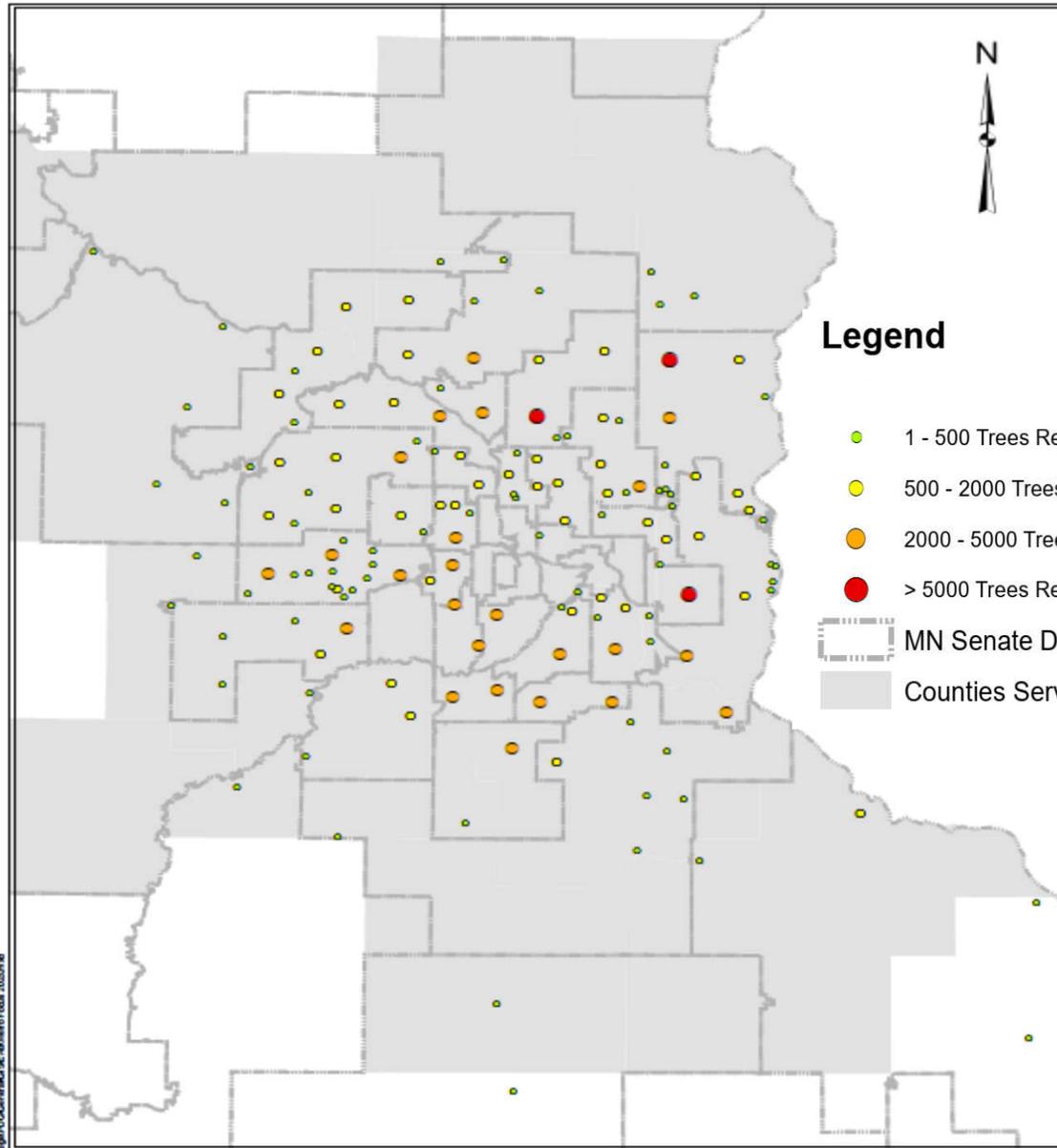


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- ▭ Counties Served By EWS 2021-2022

MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY (METRO)
2022

Metro 2023



Legend

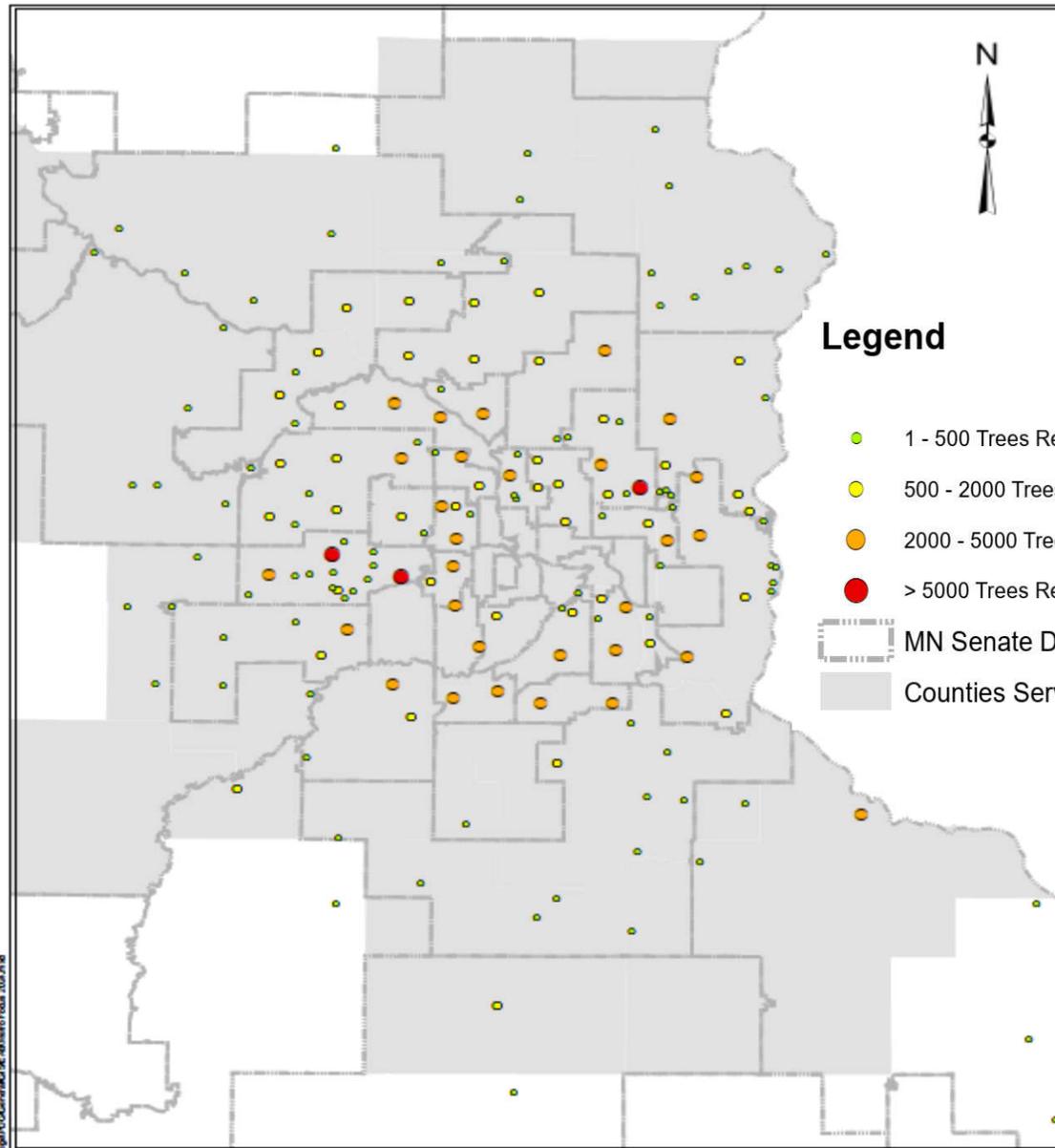
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- Counties Served By EWS 2021-2022

MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY (METRO)
2023

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Metro

2024

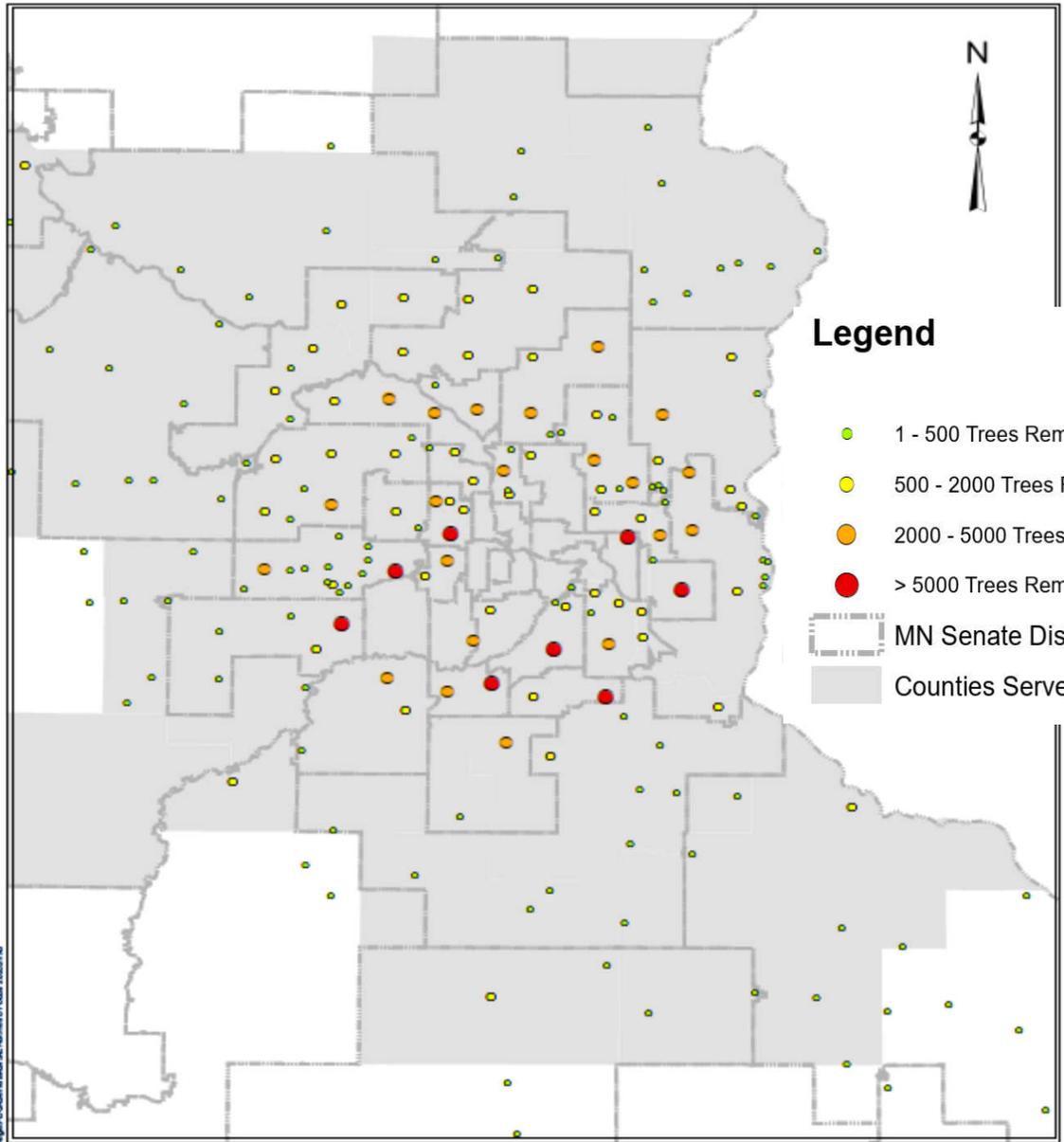


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- ▭ Counties Served By EWS 2021-2022

MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY (METRO)
2024

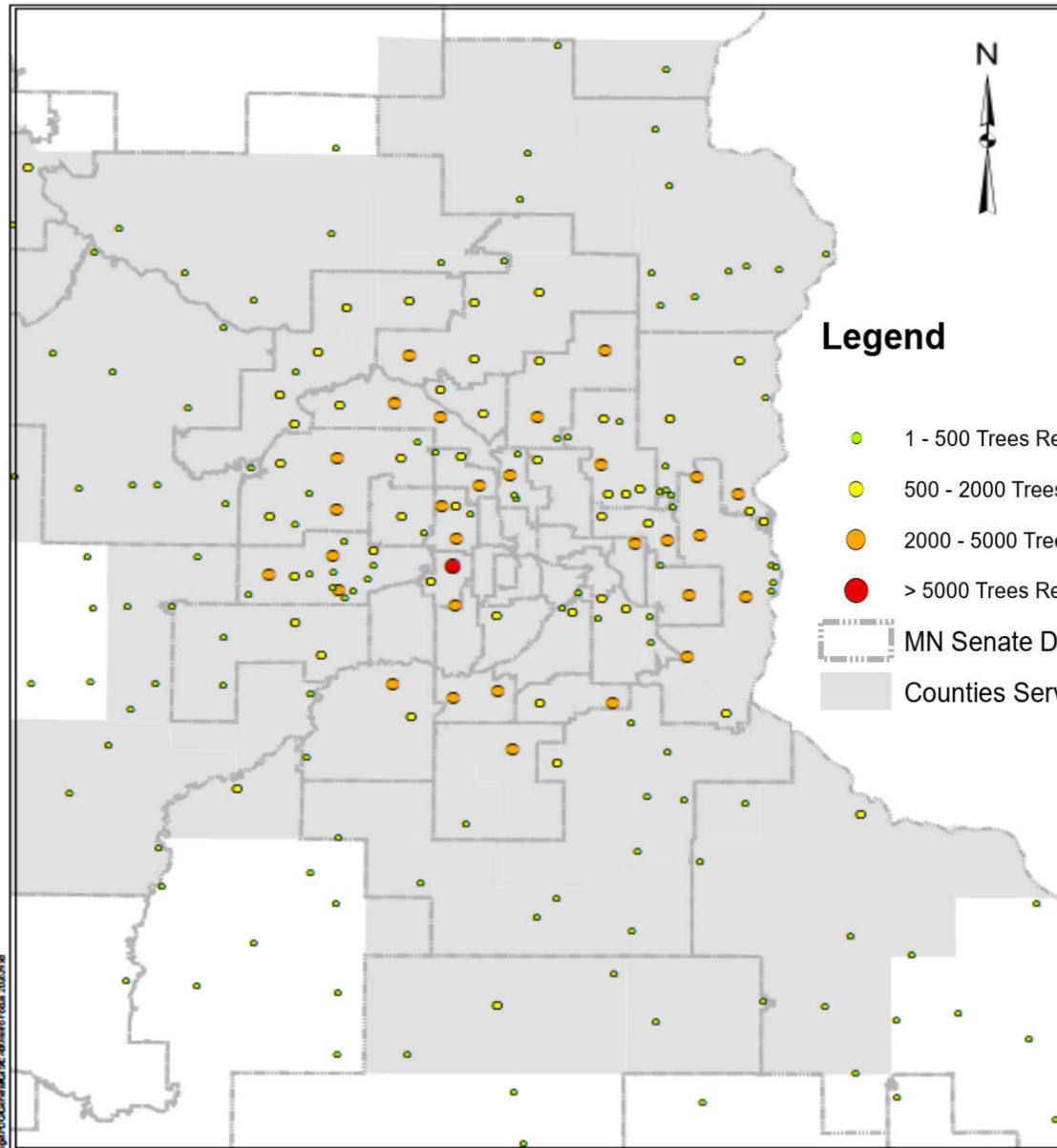
Metro 2025



MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY (METRO)
2025

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Metro 2026

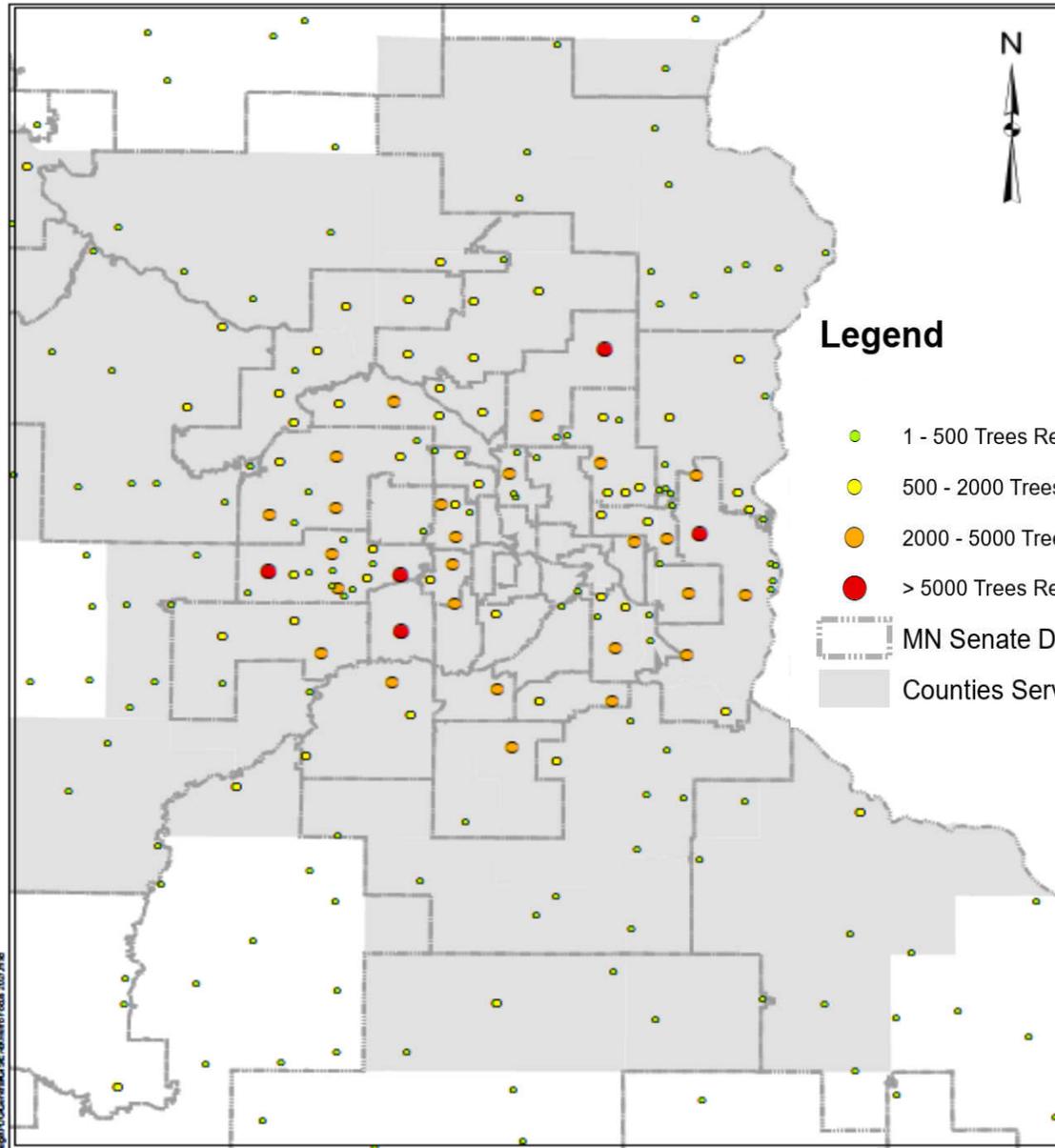


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MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY (METRO)
2026

Metro

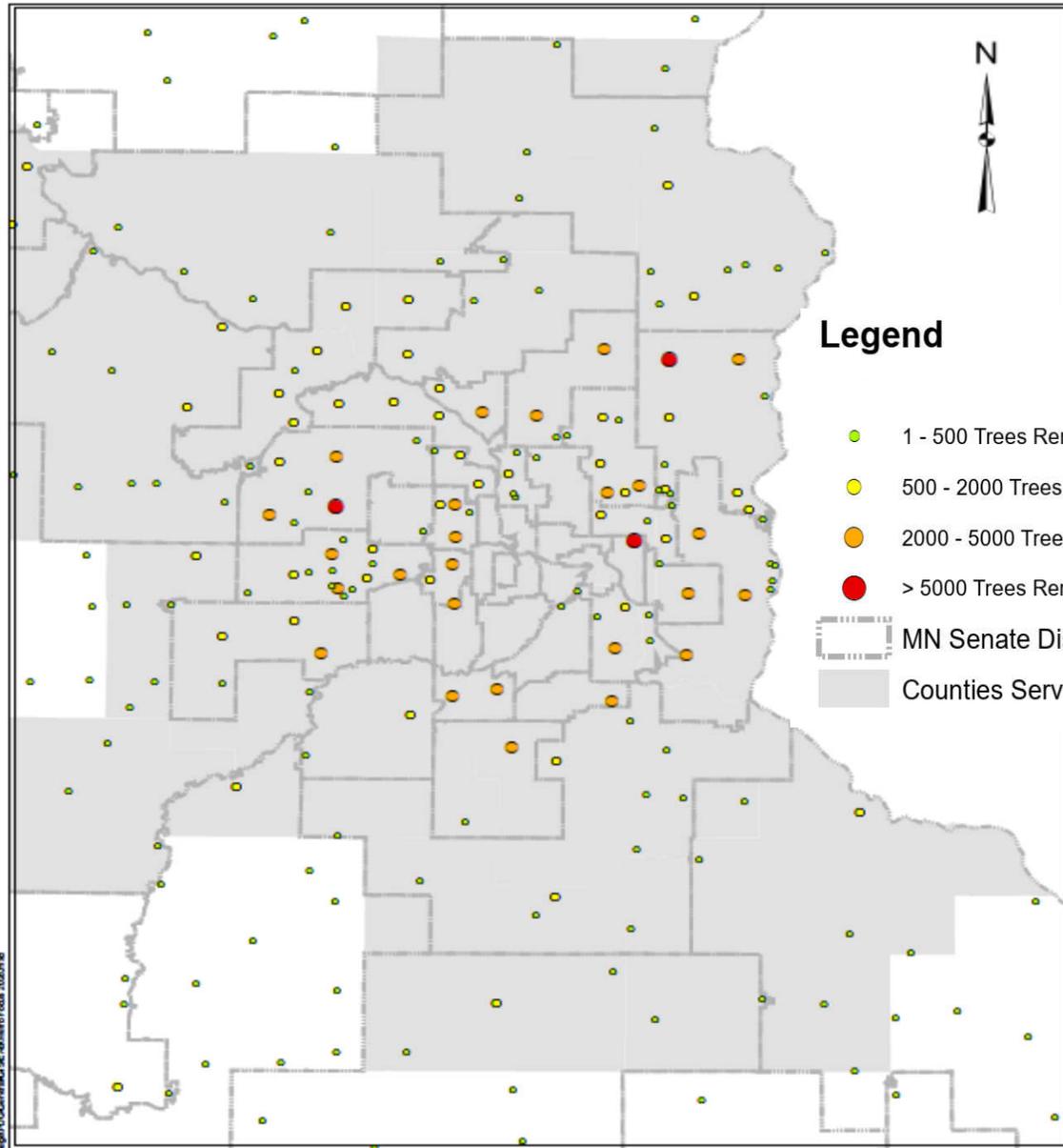
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MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY (METRO)
2027

Metro 2028



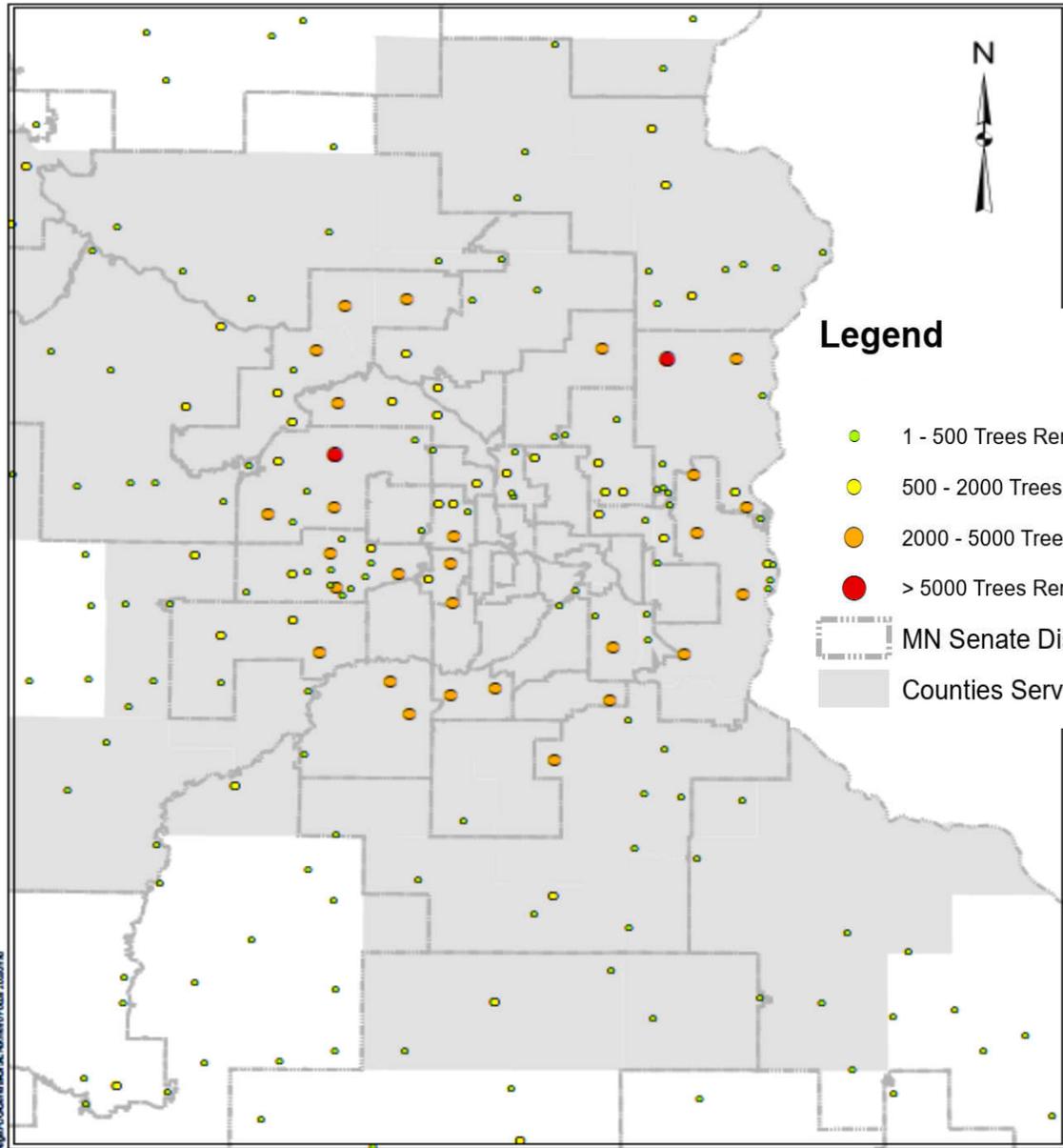
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MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY (METRO)
2028

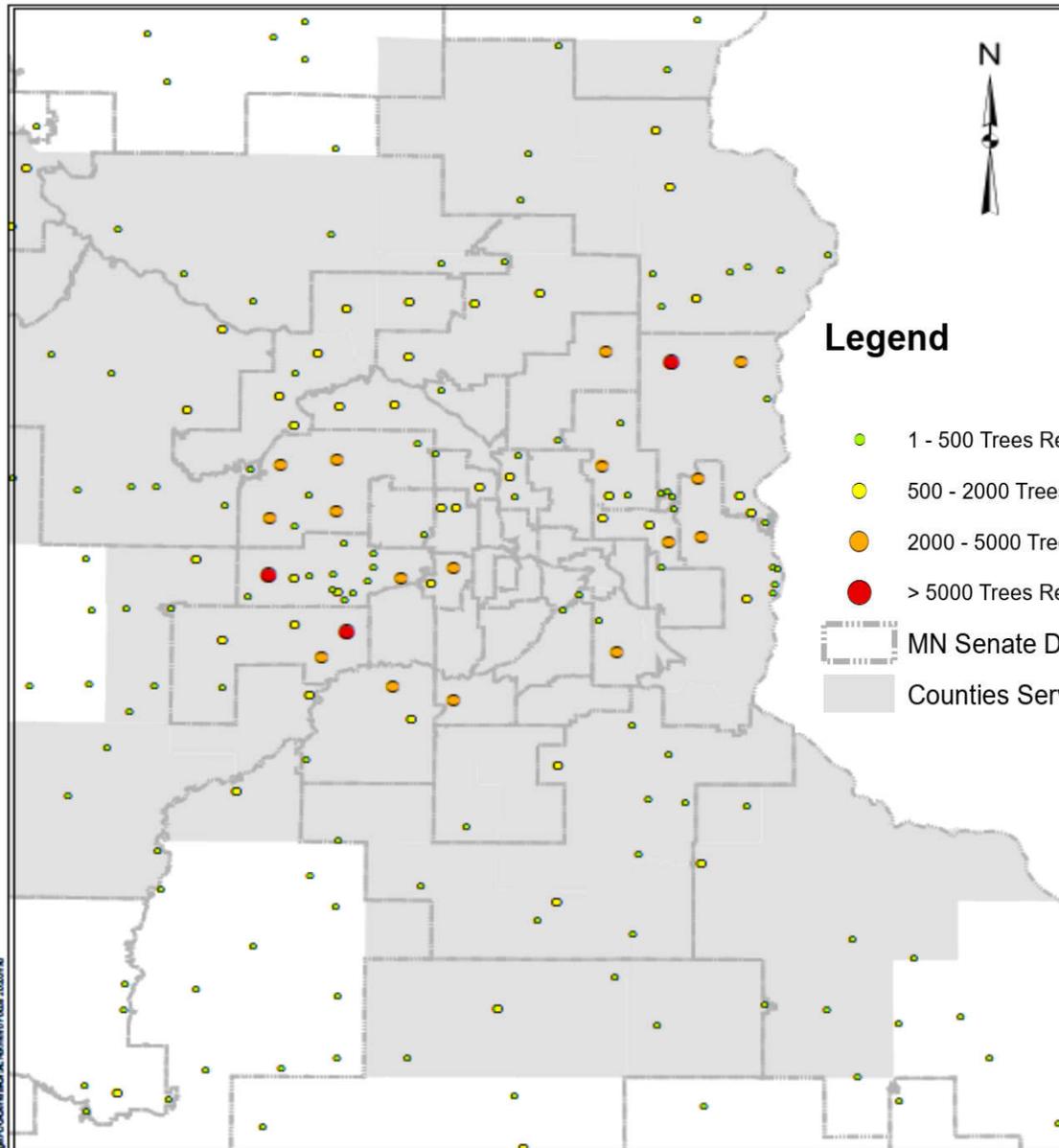
Metro 2029



Document Path: \\metro\p1\GIS\General\GIS\2029\Metro Focus 2029.mxd

MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY (METRO)
2029

Metro 2030



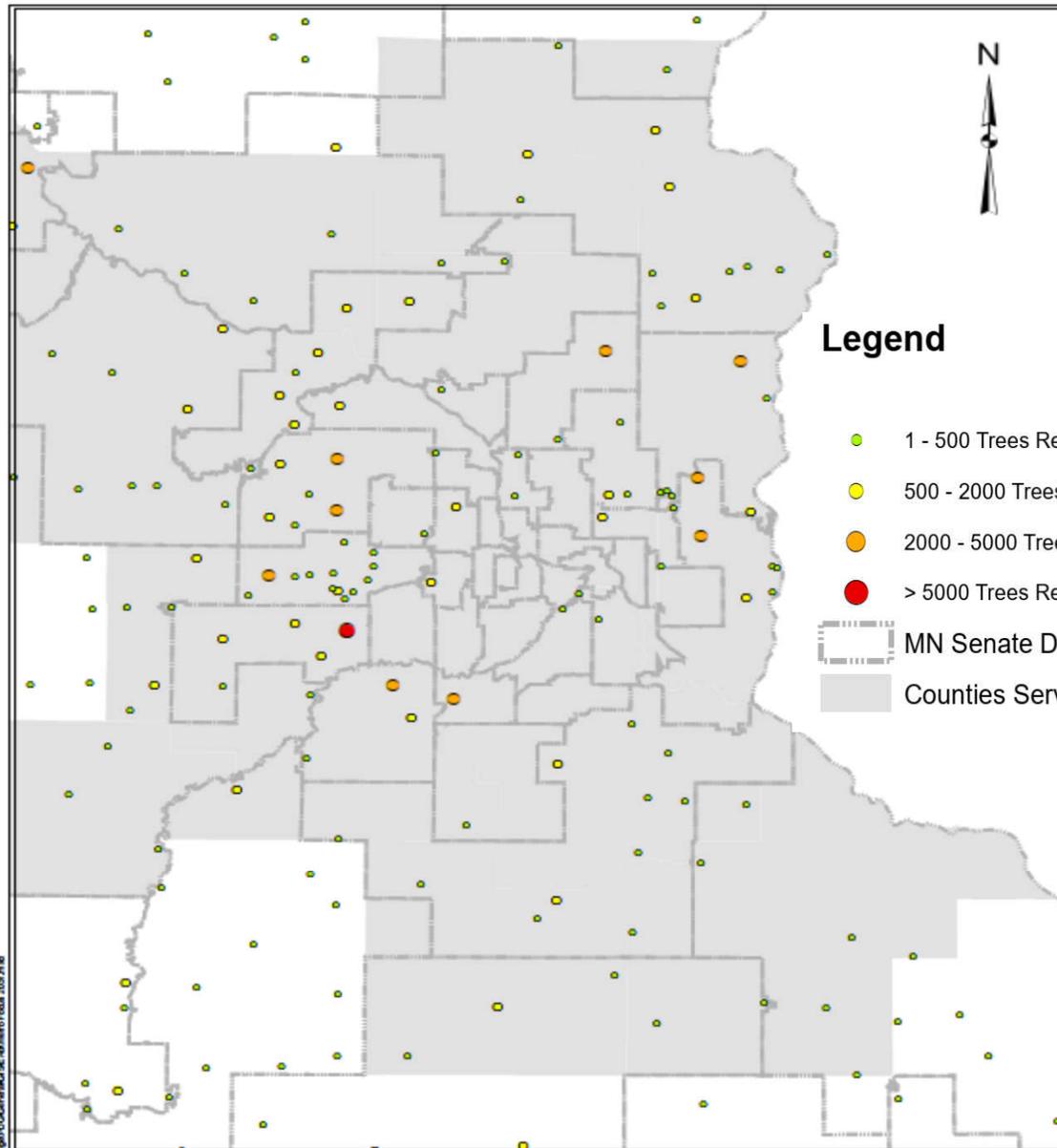
Legend

- 1 - 500 Trees Removed
- 500 - 2000 Trees Removed
- 2000 - 5000 Trees Removed
- > 5000 Trees Removed
- ▭ MN Senate Districts
- ▭ Counties Served By EWS 2021-2022

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MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY (METRO)
2030

Metro 2031



Legend

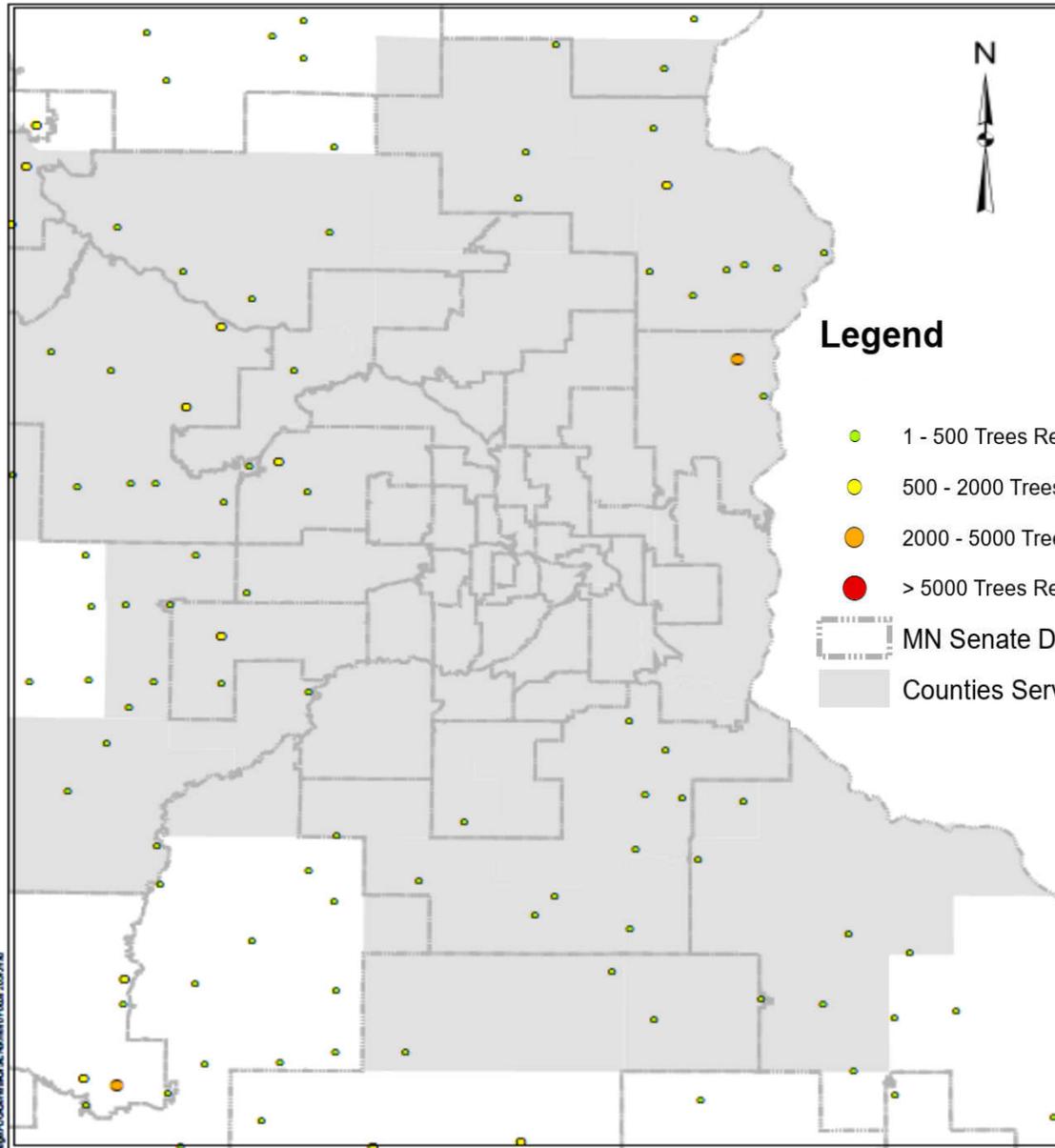
- 1 - 500 Trees Removed
- 500 - 2000 Trees Removed
- 2000 - 5000 Trees Removed
- > 5000 Trees Removed
- ▭ MN Senate Districts
- ▭ Counties Served By EWS 2021-2022

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MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY (METRO)
2031

Metro

2034



Legend

- 1 - 500 Trees Removed
- 500 - 2000 Trees Removed
- 2000 - 5000 Trees Removed
- > 5000 Trees Removed
- ▭ MN Senate Districts
- ▭ Counties Served By EWS 2021-2022

Document Path: \\metro\apps\GIS\General\GIS\MapInfo\Focus_2034.mxd

MDA ESTIMATED ANNUAL TREE REMOVALS BY CITY (METRO)
2034

City of Saint Paul's Ash Tree Removals from Boulevards

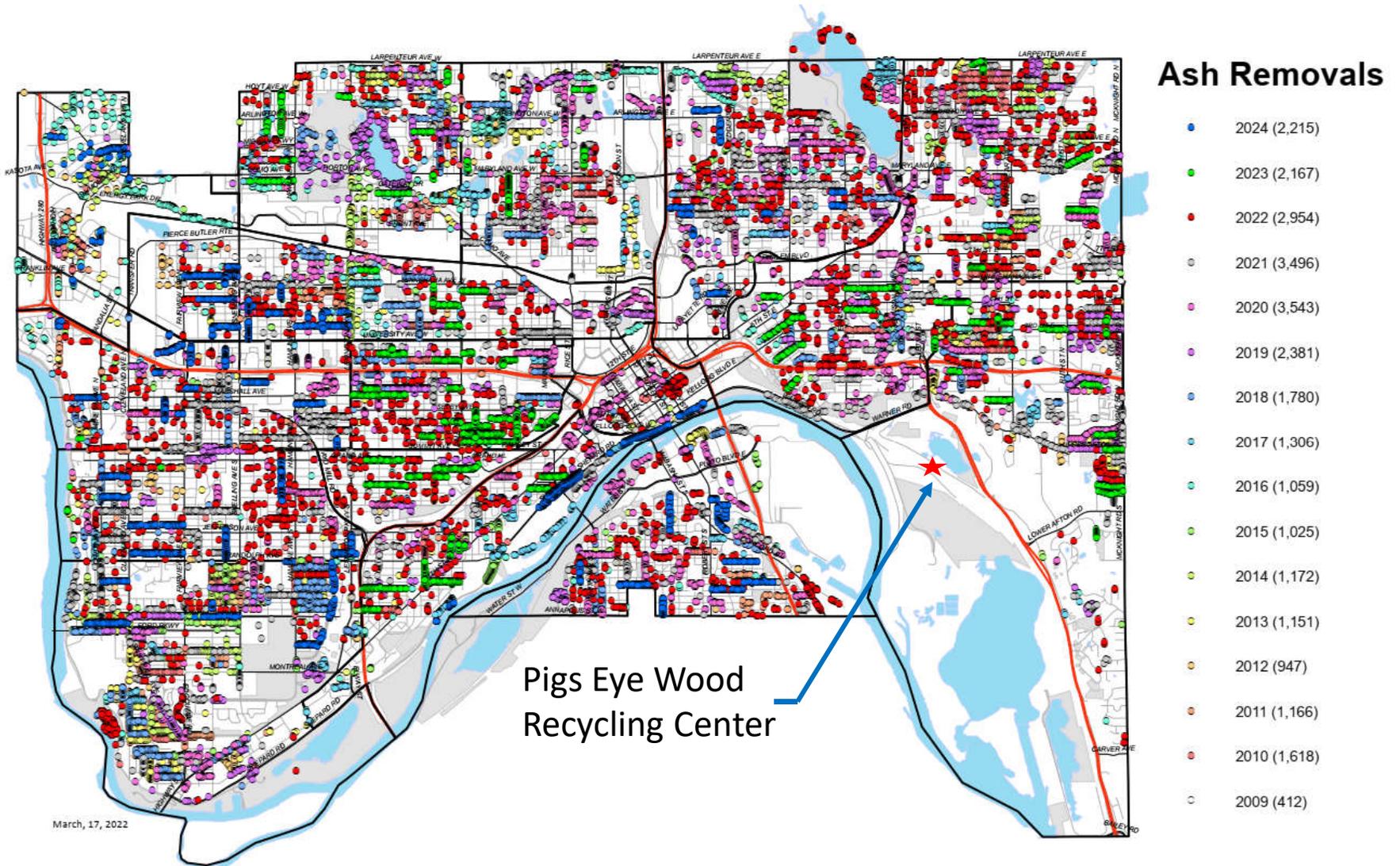




Figure 2: Projection of estimated wood waste (thousand tons) in Twin Cities Metro Area

Source: Twin Cities Metro Area Emerald Ash Borer Wood Waste Study prepared for Partnership on Waste & Energy by Cambium Carbon October 2022

St. Paul Cogen & Environmental Wood Supply
are poised to shutdown in 2024

“Without (St. Paul Cogen/EWS’) processing capacity, it is impossible to absorb current material volumes through other offtake channels.”

Twin Cities Metro Area Emerald Ash Borer Wood Waste Study prepared for Partnership on Waste & Energy by Cambium Carbon October 2022

**UNITED ASSOCIATION
OF
STEAMFITTERS-PIPEFITTERS-SERVICE TECHNICIANS**

Local Union No. 455

AFL - CIO



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TONY POOLE
Business Manager

SCOTT SEATH
*Financial Secretary
Treasurer*

DOUG LOBERG
Business Representative

JIM SLOAN
Business Representative

GINO LOWE
*Business Representative
Zone II*

April 27, 2023

Representative Rick Hansen
407 State Office Building
St. Paul, MN 55155

Senator Founq Hawj
3231 Minnesota Senate Building
St. Paul, MN 55155

RE: Emerald Ash Borer/St. Paul Cogeneration/HF 2310/SF 2438

Local 455 is writing to express our support for legislation to promote the economic viability of renewable biomass power generation in the State of Minnesota, specifically in the management of tree waste by the state's largest biomass-fired combined heating and power plant, St. Paul Cogeneration (SPC).

The management of roughly 250,000 tons of tree waste by SPC contributes approximately \$15 million annually to the local economy in the form of jobs, contractors, and equipment while simultaneously managing the flood of wood waste in the region resulting from the spread of Emerald Ash Borer (EAB). SPC is the only practical disposal outlet for increasing volumes of ash tree waste, which will unquestionably continue to rise as EAB spreads and residents, municipalities, and businesses remove publicly and privately-owned infested trees.

Tree waste from businesses, municipalities, individuals, and agencies is utilized by SPC to produce renewable electricity and hot water for district heating. SPC accepts varying regional wood waste at no cost, including chips, mulch, brush, and logs, from sources such as forest maintenance work, EAB-compromised tree removals, storm damage, land development, and clean residues from other wood processors.

Without SPC acting as the last stop for otherwise unusable tree waste, Minnesotan cities, and businesses will be left to contend with the influx of EAB-infested wood, leaving the material to be open burned, negatively impacting the health and economic well-being of communities.

Accordingly, HF 2310/SF 2438 must be passed so that SPC can continue operating and maintain its vital role as critical infrastructure for the disposal of tree waste. Local 455 offers our support to HF 2310/SF 2438 and the \$28 million dollar appropriation for SPC.

Sincerely,

Tony Poole
Business Manager
Local 455



4/29/2023

MN PFAS Legislation

Dear Senators Hawj, Frentz, McEwen, Xiong, Coleman, Representatives Hansen, Jordan, Acomb, Hollins, and Kraft, and all others concerned,

As the owner of Edwards Sales Corporation, a small business based in Minnesota, I must respectfully take an OPPOSE position on SF 834/HF1000 ([HF 2310 section 62](#)). Our primary business is representing high-performance insulation and weatherization products in the construction industry, and this legislation would directly impact our ability to do so.

For nearly 70 years, Edwards Sales, a multi-generational family-owned and operated company in Minnesota, has been providing products and services to the building and construction industry in the upper Midwest. We've serviced thousands, if not tens of thousands of construction projects during that time – single family homes, medical office buildings, skyscrapers in downtown Minneapolis, multifamily apartment buildings, and everything in between with an emphasis on “Keeping Buildings Warm and Dry”. We and the manufacturers we represent support many local industry organizations, including the Construction Specifiers Institute, the Building Enclosure Council, the Minnesota Builder's Exchange, the National Association of Homebuilders, and local community organizations such as the Chaska Valley Family Theater and others.

Our business also supports 11 families in Minnesota and Wisconsin. This legislation would have significant unintended consequences that may eventually effectively ban many of the products we sell from sale and transport into Minnesota. This would directly impact our ability to provide for these families and serve our customers. If enacted as written, it's likely that within just a few years, our business and many others like it would not be viable.

The broad reporting requirements and potential bans on products containing PFAS outlined in this legislation are overly broad and lack scientific basis. It is neither scientifically accurate nor appropriate to group all PFAS together. These chemistries provide products with strength, durability, stability, and resilience, and other critical properties for ensuring the safety and efficacy of a broad range of products, including those in the building and construction industry.

While we understand the need to address the concerns around PFAS, this legislation as written would have far-reaching negative consequences on nearly every sector of our economy, including the building

Edwards Sales Corporation

3700 North Chestnut Street, Chaska, Minnesota 55318

(952) 929-6794



and construction industry. High-performance insulation products are essential for modern construction practices and contribute to increased energy efficiency and reduced environmental impact.

I would like to further emphasize the importance of products like DuPont™ Styrofoam™ brand ST-100 extruded polystyrene (XPS) insulation (a new formulation of XPS which has 94% reduction in embodied carbon), or BASF's high-performing Walltite® portfolio of spray polyurethane foam insulation, in modern construction practices. These reformulated insulation products are crucial for achieving the energy efficiency and environmental sustainability goals that are our common objectives as citizens and residents of Minnesota.

Minnesota has set ambitious targets to reduce carbon emissions, and eventually establish a net-zero policy framework for new construction. We applaud those efforts. High-performance insulation products, like those we represent, are essential for achieving these goals. Without these products, it would be nearly impossible to design and construct “net-zero” buildings that are capable of producing as much renewable energy as they consume.

These insulation and weather-sealing products are specifically designed to maximize energy efficiency by minimizing heat loss and reducing energy consumption. They also contribute to a significant reduction in greenhouse gas emissions, as they help reduce the need for heating and cooling systems, which are major contributors to carbon emissions.

As a longstanding Minnesota-based company, we take pride in the fact that our products contribute to reducing the carbon footprint of the construction industry and of operating commercial and residential buildings. We support Minnesota's goals to reduce carbon emissions and eventually establish a net-zero policy framework, and we firmly believe that our products are essential for achieving these goals.

We believe that this legislation would undermine effective product design and, in some cases, overall product safety and efficacy. It could restrict the availability of critical products that are approved and used elsewhere, isolating Minnesota from the rest of the country.

For these reasons, we respectfully oppose SF 834/HF1000 ([HF 2310 section 62](#)). Thank you for considering our views. If you should have any questions or comments, please don't hesitate to contact me directly – I've included my contact information here.

Ted Stauber

Owner/President

Edwards Sales Corporation

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Minnesota Rural Electric Association

11640 73rd Avenue N | Maple Grove, MN 55369 | p: 763-424-1020 f: 763-424-5820 | www.mrea.org

April 29, 2023

Sen. Founq Hawj

Sen. Nick Frenz

Sen. Jennifer McEwen

Sen. Tou Xiong

Sen. Coleman

Rep. Rick Hansen

Rep. Patty Acomb

Rep. Athena Hollins

Rep. Sydney Jordan

Rep. Larry Kraft

Re: Omnibus environment, natural resources, climate, and energy finance and policy bill Conference Committee [HF2310/SF2438](#)

Dear Conference Committee Members:

The Minnesota Rural Electric Association (MREA) represents the interests of the state's 50 rural electric cooperatives who collectively serve 1.7 million member-owners comprising two-thirds of the State's geography and approximately one-third of the State's population. Our member cooperatives are not-for-profit electric utility businesses that are locally owned and governed by the member-consumers they serve.

MREA appreciates the willingness of energy committee members to work with us this session on the many legislative initiatives that could have a substantial impact on our members. And we appreciate this opportunity to offer our assessment of key energyrelated provisions of the Senate and House omnibus bills as you begin your important conference committee work.

MREA generally supports the energy provisions in the Senate Environment, Natural Resources, Energy and Climate Omnibus bill. MREA opposes the energy provisions in the House Omnibus bill to the extent they differ from related provisions in the Senate bill. Although the Senate provisions are substantial and will present significant challenges, they are reasonably measured and practical. Importantly, unlike many of the House provisions, the Senate provisions will not impede efforts to implement the 100% by 2040 requirements cost-effectively and reliably. In contrast, many of the House provisions are highly problematic and would likely impose costs on consumers without doing anything to meaningfully advance the clean energy transition's decarbonization imperative.

The following comments address provisions of particular significance to cooperatives:

A. SPECIFIC SENATE PROVISIONS

- **Support Senate bill, page R8, lines 57.1 – 57.4 (\$15 million for Cooperative and Municipal Utility Grid Resiliency)**

MREA supports this provision for resiliency grants to cooperative and municipal utilities. As key participants in Minnesota's energy transition, cooperatives have been moving rapidly towards reliance on clean energy resources. Among other things, this effort has involved working with our member-owners to facilitate their adoption of distributed energy resources at their homes and businesses.

Our ability to continue and accelerate this transition consistent with Minnesota's new carbon-free requirements will require substantial additional investment in the electric grid, including investments in new innovative technology. Yet, as relatively small nonprofit utilities serving primarily higher-cost rural areas of Minnesota, our ability to make the necessary investments is significantly constrained. Therefore, the Senate bill's allocation of \$15 million in grid resiliency grant money for cooperative and municipal utilities is a critical part of the State's effort to drive the clean energy transition forward reliably and cost-effectively. This grant money will put rural electric cooperatives in a better position to continue and accelerate the energy transition while keeping electricity reliable and affordable.

- **Support Senate bill, Sec. 47, R129, line 248.9 – R131, line 252.15. (Diversity Reporting).**

MREA supports the Senate diversity reporting provision, which reflects an agreement MREA reached with Senator Hawj to exclude cooperative utilities from the reporting mandates. MREA members are committed to an increasingly diverse workforce. Cooperative utilities understand that a diverse workforce is critical to success in an increasingly diverse State. However, as small largely rural nonprofits, cooperative utilities do not have the resources to absorb more reporting mandates.

- **Support Senate bill, Sec. 34, page R80, line 212.23 – page R88, line 221.28 (Benchmarking)**

MREA supports this Senate provision. In particular, MREA urges adoption of the language in paragraph (f), page R81, lines 237.17 – 213.21, which reflects an agreement reached with Senator Mitchell and Representative Kraft.

- **Support Senate bill, Sec. 40, page R99, line 226.6 - page R102, line 229.19 (Solar on Public Buildings).**

MREA supports this Senate provision. It reflects an agreement with stakeholders. Moreover, it will also ensure that the local cooperative utility serving a public building being considered for a solar project receives advance notice that enables the cooperative to effectively coordinate incorporating the project into the system.

- **Support Senate bill, Sec. 19, page R41, line 195.17 – page R42, line 197.22 (Delay or Modification of Standards)**

MREA supports this section of the Senate bill, especially the language in paragraph (c) on page R42 that requires the Commission to modify or delay a standard if the Commission finds that implementation would cause significant rate impact, require significant measures to address reliability or raises significant technical issues for electric utilities other than public utilities. If the Commission were to make any of those findings, it is likely the Commission would modify or delay implementation of the standard in question. Therefore, requiring the Commission to modify or delay the standard under those circumstances seems to be a logical and reasonable addition.

- **Support Senator Mathews' advanced nuclear study language in the Senate bill and Representative Stephenson's EV language in both the House and Senate bills.**

MREA supports the proposed advanced nuclear study and the EV provisions in both the Senate and House bills.

The recently enacted 100% by 2040 legislation presents an enormous challenge for Minnesota's utilities. As MREA emphasized when that legislation was first considered, it is critical to keep the door open to and consider all potential technologies that can help decarbonize the grid reliably and affordably. Accordingly, advanced nuclear technology has to be in the mix to explore and potentially incorporate into a diverse mix of future generation resources.

Minnesota's decarbonization goal necessarily goes beyond the electric sector. The transportation sector is currently the largest single source of greenhouse gas emissions. Reasonable steps to encourage electric vehicles and other alternatives to gasolinefueled transportation makes sense as part of the State's effort to reduce greenhouse gas emissions and move further towards clean energy.

B. SPECIFIC HOUSE PROVISIONS

- **Oppose House bill, Sec. 2, page R34, lines 326.26 – 327.14. (Mandating Export Capacity as the measure for Interconnection of On-Site Customer-Owned Generation).**

MREA strongly opposes this provision. Specifically, this provision would require the Commission to issue an order establishing “export capacity” controlled by an inverter rather than the facility’s “nameplate capacity” for purposes of interconnecting an onsite customer-owned generation facility. This would be a major departure from current standards, as established by the Public Utilities Commission (PUC) after an extensive stakeholder process. It would be impossible to effectively enforce the export limits at the inverter and it could result in power quality issues on the electric grid and exacerbate customer cross-subsidies. Ultimately, it could and probably would result in large facilities receiving net-metered compensation that is intended only for much smaller facilities.

This mandate would be extremely difficult to implement, costly for consumers and pose a risk to power quality on the grid. This mandate involves highly technical and key cost considerations. The legislature should not undermine the PUC process that established the current balance after weighting these factors.

- **Oppose House bill, Sec. 4, page R44, line 237.27 – page R46, line 329.28. (Storage Mandate).**

MREA strongly opposes this provision. Specifically, this provision would require the Commission to mandate particular levels of storage capacity for each utility. It would also mandate an aggregate statewide capacity of energy storage systems of at least 3,000 megawatts. Storage is in its infancy and there is no telling what new storage technologies will emerge or when, much less what those technologies will cost. Currently, battery storage is not economic and requiring any specific levels of storage would likely raise the costs of providing essential electric service.

Utilities have various options to help advance towards meeting the carbon-free mandates in the 100% by 2040 law. It is critical that utilities retain the flexibility to choose the options that are most effective and that will be the most reliable and economic for consumers. If we’re going to successfully decarbonize the electric sector reliably and affordably, the legislature needs to avoid mandating the use of any particular technology. The storage mandates in this provision are particularly problematic because of the high cost and tremendous uncertainty currently surrounding storage. Meanwhile, this provision contains no financial, economic or reliability criteria for determining how much storage, if any, should be procured by any particular utility or by all utilities in aggregate.

C. SENATE AND HOUSE CUMULATIVE IMPACTS PROVISION – SEC. 23, PAGE R30

MREA has concerns about Section 23, which attempts to address cumulative impacts in environmental justice areas. MREA appreciates the importance of addressing disparate impacts on historically disadvantaged communities. However, we are concerned this provision as drafted will have unintended consequences and that it will not only fail to achieve its underlying goal but also undermine that goal. It is our understanding that stakeholders are working on changes to avoid those unintended consequences and we support those efforts. We think it's particularly important to address the concerns raised by the Minnesota Building Trades.

D. MINNESOTA CLIMATE INNOVATION AUTHORITY

If a Minnesota Climate Innovation Authority is created, the committee should add representatives of both electric cooperatives and municipal utilities, not just a representative from one or the other.

Again, thank you for the opportunity to offer our assessment of the two bills in some key areas of particular concern to cooperative utilities and important to the State as a whole. Please feel free to call Jenny Glumack, MREA's Director of Government Affairs at 651-395-1731, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrick Moe". The signature is fluid and cursive, with the first name "Darrick" written in a larger, more prominent script than the last name "Moe".

Darrick Moe
President & CEO
Minnesota Rural Electric Association



*Hometown services.
Hometown strengths.
Hometown solutions.*

April 30, 2023

To: 2023 Conference Committee on HF 2310
From: Kent Sulem, Director of Government Relations and Senior Counsel
Re: Comments on HF 2310

Dear Conferees:

The Minnesota Municipal Utilities Association (MMUA), a voluntary membership association representing the 124 city-owned electric utilities, 33 municipal gas utilities, and several water utilities across the state, respectfully submits the following comments regarding House and Senate provisions of HF 2310 of interest or concern to municipal utilities.

- MMUA supports the Senate's inclusion of waste wood and woodchip biomass as eligible energy technology as provided in Article 7, section 18.
- MMUA appreciates the Senate language in Article 7, section 19 ensuring that the MPUC must grant a waiver or delay sought by a municipal utility that demonstrates eligibility under the existing statutory thresholds.
- MMUA opposes the new reporting requirements regarding service reliability imposed by the Senate language in Article 7, section 20.
- MMUA supports the concept of allowing expenditures for "pre-weatherization".
- MMUA appreciates the efforts of Rep. Kraft to negotiate a compromise on the scope of the benchmarking requirements imposed by the bill. The proposed \$750,000 appropriation for grants to assist utilities comply with the new mandate is also appreciated.
- MMUA supports the ratification of the requirement that an entity interested in installing solar on a public building must consult with the local utility and resolve any foreseeable inter-connection issues before a grant is awarded.

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Phone 763.551.1230 Toll-Free 800.422.0119 Fax 763.551.0459

mmua.org

- MMUA supports the Senate version of Diversity Reporting. (See Article 7, section 47.) While MMUA appreciates the House attempt to limit the mandate, doing so based on population or the number of meters fails to recognize that the information being sought relates to the number of employees of a utility has. Even the largest municipal utilities have a fraction of the employees of an IOU.
- MMUA supports the concept of exempting peaking plant operations from the standards imposed by Minnesota Statutes Section 216B.1691 (see Article 7, section 48) and would encourage consideration of a slightly broader scope to include other sporadic generation.
- MMUA supports a study of advanced nuclear technology.
- MMUA strongly supports the Senate's creation of a grid resiliency grant program and the \$15 million appropriation to the program.

Please contact Kent Sulem (612-263-0440) or Bill Black (651-398-2098) if you have any questions about MMUA's positions or if you would like to discuss how a particular provision being considered for the conference report would likely impact municipal utilities.



May 1, 2023

Chair Fong Hawj
Senate Environment, Climate and Legacy
Committee
3231 Minnesota Senate Building
St. Paul, MN 551155

Chair Rick Hansen
House Environment and Natural Resources
Finance and Policy Committee
407 State Office Building
St. Paul, MN 55155

Dear Chair Hawj, Chair Hansen and members of the conference committee,

The Minnesota Corn Growers Association (MCGA) appreciates the opportunity to voice our concerns about specific provisions included in the Environment articles of the House Omnibus bill. MCGA represents nearly 7,000 dues-paying family farmer members and all of Minnesota's 24,000 corn farmers who contribute to the corn checkoff program for research and education activities.

MCGA Has Concerns with the following provisions:

Life Cycle assessment of the presence of neonicotinoid pesticide in the production of biofuels, co-products and air emissions (R8 article 1 side by side) and requiring the monitoring of wastewater for the presence of the neonicotinoids and PFAS at biofuel plants (R51 article 3-8 side by side).

No biofuel plant in Minnesota currently, nor has any plans, to use neonicotinoid treated seed as a feedstock for ethanol production. All shipments of corn coming into a plant are inspected for foreign objects, including treated seed, to ensure that they would not end up going through the plant process. There is also no known life cycle assessment for these products and it is a complete unknown as to what such an assessment would entail.

PFAS is not used in the production of biofuels. The only previously known PFAS substance at Minnesota ethanol plants were in emergency use firefighting foam. Beginning in 2020 those foams were replaced with more environmentally friendly alternatives. Through infrastructure upgrades, most ethanol plants in Minnesota are zero liquid discharge, meaning that they treat and reuse water throughout the plant rather than discharge it into the environment. At this time, EPA has only validated and published a draft analytical testing methods. Why would we increase costs to test and monitor for a chemical compound that the biofuel industry does not use?

Treated Seed Disposal

Multiple sections in the House side by side have to do with the disposal of unused treated seed. The House bill directs the Department of Agriculture (MDA) to create treated seed disposal guidance, in consultation with the Minnesota Pollution Control Agency (MPCA), for the use and disposal of treated seed. (R160 article 3-8 side by side). Though MPCA has previously produced disposal guidance, we believe that MDA is the proper agency with knowledge on how best to use and dispose of treated

seed. We also think that if a farmer has a question about unused/unsold treated seed disposal they are more likely to contact MDA instead of MPCA.

We also question the need for rulemaking (R51 article 3-8 side by side) on the disposal of unused treated seed, specifically why it is to be done at MPCA when ultimately MDA will be the agency tasked with enforcing the rules and the various violations included in the bill for the improper disposal. It is important to note that no ethanol plant currently, or plans to in the future, accept unused treated seed as a feedstock for ethanol. Additionally farmers who have unused seed would either get it tested and use it during the next growing season or return it to their seed dealer, rather than burying it near a stream or burning it in their fireplace.

Pesticide Preemption (R158 article 3-8 side by side)

The Department of Agriculture is the federally delegated authority for pesticide regulation. While we do appreciate the agriculture land exemption, expanding this authority to cities would be a violation of the authority delegated by EPA to MDA under the Federal Insecticide, Fungicide and Rodenticide Act. This language is also fully within the agriculture statutes and should be discussed in the agriculture conference committee.

Drainage Registry Portal

MCGA has concerns with the inclusion of the drainage registry portal in the House Environment bill on R144 article 3-8 side by side. This bill was first introduced in 2022 and sent to the Drainage Work Group (DWG) for discussion. Through a consensus model, the DWG brings stakeholders from all sides to discuss, debate and compromise on drainage related legislation. The DWG had robust discussion on the registry portal over the 2022 interim but was not able to reach consensus. There are past examples where bills took multiple years of discussion at the DWG before they were recommended and passed by the legislature with bipartisan support. Bypassing the DWG on this bill would call into question the purpose of the DWG going forward and could lead to a lack of engagement from various stakeholders to discuss potential changes to drainage law.

We look forward to working with the conference committee as they move forward. If you or your staff have any questions, please feel free to reach out to MCGA's Senior Public Policy Director Amanda Bilek at 952-460-3604 or at abilek@mncorn.org. We are always happy to answer any questions.

Sincerely,



Richard Syverson
President
Minnesota Corn Growers Association



April 30, 2023

Environment, Natural Resources, Climate, and Energy Conference Committee
Representatives Hansen, Acomb, Hollins, Jordan, Kraft
Senators Hawj, Frentz, McEwen, Xiong, Coleman

RE: Importance of \$45 Million Funding for MN Climate Innovation Finance Authority

Dear Conference Committee Members,

CURE thanks the Conference Committee for this opportunity to testify in support of H.F. 2310, the Environment, Natural Resources, Climate, and Energy omnibus bill. CURE is a rurally based, non-profit organization dedicated to protecting and restoring resilient towns and landscapes by harnessing the power of the people who care about them. We believe the passage of the 100% Act earlier this year was an important victory for the rural people and places that are the focus of our work.

But now, Minnesota must follow through on this promising start by providing the mechanisms and resources for the transition to benefit every part of the state.

For that reason, CURE urges the Committee to include the Minnesota Climate Innovation Finance Authority (MNCIFA)—with a \$45 million appropriation—in the final version of the Environment, Natural Resources, Climate, and Energy omnibus bill that is passed this year. We believe that MNCIFA would be an essential tool for strengthening the rural communities CURE represents and works in, ensuring they are able to be part of and benefit from the critical energy transition.

MNCIFA would help all communities, organizations, and businesses identify, coordinate, and obtain financing (grants, rebates, and low-interest loans) for projects that address their most pressing needs. **But MNCIFA would be especially impactful in rural communities by helping:**

- Homeowners leverage federal incentives by providing upfront capital for energy efficient appliances like heat pump water heaters and electric ranges, rooftop solar, or weatherization projects.
- Smaller cities and towns coordinate and finance the construction of community-wide distributed energy generation and battery resiliency hubs or district heating and cooling systems.

- Communities build infrastructure for the services they need for economic development—like food coops or childcare centers—by incorporating renewable energy and efficiency technologies that save operating costs in the short and long term.
- Rural electric coops make investments in renewables, grid infrastructure, and electric vehicle charging stations.

Importantly, MNCIFA would provide technical assistance in addition to financial expertise so that rural communities could take advantage of opportunities to increase their resilience while saving money.

MNCIFA has the potential to change the way people and communities across our state participate in the transition to an equitable, just, and sustainable way of living. CURE thanks the Committee for its attention to this issue and again urges the Committee to include MNCIFA in the final version of the Environment, Natural Resources, Climate, and Energy omnibus bill with a \$45 million appropriation.

Sincerely,

/s/ Sarah Mooradian

Sarah Mooradian
Government Relations & Policy Director
Clean Up the River Environment (CURE)
117 S 1st Street
Montevideo, MN 56265
(320) 269-2984
sarah@cureriver.org



April 28, 2023

The Honorable Rick Hansen
Chair, Environment and Natural Resources Committee
407 State Office Building
Saint Paul, MN 55155

The Honorable Fong Hawj
Chair, Senate Environment, Climate, and Legacy Committee
3231 Minnesota Senate Bldg.
St. Paul, MN 55155

RE: Omnibus Environment and Energy Bills (HF 2310 and SF 2438)

Dear Chairs Hansen and Hawj:

The Alliance for Automotive Innovation (Auto Innovators) is writing to express our positions on the various proposals contained in the House and Senate energy omnibus bills. While Auto Innovators supports aspects of the proposals that will advance the decarbonization of the transportation sector and support electric vehicle (EV) adoption, there are also provisions which can be improved.

From the manufacturers producing most vehicles sold in the U.S. to autonomous vehicle innovators to equipment suppliers, battery producers and semiconductor makers – Alliance for Automotive Innovation represents the full auto industry, a sector supporting 10 million American jobs and five percent of the economy.

The success of Minnesota's efforts at decarbonization is tied directly to the success of electric vehicles. As automobile manufacturers continue making significant investments to bring more plug-in and fuel cell electric vehicles to the marketplace – providing more driving range, affordability and consumer choice – now is the time for Minnesota to reaffirm its commitment to this shared responsibility. It is critical for states and automakers to work together with the spirit that **“More is Better”** to spur EV adoption.

EV Market Snapshot

For all of 2022, automakers sold almost 935,000 EVs nationwide, amounting to 7.03 percent of all light vehicle sales and an increased market share of 2.7 pp over 2021. For the year, 20 states and the District of Columbia had an EV market share above 5 percent, including four states and DC above 10 percent. 91 EV cars, utility vehicles, pickup trucks and van models now available for sale in the U.S. (light truck sales represent 68 percent of EV market). **While that is encouraging news for overall EV sales, Minnesota finished 2022 ranked 23rd for EV market share by state.**¹

Warning signs: Public charging infrastructure not keeping up

Infrastructure analysis reveals deep geographic disparities in access to public, non-proprietary charging in the country. Of the more than 3,100 counties and city-counties in the U.S.:

- 63 percent had five or fewer chargers installed; 39 percent had zero;
- The top 14 counties – or 0.4 percent of all counties – with the highest number of chargers accounted for 30 percent of all U.S. EV charging infrastructure.

An assessment by the California Energy Commission concluded that 700,000 public and shared private chargers are needed to support 5 million EVs, amounting to a ratio of 7 EVs per public charger. Minnesota's current ratio is 29 new EVs for every one new public port. The bottom line is that installation of public chargers in Minnesota is not keeping up with current and projected EV sales.

Our Position: Electric Vehicle Incentives Need to Be More Robust

In 2022, EVs accounted for only 4.74% of new vehicle sales in Minnesota, which is well short of the national average of 7%. The data is clear; state-based incentives can be persuasive for residents considering purchasing an electric vehicle, and as past experiences from other states show, can be detrimental when incentives go away.

The inclusion of an EV rebate program in both the House (Art. 7, Sec. 42) and Senate (Art. 4, Sec. 37) bills is certainly welcome but does not go far enough. EV rebates are critical to an effective and timely transition to electric mobility and are an important element in growing customer interest in EVs. While Minnesota adopted California's Clean Car Standard as part of its electric vehicle strategy, this policy does not work alone and risks setting Minnesota up for failure if necessary and substantial state investments in electrification are not made. Further, the Clean Car Standard does nothing to make EVs more affordable, building out public EV charging infrastructure, or encourage consumer demand.

¹ <https://www.autosinnovate.org/posts/press-release/us-ev-sales-continue-record-run>

While we support and encourage states to implement consumer purchase incentives for EVs, the proposed rebate program in both bills is too limited and too restrictive. The bills do not provide sustained, long-term funding to support the rebate program. A successful EV rebate program should include funding for at least 5 years to ensure the creation of a self-sustaining market.

As structured in the bill, not all EVs will be eligible for consumer rebates. The bills limit eligible vehicles to those with an MSRP of \$55,000 in the House bill and \$60,000 in the Senate version. Minnesota should be “all in” when promoting consumer adoption of EVs.

If the MSRP cap is not eliminated, we recommend not setting it below \$80,000. The cost of the average EV in the fourth quarter of 2022 was about \$63,600 while the average cost of all new light-duty vehicles in that time period was about \$48,800.

Additionally, we suggest using the “base price” instead of “manufacturer’s suggested retail price” of a vehicle to ensure that more vehicles are not excluded from an arbitrary cap. “Base price” should be defined as the manufacturer’s base price for the bottom-trim level. Base price should also exclude charges for optional equipment and exclude charges for taxes, title, and registration.

We ask for your consideration of the following amendment to define “base price”: *Base price shall mean the manufacturer’s base price for bottom-trim level and shall not be defined to include charges for optional equipment. Costs associated with taxes, title and registration charges shall not be included in determining base price.*

Additionally, as you are aware, the recently enacted Inflation Reduction Act (IRA) redefines new clean vehicle credits. Upon being signed into law by President Biden in August 2022, approximately 70 percent of previously eligible vehicles were unable to qualify for credits due to a North America assembly requirement. Also, starting on January 1, 2023, MSRP and income caps went into effect. And finally, starting with the release of proposed guidance from the U.S. Treasury Department in March 2023, the credit was split in half with requirements tied to critical minerals (\$3,750) and battery components (\$3,750). When the battery content requirements go into effect, the number of electric vehicles that will qualify for the full credit is expected to drop further. **As of April 17, 2023, out of the 91 available EVs only ten qualify for the full \$7500 Federal tax credit. There are seven additional vehicles that qualify for the half-credit of \$3750.² The remaining 74 available EVs currently do not qualify for any of the Federal tax credits.** This means Minnesota’s state-funded consumer rebate incentives will become even more critical to the state’s goals of greater consumer EV adoption.

² [These electric cars will get you a full tax credit in 2023 - Los Angeles Times \(latimes.com\)](https://www.latimes.com/2023-04-17/electric-cars-tax-credit-2023/)

Our Position: Rapid Deployment of EV Infrastructure is Needed in Minnesota

Minnesota currently has approximately 1,000 Level 2 (L2) public charging stations and 92 public Direct Current Fast Charging (DCFC) stations, which is inadequate. As noted above, this amounts to a ratio of 29 EVs for every one charger.

While other legislation seeks to address funding for public EV charging, both the House (Art. 7, Sec. 43) and Senate (Art. 4, Sec. 38) energy bills provide public funding to new motor vehicle dealers to cover their business expenses related to the sale of electric vehicles. This proposed funding would be better spent overcoming Minnesota's lack of public EV charging as well as incentivizing and assisting taxpayers buying EVs and not dealers who want a subsidy for their business expenses.

Our Position: Private and State Fleet Purchasing of EVs Should Be Encouraged

It should also be noted that the proposed EV rebate excludes fleet and multiple vehicle sales. Purchases of fleet vehicles should also be encouraged. Minnesota's stated goal is to put more EVs on the road, but the above restrictions and limitations of the proposed EV rebate will only serve as a barrier to that goal.

The bill requires state agencies, when purchasing fleet vehicles, to prioritize purchase of electric vehicles (Senate – Art. 4, Sec. 5) (House – Art. 7, Sec. 4). Auto Innovator supports states incorporating EVs into their fleets and recommends Minnesota set more ambitious state fleet requirements to adopt EVs, which helps to increase consumer awareness by putting more vehicles on the road and provides more consumers, such as state employees, with EV driving experience.

Thank you for your consideration of the Auto Innovators' position.

Sincerely,



Josh Fisher
Senior Director, State Affairs

CC:

Representatives Patty Acomb, Athena Hollins, Sydney Jordan, and Larry Kraft.
Senators Nick Frenzt, Jennifer McEwen, Tou Xiong, and Julia Coleman.



April 25, 2023

Sen. Founq Hawj
Sen. Nick Frentz
Sen. Jennifer McEwen
Sen. Tou Xiong
Sen. Julia Coleman

Rep. Rick Hansen
Rep. Patty Acomb
Rep. Athena Hollins
Rep. Sydney Jordan
Rep. Larry Kraft

HF2310 Conferees - Environment, Natural Resources, Climate, and Energy Finance Omnibus

Dear House and Senate Conferees:

Federal Ammunition has been in Anoka, MN for more than 100 years. We are recognized as the world leader in ammunition design and manufacturing and we're proud to employ more than 1,500 high quality jobs in the State of Minnesota. We are concerned by the Minnesota House language in the Environment and Natural Resources Finance and Policy Committee's Omnibus bill which proposes to ban the use of traditional ammunition.

The proposed ban would encompass all wildlife management areas (WMAs) within the "Farm Zone" and prevent hunters from pursuing small game using centuries old traditional ammunition. The "Farm Zone" encompasses over half of the state and includes the entire range of pheasant populations in Minnesota. There are over 400,000 acres of WMAs within the "Farm Zone" that are affected along with thousands of hunters who pursue small game within these WMAs each year. The House language, if included in the conference report and voted into law, will contribute to an inflationary price spike for Minnesota ammunition consumers. Alternative hunting ammunition (made of copper, tungsten, or bismuth) is significantly more expensive to manufacture and to purchase than traditional counterparts. We believe that Minnesota policy should instead focus on maintaining and growing hunting opportunities for all; not building barriers to resident and non-resident enjoyment of hunting heritage and the outdoors.

Federal's position on the use of lead ammunition is driven by science. We support science driven decisions by professional wildlife managers when forming and implementing regulations for wildlife management. The legislative process is not the appropriate venue.

Federal believes in consumer choice as it relates to which type of ammunition its consumers utilize afield. Our more than 1,500 passionate employees are proud to produce choices of high quality products of all varieties, including steel shot, bismuth shot, tungsten super shot, copper bullets and traditional ammunition.

Finally, conferees must be aware of the negative environmental and economic consequences related to this proposal. Most alternatives to traditional lead ammunition require significant mining and resource extraction somewhere other than Minnesota. In contrast, traditional lead ammunition is almost entirely composed of recycled materials sourced here in Minnesota. We turn waste products into beneficial commodities that are shipped and sold worldwide. Sourcing and employing locally makes environmental and economic sense.

This policy decision was made without sound scientific basis. It does not create measurable wildlife benefits. It puts good paying Minnesotan/American jobs at risk while promoting intensive resource extraction.

Please do not include in the conference committee report language restricting the use of traditional ammunition on WMAs.

Thank you for your prompt attention to this topic. Please do not hesitate to contact our team so that we can provide more information relating to this decision. This amendment is certain to result in only one significant outcome, harming hunters and the future of wildlife management funding in Minnesota.

Sincerely,



Jason Vanderbrink
President and Chief Executive Officer
Sporting Products, Vista Outdoor
CCI, Federal, Hevi-Shot, Remington, Speer Ammunition



04/29/2023

RE: HF 2310: Products Containing PFAS

Dear Members of the House File 2310 Conference Committee,

First, Medical Alley wants to express gratitude for the Senate-passed language of House File 2310 on lines 125.18 through 125.20 relating to exemptions for medical devices, medical products, and medical drugs under Subdivision 8 of Section 62 of Article 4 ([Second Unofficial Engrossment](#)).

This language is important because the PFAS categories of concern tied to environmental contamination, bioaccumulation, and persistence in the environment are not reflective of all PFAS. PFAS is a very broad classification of multiple chemicals that all have varied properties. Many of the PFAS present in medical devices and medical technology are not water soluble and not a risk to the environment. Targeting the concerning water-soluble PFAS categories, which have risk assessments identifying a long-term environmental risk, and excluding the non-water soluble PFAS (polymers) would overwhelmingly ensure this legislation efficiently targets unsafe products and supply chain practices.

Request of the Conference Committee

1. As the conference committee process moves forward, Medical Alley strongly encourages members of the committee to adopt the Senate-passed language as it recognizes the critical role of PFAS in many medical products and equipment. Medical devices are essential to diagnosing, treating, and managing disease. Overly restrictive regulations would severely hinder access to these technologies, negatively impacting patient health and create additional burdens to compliance and delivery of these technologies to healthcare system.
2. Medical Alley also requests further clarification recognizing that the PFAS chemicals used in medical devices and medical products are a category separate from those tied to environmental contamination and bioaccumulation and should not be subject to the disclosure requirements of Subdivision 2. Alternatively, Medical Alley would suggest a narrowing of the definition of PFAS chemicals in the bill – limited and confined to those specifically identified PFAS chemicals that are known to be toxic or likely toxic.

Compliance with Disclosure Requirements

The disclosure requirements under Subdivision 2 of the PFAS section of the bill raise significant intellectual property concerns. For example, when a company is both the manufacturer and design owner, there still would be many instances where a component material supplier would view their component design as their intellectual property, including the specific material used. In those instances, the FDA has a regulatory approach for those suppliers to divulge information to the FDA but not to the company manufacturing the final product. The legislature must develop something similar if the desire is full disclosure. Otherwise, no manufacturer will be able to achieve 100% disclosure.

Medical Alley appreciates the thoughtful and bipartisan committee discussion about this bill's impact on medical devices and products. However, we believe the bill needs further clarification to ensure medical device manufacturers do not face the nearly impossible challenge of identifying whether PFAS exists in

each of these parts and its sub-components. Medical devices are often built from hundreds or even thousands of components which may be made by a variety of suppliers.

Specifically, we want the conference committee to understand the impact of the requirements under Subdivision 2 of the PFAS section of the bill (beginning at line 122.13 of the Second Unofficial Engrossment), which issues several disclosure requirements for manufacturers.

- **Subdivision 2(a)(2) requires the purpose for which PFAS are used in the product, including any product components.** The manufacturer often relies on third-party suppliers for components needed to assemble a medical device. Therefore, while complying with this requirement is possible for products that a manufacturer controls, defining the purpose of PFAS in the entire product design would be nearly impossible. The third-party suppliers own the whole design and the regulatory filings. In those cases, a manufacturer has little insight into the construction materials, making it exceptionally difficult to disclose PFAS content unless the design owner divulges information. The design owner often will not disclose this information because it is intellectual property. For example, a Magnetic Resonance Imaging (MRI) device requires nearly 120,000 components to assemble an MRI machine. In many instances, those 120,000 components could have sub-components needed to operate the device. The supply chain runs seven-to-ten layers deep to obtain these components from other countries. It would take an enormous amount of time to track each supplier to disclose their product chemistries because they would have to detect over 12000 chemistries for each component. This is just an example of one of the thousands of medical devices being manufactured and sold in Minnesota.
- **Subdivision 2(a)(3) requires the amount of each PFAS, identified by its chemical abstracts service registry number, in the product, report as an exact quantity determined using commercially available analytical methods or as falling within a range approved for reporting purpose by the commissioner.** This may be possible to comply with if the legislation provides direction on the analytical methods required. For manufacturers, complying with each product will be very costly and time-consuming. It will likely require the services of dedicated labs for several years to work through all of a manufacturer's products. Requirements like this would result in significant delays in delivering medical devices to health systems, clinics, etc., resulting in delayed patient care. In addition, it would significantly harm rural hospitals already facing closures due to reduced revenue. Furthermore, there are not developed analytical methods to test "all" PFAS so a narrowing of PFAS included will allow manufacturers to focus on efforts to find alternatives for the PFAS chemicals that contribute to a risk to the environment.
- **Subdivision 2(a)(4) requires the name and address of the manufacturer and the name, address, and phone number of a contact person for the manufacturer.** While the manufacturer can disclose this information for itself, if the product has any PFAS from components made from third-party suppliers (who may also purchase products from other suppliers), 100% compliance to this requirement will not be achievable.
- **Subdivision 2(a)(5)(c) requires a manufacturer to submit to the MPCA, at the request of the commissioner, product disclosure information whenever a new product that contains intentionally-added PFAS is sold, offered for sale, or distributed in the state and update and revise the information whenever there is significant change in the information.** The manufacturer often relies on third-party suppliers for components needed to assemble a medical device. Therefore, while complying with this requirement is possible for products that a manufacturer controls, defining the purpose of PFAS in the entire product design would be nearly impossible. The third-party suppliers own the whole design and the regulatory filings. In those cases, a manufacturer has little insight into the construction materials, making it

exceptionally difficult to disclose PFAS content unless the design owner divulges information. The design owner often will not disclose this information because it is intellectual property.

Definition

Based on the definition of PFAS under Subdivision 1(p) (line 121.24), manufacturers will be required to disclose all PFAS substances in their medical devices and medical products. This means that PTFE (polytetrafluoroethylene), FEP (fluorinated ethylene propylene), ETFE (ethylene tetrafluoroethylene) and other fluoropolymers of no concern would be included in the definition even though they are inherently non-toxic. Medical Alley would support further clarification of the PFAS definition that would be limited and confined to those PFAS materials that are known to be toxic or are likely toxic.

Impact on Patient Access to Health Products

Medical Alley is committed to advancing health equity and improving patient outcomes for everyone. Our partners understand the significant challenges facing healthcare — with affordability and reducing health disparities as top priorities.

Because of this perspective and expertise, we have raised the aforementioned concerns about the PFAS language in the bill. As it is currently written in both versions, House File 2310 would increase barriers to patient access. Patients and healthcare providers may lose access to the following devices and more should this legislation become law unamended:

- Medical Resonance Imaging (MRI)
- Computed Tomography
- Ultrasound
- Ventilator
- Contact lenses
- Stents
- IV solution bags and tubing
- Prosthetics
- Insulin pumps
- Surgical kits
- Catheters
- Syringes
- Instruments and equipment (shears, cutters, staplers) used in minimally invasive surgical procedures
- Blood collection bags
- Peritoneal dialysis solutions

For example, individuals diagnosed with diabetes may have to wait on access to an insulin pump. Patients seeking an answer as to whether they have cancer may experience delays in diagnosis and treatment as the hospital waits on a manufacturer's approval from the state on a Magnetic Resonance Imaging (MRI) machine. A pregnant mother may face delays in scheduling an ultrasound scan to check her and her unborn child's health.

Amendment Language

Medical Alley suggests the following amendment language to best and fully address these concerns. Under Subdivision 8 of Section 62 of Article 4 (Second Unofficial Engrossment of House File 2310) after line 125.13, insert:

This section does not apply to any of the following:

- a. A product, including its peripheral accessories, and the packaging or packaging components for any product regulated as a drug or medical device by the United States Food and Drug Administration.**
- b. Medical equipment or products and the packaging or packaging components for any products used in healthcare settings, including hospitals and clinics that are regulated by the United States Food and Drug Administration or used for infection prevention and dispensing of medication.**
- c. Medical equipment or products and the packaging or packaging components for any product intended for Research Use Only as defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Sec. 360, etc. seq).**

As a non-profit organization representing Minnesota's leading healthcare companies and manufacturers, we recognize the need to drive healthcare innovation while also protecting the environment. We appreciate your attention to this important issue and urge you to consider further clarification to House File 2310. Medical Alley is committed to working with policymakers to find a balanced approach that protects both public health and the environment while promoting innovation and economic growth in Minnesota.

Sincerely,



Roberta Antoine Dressen
President and CEO
Medical Alley



Friends of Minnesota Scientific & Natural Areas

April 30, 2023

Re: Comments to Omnibus Environment, Natural Resources, Climate, and Energy Finance and Policy Bill (HF 2310)

Dear Honorable Members of the Conference Committee for HF 2310:

Friends of Minnesota Scientific and Natural Areas (FMSNA) is a Minnesota non-profit, tax-exempt [“501(c)(3)”] corporation organized to protect and enhance Minnesota’s Scientific and Natural Areas (SNAs). SNAs are the “crown jewels” of Minnesota’s state land base, protecting some of Minnesota’s rarest and most sensitive plant and animal species and the ecosystems upon which they depend.

We respectfully request your support to adopt the House version (3rd engrossment) of HF 2310, including the following items in particular:

1. Support of Scientific and Natural Area (SNA) Program

Article 1, lines 30.7-.11: Grey Cloud Dunes - \$6 million for acquisition

Article 1, lines 30.12-.20: SNA maintenance - \$6 million

Article 2, lines 84.17–.29: Environment and Natural Resources Trust Fund (ENRTF) for SNA habitat restoration, public outreach, and strategic acquisition - \$1.9 million

Article 2, lines 118.15-.22: ENRTF for SNA habitat restoration and public outreach - \$5 million (adopted in Chapter 94, 2022 Session Laws)

Article 4, lines 195.8-11: prohibits neonicotinoid class of insecticides, or if the insecticide contains chlorpyrifos, on state lands (including SNAs)

2. Support of Non-toxic Ammunition and Non-Toxic Fishing Tackle

We worked hard during the 2023 and previous legislative sessions to raise concerns about the toxic effects of lead ammunition and lead fishing tackle on humans and wildlife. Therefore, we request your support of the following language in HF 2310 (House version):

Article 1, lines 20.32-21.3: lead tackle reduction

Article 1, lines 37.27-.31: hunter and angler retention did **not** include non-toxic ammunition and non-toxic fishing tackle language requested by the Izaak Walton League. (See the requested language below to “**Stop Raid #1.**”)

Article 1, lines 40.19-.26: \$1.4 million for establishment of “swan protection areas”, including education and outreach

Article 1, lines 41.18-41.29: shooting sports grants – prioritizes facilities not using lead ammo; lead education component. (See the requested language below to “**Stop Raid #2.**”)

Article 4, lines 209.28-.29: defines “native swan”

Article 4, lines 210.18-211.21: “Swan Protection Areas”

We note a possible typo on line 210.12. All of the language in lines 210.18-211.21 contain the word “must”, except for line 211.12. To ensure enforceability, we respectfully request that lines 211.12-.16 be amended to read as follows:

“Subd. 3. **Using lead sinkers.** A person ~~may~~ **must** not use lead sinkers on a water designated by the commissioner as a swan protection area under subdivision 1. The commissioner must maintain a list of swan protection areas and information on the lead sinker restrictions on the department's website and in any summary of fishing regulations required under section 97A.051.”

Article 4, lines 223.19-224.4: non-toxic shot required on WMAs in farmland zone

Article 4, lines 224.5-.7: swans – criminal liability

3. Stop the two “Raids” on the Heritage Enhancement Account

Finally, we note that the Izaak Walton League sent a letter (dated April 28, 2023) to the Conference Committee regarding the two “raids” on the heritage enhancement account for non-conservation purposes. We support this letter.

Simply stated, Minnesota **taxpayers should not subsidize** the proliferation of toxic lead ammunition.

Stop Raid #1. We request that HF 2310 (House version), Article 1, page 37, lines 37.22-.31 be amended to read as follows:

“(a) \$11,458,000 the first year and \$11,658,000 the second year are from the heritage enhancement account in the game and fish fund only for activities specified under Minnesota Statutes, section 297A.94, paragraph (h), clause (1). Notwithstanding Minnesota Statutes, section 297A.94, five percent of this appropriation may be used for expanding hunter and angler recruitment and retention, **which shall include an education component about: (1) the toxic effects of lead ammunition and lead fishing tackle; and (2) non-toxic alternatives to lead ammunition and lead fishing tackle.**”

Stop Raid #2. FMSNA also has concerns that HF 2310 (House version), Article 1, page 41, lines 41.10-.23, could increase the proliferation of toxic lead ammunition in shooting sports facilities – adding to the adverse impacts of lead on wildlife and humans. Therefore, we respectfully request that HF 2310 (House version), Article 1, page 41, lines 41.10-.23, be amended to read as follows:

Conference Committee
Omnibus Environment Bill - HF 2310
April 30, 2023

(q) Notwithstanding Minnesota Statutes, section 297A.94, \$300,000 the first year and \$300,000 the second year are from the heritage enhancement account in the game and fish fund for shooting sports facility grants under Minnesota Statutes, section 87A.10, including grants for archery facilities. Grants must be matched with a nonstate match, which may include in-kind contributions. **Priority must be given to** Facilities **must that** prohibit the use of lead ammunition. Recipients of money appropriated under this paragraph must provide information on the toxic effects of lead **and non-toxic alternatives to lead ammunition ...**”

As a reminder, we are on record advocating that the Minnesota Legislature adopt comprehensive legislation to require the phase out of lead ammunition and lead fishing tackle – state-wide - on all Minnesota land and waters. Nevertheless, FMSNA recognizes the above language as an important legislative step forward, for “the public good”, towards “getting the lead out” of our hunting and fishing activities.

FMSNA looks forward to working with you – and other legislators on both sides of the aisle – to promote the passage of this bill and to adopt subsequent legislation to **phase out the use of lead ammunition and lead fishing tackle on all of Minnesota’s land and waters.**

On behalf of FMSNA, I **thank you** in advance for your kind consideration. Please contact me any time, if you have questions or comments.

Very truly yours,

Thomas E. Casey

Thomas E. Casey
Board Chair
Friends of Minnesota Scientific and Natural Areas, Inc.

Please send correspondence to:
2854 Cambridge Lane
Mound, MN 55364
telephone: (952) 472-1099
e-mail: tcasey@frontiernet.net

Reference: Izaak Walton League letter to the Conference Committee (April 26, 2023)



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May 1, 2023

The Honorable Fong Hawj
3231 Minnesota Senate Building
95 University Ave W.
Saint Paul, MN 55155

The Honorable Rick Hansen
407 State Office Building
100 Rev. Dr. Martin Luther King, Jr
Saint Paul, MN 5155

Re: Conference Committee on House File 2310

Chair Hawj, Chair Hansen, and Honorable Conference Committee members,
Fresh Energy is a 30-year-old, Minnesota based non-partisan, non-profit organization working to achieve equitable, carbon-neutral economies by 2050. We appreciate the opportunity to write to you regarding the energy provisions included in House File 2310, the omnibus Environment and Climate appropriations bill.

It is critical that a robust package of strategic climate appropriations be successfully adopted before the Legislature adjourns. 2023 has already been a historic year for climate action and clean energy with the passage of the 100% carbon-free electricity standard. However, in order to meet the 100% goal—as well as to decarbonize across all other sectors of our economy—significant state investments are needed. This bill makes an important first stride in this direction with funding for a variety of impactful climate programs that will also improve public health, create jobs and reduce costs for consumers.

A number of important items have been included in both the House and Senate versions of the bill. We particularly appreciate and encourage adoption of the following provisions:

Buy Clean Buy Fair Minnesota (Energy policy R1): Minnesota can lead by example in procuring products that have significantly lower GHG emissions impacts than traditional building materials. This legislation requires a rigorous data-driven approach for quantifying the lifecycle emissions of steel, concrete, asphalt, and rebar in establishing a procurement standard for state construction projects.

Pre-weatherization (Energy policy R77): Energy burden is four-times higher for under-resourced households than for the average Minnesota household. Pre-weatherization addresses health and safety hazards that are necessary to fix before a home can be weatherized. Investing in pre-weatherization will allow significantly more households, especially under-resourced households, to benefit from federal energy efficiency programs reducing the energy burden for the Minnesota families who can benefit the most from it.

Energy Benchmarking for Commercial Buildings (Energy policy R80): The buildings sector accounts for about 40% of statewide greenhouse gas emissions. Commercial benchmarking will measure energy usage and emissions from our largest buildings, enabling energy efficiency and cost-savings in this critical sector.

Solar on Public Buildings (Energy policy R99): Solar energy has enormous potential to reduce energy costs for state and local governments, saving taxpayer dollars while providing locally-generated clean energy for communities throughout the state.

Solar interconnection (Energy policy R103): The distributed energy resources system upgrade program is an important step to address challenges related to solar interconnection and existing constraints on our electric grid. This empowers Minnesotans to invest in clean energy on their own terms, while also supporting investments in our shared grid infrastructure and clean energy transition.

Electric Vehicle support – Rebates (Energy policy R106), fleet purchase preferences (R12), and autodealer training (Energy policy R109): Reducing transportation emissions, the largest attributable source of greenhouse gas emissions in Minnesota, is an imperative to meet our climate goals. The electric vehicle initiatives in this bill address the barriers that prevent adoption by increasing accessibility, affordability, consumer knowledge, and increased visibility.

Minnesota Innovation Climate Finance Authority (Energy policy R112): This investment will create a state-level, mission-driven financial institution to accelerate the transition to clean energy while centering environmental justice by serving those left behind in the current financial market. ***House appropriation recommended***

Electric panel upgrade rebates (Energy policy R124): This will help residents—especially those who are low- and middle-income—electrify their homes, reducing greenhouse gas emissions in the critical buildings sector. ***Senate appropriation and House language recommended***

Heat Pump Rebates (Energy policy R127): Supporting adoption of cold climate air-source heat pumps is a critical solution for addressing climate change in buildings. Additionally, the contractor training and support included in the bill will address some of the market and workforce gaps that exist.

Utility Diversity Reporting (Energy policy R129): The Legislature has done good work in previous sessions to begin prioritizing access to utility-sector employment for historically marginalized and underrepresented populations. The new reporting requirements included in this provision will provide utilities and policymakers with important information on progress to date as well as specific best practices and areas of needed improvement in hiring and workforce development.

Minnesota Frontline Communities Protection Act (Environment policy R30): This policy strengthens the MPCA air permitting process to address the cumulative impacts of a new or existing facility. This is an important opportunity for Minnesota to deepen its commitment to racial and environmental justice by instituting air pollution protections that could begin to alleviate the health and economic disparities that over burden too many of our communities.

Senate-only provisions we recommend for inclusion:

Advanced Nuclear Study (Energy policy R151): There have been significant developments in nuclear technology in recent years, and we believe it is worth exploring the role that new nuclear generation could play in meeting Minnesota’s carbon-free electricity standard. Nuclear power additionally generates radioactive waste, presenting a major public policy and environmental justice challenge for both new and existing nuclear generation. We believe the study language in the Senate bill appropriately balances these considerations and recommend its inclusion in the final bill.

Green Fertilizer (Energy policy R153): Crop and animal agriculture accounted for over 25% of Minnesota’s total greenhouse gas emissions in 2020. Innovative strategies that utilize hydrogen from wind and solar energy to produce vastly less carbon intensive green fertilizer are emerging. This legislation could establish Minnesota as a model for producing green fertilizer locally, reducing our dependence on imported fossil fertilizer while growing rural economic opportunities, jobs, and tax revenue.

House-only provisions we recommend for inclusion:

Next Generation Climate Act (Energy Policy R138): Taking into account the latest scientific research on climate change, this legislation updates the state goals to reduce statewide greenhouse gas emissions across all sectors by at least 50 percent by 2030 and to net zero emissions by 2050. Codifying these goals in statute will help to ensure that future state policymakers and regulators have a clear, consistent and scientifically defensible target to guide future decision-making.

Additional Items of Concern:

Community Solar Gardens: One item we anticipate receiving significant attention in the days ahead is the future of community solar gardens in Minnesota. Minnesota's community solar law has driven billions of dollars in investment to Minnesota. A decade after its passage, we believe the time is right to reassess this program with an eye toward how Minnesota can most cost effectively continue to grow a vibrant solar industry while prioritizing equity outcomes and addressing existing concerns about program cost, distribution-system challenges and predictability.

We appreciate the thoughtful and constructive work done by both energy chairs in moving this important conversation forward. We believe that the Senate's proposal for a new distributed energy standard (Page R43 of the energy policy side-by-side) provides the most solid basis for the future expansion of Minnesota's small and medium-scale solar industry and encourage the conference to use this model as the starting point while working to resolve differences between the House and Senate positions. We appreciate the emphasis from both bodies on serving low-income customers and believe that any subscriber-based program that exists in the future should (at the very least) prioritize low-income individuals and public-benefit entities.

Modifying 2040 carbon-free electricity standard: Earlier this session, the Legislature adopted a nationally-significant carbon-free electricity standard that was the end-product of extensive stakeholder dialogue. We believe that Minnesota's standard is well-balanced, clear and consistent, and strongly recommend against any changes at this time, including all of the changes carried in the Senate version of HF2310.

Gas Utility Rider Sunset Extension: Included in both versions of the bill, this provision would extend an existing legislatively-authorized rider for gas utilities that we believe would be more appropriately evaluated through established processes at the Minnesota Public Utilities Commission. The Commission is well-equipped to provide adequate scrutiny to protect gas utility customers while fully considering ongoing and future market changes affecting the gas utility sector.

Eligibility Restrictions on EV Rebates: Both versions include a provision limiting eligibility for electric vehicle rebates to households with incomes below 300 percent of Federal poverty guidelines. While we support reasonable income-based qualification criteria, we believe that this threshold is overly restrictive, and additionally note that both bodies adopted this provision via floor amendment with no opportunity for stakeholder testimony or input.

We appreciate the opportunity to share our thoughts as you work to resolve differences between the House and Senate versions of HF2310. This legislation has enormous potential for Minnesota to reduce emissions, improve public health, advance equitable outcomes and generate significant job growth and economic development. We are grateful to the chairs and members of both bodies for developing such a thoughtful and comprehensive package of climate investments.

Fresh Energy is committed to supporting your efforts and we look forward to ongoing conversation as you complete the work of the 2023 legislative session.

Sincerely,

Justin Fay
Senior Lead, Public Affairs and Advocacy
fay@fresh-energy.org

Anna Johnson,
Senior Manager, State and Local Affairs
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FRESHWATER

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Freshwater Society is a nonprofit organization working to inspire and empower people to value and preserve our freshwater resources.

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Environment, Natural Resources, Climate and Energy Conference Committee; HF2310

April 28, 2023

Dear Conferees:

As you begin to assemble the final Environment and Natural Resources Omnibus Bill, we are writing today in support of a menu of tools to address climate change, provide important investments in wastewater infrastructure and respond to critical threats facing drinking water in Minnesota.

Soil Health. \$27 million for the biennium, plus ongoing base budget to the Board of Water and Soil Resources. Improving soil health has multiple benefits across the landscape. Providing base funding recognizes the complexity and multiyear work needed to achieve maximum results. Soil health practices improve the microbial community in the soil that takes carbon dioxide and other greenhouse gases from the atmosphere and stores them in soil. These microbes also create soil structure that allows mega-rain events to infiltrate rather than runoff, keeping water and nutrients in place.

While the House and Senate both recognize the value of this program. We encourage Conferees to not combine funding for Soil Health and Water Quality and Storage. Because of the strong benefits soil health provides, it is deserving of line-item funding and to not compete with water storage projects.

Water Storage. \$17 million in one-time GF funding, with a base budget of \$480,000 going forward to the Board of Water and Soil Resources. Water storage reduces artificially high-water levels in our rivers and minimizes erosion damage by temporarily storing water, at critical times, and in key places. Combined with a dynamic soil health program; water storage has enormous potential to address agricultural runoff; which comes too fast and is too loaded with nitrogen and phosphorus.

Again, we appreciate the commitment made to water storage but encourage you to provide line-item funding and to not be in competition with soil health projects.

Resilient Communities Grants and Technical Assistance. \$173.88 million in one-time funds, with an ongoing base-budget of \$1.12 million going forward to the Minnesota Pollution Control Agency. This provides critical resources to help communities plan and implement projects that will support adaptation to a warmer and wetter Minnesota. This money is need to assess infrastructure needs and plan for changes so that local infrastructure can withstand flooding and other climate stressors.

We appreciate the Senate's firm commitment to this effort and would ask the Conference Committee to make a strong investment in this area.



Drinking Water Protection and PFAS Response. \$25 million in one-time funds. These funds are essential for planning, designing, and bidding public water treatment systems to combat the widespread per- and polyfluoroalkyl (PFAS) contamination in drinking water across the State of Minnesota. The funds will also be used for sampling and installing treatment on private wells in the areas surrounding the identified public drinking water impacts and for investigating sources of the PFAS contamination to the public water systems.

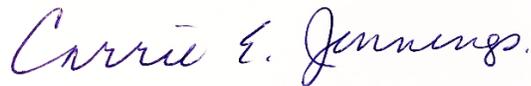
Thank you for supporting this crucial effort.

Implement Minnesota's PFAS Blueprint. \$2.07 million per year from the Environmental Fund to help implement Minnesota's PFAS Blueprint. The additional staff would begin with the first major initiative of the PFAS Blueprint, the PFAS Monitoring Plan, which calls for gathering Minnesota-specific information; identify areas of concerns that need quick action and collect data to prioritize reducing sources of PFAS and prevent pollution.

While both the House and Senate have shown a commitment to this project, we request Conferees provide the full amount in order to begin systematic efforts to address the PFAS problem in Minnesota.

Again, thank you for your efforts this year. Minnesota has an historic opportunity to address climate and related issues this session and Freshwater looks forward to a strong outcome.

Sincerely,

A handwritten signature in blue ink that reads "Carrie E. Jennings". The signature is written in a cursive style and is positioned above a light orange rectangular background.

Carrie Jennings, Research and Policy Director
Freshwater



April 28, 2023

Via E-Mail Delivery

Senator Foug Hawj, Chair
Environment, Climate & Legacy Committee
Minnesota State Senate
3231 Minnesota Senate Building
Saint Paul, MN 55155

Representative Rick Hansen, Chair
Environment Finance and Policy Committee
Minnesota House of Representatives
407 State Office Building
Saint Paul, MN 55155

Dear Chairs Hawj and Hansen:

Thank you for your work this legislative session and for your consideration of important investments included in the Senate and House Environment Finance bills.

The MN-FISH Coalition collectively represents anglers and related organizations from around the state. The boating and outdoor recreational industries are a vital part of Minnesota, supporting 91,000 jobs and \$9.9 billion in economic benefits to the state each year (Outdoor Industry Association, 2022).

We have a unique opportunity this session to make critical investments in our state's water infrastructure across the state. These investments will yield many benefits to the state and Minnesotans utilizing and enjoying the resources our state has to offer. The investments proposed by Governor Walz under the Get Out *MORE* Initiative will give greater access and opportunities for more Minnesotans to enjoy outdoor recreation resources, including children, families, and individuals with disabilities.

That's why we are supporting **three key funding recommendations** as part of the Governor Walz's Get Out *MORE* initiative under the Minnesota Department of Natural Resources (DNR):

- ***\$60 million for updating the state fish hatcheries across the state of Minnesota, including Waterville, Crystal Springs, Spire Valley, and other high-need fish hatcheries.***
- ***\$50 million to upgrade, renovate and modernize the state's Public Water Accesses (PWAs) operated by local governments and the DNR across the state; and***
- ***\$5 million for Shore Line and Fishing Pier opportunities in our local communities.***

The Governor is recommending a total of \$118 million as part of his Get out *MORE* initiative, all of which will make key investments in our lakes and rivers across the state.

Fish Hatcheries

The Governor has recommended \$60 million repair and upgrade the fish hatchery system at the DNR. Legislation supporting \$60 million in funding to repair and update fish hatcheries was introduced by Rep. Jeff Brand and Sen. Jordan Rasmusson (HF1344/SF1422) and Rep. Jeff Brand and Sen. John Hoffman (HF3018/SF2619).

The DNR operates four cold water and 11 warm water fish hatcheries around the state. Our state's fish hatchery facilities were mostly constructed in the 1950s with few updates made since this time.

The Statewide Fish Hatchery system supports stocking walleye in 900 lakes throughout the state. These lakes today would offer little, or no walleye fishing were it not for stocking by the DNR. The most urgent needs at our state's fish hatcheries include:

- Biosecurity updates to fight against fish disease and aquatic invasive species
- Antiquated water piping and technology control systems
- Employee safety related concerns
- Energy efficiency updates

The DNR conducted feasibility studies in 2018 and 2019 on four of the state's hatcheries. The studies found that the DNR needs at least \$60 million to address the immediate needs of the state's fish hatcheries. This funding request will ensure that the five highest need fish hatcheries are modernized, renovated, and repaired, something that hasn't happened in more than two generations.

Public Water Accesses (PWAs)

Minnesota is ranked #1 in the U.S. for the number of registered watercrafts per capita according to the U.S. Coast Guard and the U.S. Census Bureau. Minnesota also ranks #2 in the country for the number of boat owners according to the National Marine Manufacturers Association (2018). In recent years, Minnesotans have enjoyed our state's recreational opportunities in record numbers.

The DNR maintains 1,691 state public water access sites. The typical lifecycle is around 15-25 years, according to the DNR. In addition, most of the state's PWAs were constructed before the passage of federal ADA legislation and prior to the state's focus on stopping the spread of AIS.

Right now, many of our state's PWAs are in dire need of update and repair. Updating and repairing our state's PWAs will have several benefits – stopping invasive species; monitoring water quality; and giving all Minnesotans greater access to our state's lakes and rivers. We do not want to become a state where only individuals who own homes or cabins on lakes and rivers have opportunities to enjoy our resources – we need to make sure that all Minnesotans have access to our lakes and rivers.

Over the past decade, the DNR has invested an average of \$2.8 million each year for deferred maintenance and critical repairs to PWAs across the state. This is not enough to keep up with deferred maintenance, repair and replacement costs. That's why MN-FISH supports the Governor's recommendation of \$50 million for PWAs, included in the Get Out *MORE* Initiative.

Legislation supporting the Governor's \$50 million recommendation to repair and update PWAs was introduced by Rep. Liz Reyer and Sen. Grant Hauschild (HF2578/SF1421) and Rep. Jeff Brand and Sen. John Hoffman (HF3019/SF2619) during the legislative session.

Shore Line and Fishing Piers

It's important to make sure that we have wide access for all Minnesotans to enjoy our lakes and recreational opportunities. The DNR currently manages 360 shore fishing sites and fishing piers across the state. Many current and new anglers rely on these fishing opportunities because they have limited resources to access Minnesota's public waters.

The new shore line fishing and piers will be added in communities that are currently underserved. By investing in updating and creating new shoreline and fishing piers, the DNR and other organizations have the opportunity to enhance programs such as Fishing in the Neighborhood and other programs to bring outdoor recreation to youth and communities throughout the state.

Funding for Shore Line and Fishing Piers across the state was introduced by Rep. Jeff Brand and Sen. John Hoffman (HF3019/SF2619) as part of the Get Out *MORE* initiative.

Protecting Mississippi River from Invasive Carp and Funding for AIS

MN-FISH supports state funding to move forward in working with the DNR and the federal government in finding a solution to stopping the threat posed by Invasive Carp pushing past Lock and Dam 5 just north of Winona.

As background, four species of carp from Asia (silver, bighead, grass and black) escaped into the Mississippi River in Arkansas four decades ago. From there, they've spread in our nation's waterways, wreaking environmental and economic havoc. Studies of carp-infested waters show that filter-feeding silver and bighead carp are extremely damaging – they will reduce the number, size, and diversity of native fish, including important game fish. Meanwhile, the large silver carp jump up to 9 feet out of the water, creating a serious hazard for recreational boaters and anglers.

Unfortunately, Minnesota has been placed in a difficult situation, with the federal government and the State of Wisconsin providing no immediate funding assistance or solutions to this problem. But we can't wait and hope for the best – we must act now and put together a plan to stop the spread of Invasive Carp beyond Lock and Dam 5.

That's why MN-FISH supports a proposal moving forward appropriating \$2 million in capital funding to the DNR to complete the 50% design requirement working with the Army Corp of Engineers. We are grateful for the work of Sen. Hoffman, Sen. Pappas, Sen. Hawj and many others in meeting and working with the DNR and stakeholders on this important issue.

In addition, MN-FISH supports the DNR and Governor's recommendation to provide necessary funding for the DNR to engage in activities to keep AIS and Invasive Carp out of our lakes, rivers, and streams. We recommend the conference committee include at least the Governor's recommended funding level for the DNR's budget related to AIS.

Fishing License Fee Increases

The DNR is primarily a fee-based funded state agency and that's particularly the case for the Fisheries Division. License fees from individual anglers support the operations of the DNR Fisheries Division throughout the state of Minnesota. The operations of the Fisheries Division are critical to making sure we adequately manage our state's resources. Fishing license fees are financially independent from the state's General Fund budget.

The Minnesota Legislature last enacted fishing license fee increases in 2012 and 2017. The Consumer Price Index (CPI) has increased 21% from 2017 to 2022. The DNR and Governor Walz propose to increase fishing license fees by 20% which is in line with the CPI index since the last increase in 2017. In addition, the fishing license fees being proposed will keep Minnesota aligned with other surrounding or nearby states, including Michigan, South Dakota, and Montana.

MN-FISH did not make the decision to support fishing license fee increases without significant discussion and input from members. The state needs an effective Fisheries Division at the DNR to manage our state's resources. We offer our support for the fishing license fee increases in concert with the funding of the Governor's Get Out *MORE* Initiative, including investments in the state's fish hatchery system and PWAs.

Boater and Watercraft Safety Education

MN-FISH supports legislation enacting a boater and watercraft safety education program. The legislation, HF949/SF553 authored by Rep. Erin Koegel and Sen. Kelly Morrison, were included in both House and Senate Omnibus Environment Finance bills. Safety on our lakes and rivers is important to anglers and currently Minnesota is an outlier in requiring individuals to have a permit to operate a boat or watercraft. We encourage the conference committee to adopt a boater education and watercraft safety requirement this legislative session.

Keep It Clean Campaign

MN-FISH supports the Keep It Clean legislation and campaign to address the growing problem of garbage and waste left behind on the ice by individuals during the ice fishing season. The legislation, HF2745/SF2789 was introduced by Rep. Andrew Myers and Sen. Paul Utke. We encourage the conference committee to adopt the language included in the House version of HF2310.

Swan Protection Act and Lead Tackle Prohibition

The legislation included in the House version of HF2310 includes legislation establishing Swan Protection Areas in the seven-county metropolitan area and restricting the use of lead tackle. MN-

FISH opposes this language and requests the conference committee not include the language in the final Omnibus Environment Finance bill.

The legislation creates a patch work of regulations on lakes and rivers subject to Swan Protection Areas and lead tackle bans. It's unclear the ramifications of this new mandate given the confusion it may create with anglers, the lack of resources within DNR to enforce this new requirement, and the potential economic damage to the outdoor recreation industry as well as the DNR's budget. In addition, the state swan population has increased from 17,000 in 2015 to over 20,000 today, a nearly 20% increase, indicating Minnesota already has a healthy and growing swan population.

Thank you for the opportunity to provide input to you. Please let us know if you have any questions.

Sincerely,

Dave Osborne, President
MN-FISH Coalition

C: Governor Tim Walz
Commissioner Sarah Strommen, DNR
Rep. Patty Acomb
Rep. Athena Hollins
Rep. Sydney Jordan
Rep. Larry Kraft
Rep. Liz Reyer
Rep. Jeff Brand
Rep. Andrew Myers
Sen. Nick Frentz
Sen. Jennifer McEwen
Sen. Tou Xiong
Sen. Julia Coleman
Sen. Grant Hauschild
Sen. John Hoffman
Sen. Jordan Rasmusson
Sen. Paul Utke



POLLINATOR FRIENDLY ALLIANCE
PO BOX 934, STILLWATER, MN 55082
WWW.POLLINATORFRIENDLY.ORG

Support for pollinator and human health bills in Environment, Natural Resources, Climate and Energy Committee HF2310

Date: April 28, 2023

To: Chair Rep. Rick Hansen and Committee Members of Environment, Natural Resources, Climate and Energy Committee

We strongly support several bills in HF2310:

- Restore the Study of Neonics in Game Species**, SF 719 Dibble, Hawj, Morrison, McEwen, Port, Language 40.9, 100.7
- Proper Use and Disposal of Treated Seed**, SF 1339 Kunesh, Morrison, Xiong, Language 129.27, 142.30, 171.22, 274.7, 274.12, 275.25, 276.13, 277.3,
- DNR pesticide restrictions**, SF 835 Morrison, Kunesh, McEwen, Language 195.8
- Municipal Option for Local Control of Pesticides**, SF 608 Bolden, McEwen, Fateh, Dibble, Language 274.17, 275.1

Pollinator Friendly Alliance represents a broad membership of rural and urban Minnesotans. On behalf of thousands, we urge legislators to step up to protect pollinators, waters, land and the people of Minnesota from pesticide contamination.

These four small steps will promote improved handling of pesticides to avoid further contamination. Currently, there are not adequate federal or Minnesota state safeguards for the health of pollinators, wildlife, people and the environment from pesticide contamination.

We need more data on the extensive contamination of neonicotinoids in animals. Recent studies, including **the MnDNR's own study, have found wildlife sickened from harmful residues** from insecticides in plants, in the water, and soil where pesticides seem to persist season to season, and from insecticide-coated seed. The latest research by Dr. Jenks and Dr. Lundgren found **grassland birds, otters and other free ranging animals suffering from systemic insecticide and pesticide coated seed contamination**. Pesticide contaminated forage and habitat contributes to a depleted immune system and an unhealthy animal. We have known for decades about the devastating effects of neonics to pollinators, and now we are discovering wild foraging animals are contaminated and sick. If these animals are found contaminated with neonics, the question is – what about us?

Treated seed currently is NOT regulated as a pesticide in Minnesota. Better treated seed stewardship is necessary to protect us, pollinators and the environment from contamination disasters and chronic pesticide contamination. The wealthy pesticide industry sells more treated seed using a loophole in federal pesticide law - **"treated article exemption" which permits seeds to be coated with toxic insecticides without assessment by the EPA for health or environmental effects.** This allows treated seed to be used without proper oversight. I come from a farm family and live in a rural area, so I know first-hand corn and soybean farmers often drill 1,000's of acres of pesticide coated seed at a time. The pesticide dust floats and moves through the air, and afterward piles of seed are leftover laying in fields where birds and wildlife eat them,

and ground water becomes contaminated. The current voluntary best practices are not going to protect us or wildlife and the environment. A law is needed to require proper stewarding of treated seed.

We support changes to prohibit harmful insecticides including insecticide-coated seed from Minnesota DNR-managed wildlife and natural areas which includes state parks, forests, wildlife management areas, scientific & natural areas, and aquatic management areas. **Prohibiting insecticides that have lethal and sublethal effects on wildlife should not be a question since these public owned wildlife areas are intended to be a refuge for wildlife.** Protecting biological diversity and integrity and conserving the system's wildlife are the central tenets of a refuge system's mission. Currently, DNR land management practices follow an integrated pest management (IPM) protocol. In the best scenario if followed IPM protocol will dictate the least toxic methods without chemicals first. However, **following an IPM plan does not guarantee the removal of harmful insecticides and is subject to each individual land manager's and lease tenant's interpretation.**

Some countries have banned neonicotinoid pesticides and treated seed entirely. Some communities around the U.S. are further restricting use. **Almost fifty Minnesota communities have adopted resolutions to cease insecticide use on public community lands and pledge better ecologically sound practices. This is a testament that Minnesotans want local control over pesticide use in their own communities.** People want to live in areas where the water and land are healthy and clean thus increasing property values in areas not contaminated with pesticides.

Neonicotinoid contamination has been studied repeatedly and reported on for years – it is no secret that neonicotinoid insecticides on coated seeds are toxic. Recent science shows neonics:

- Have [human health effects](#),
- Kill pollinators outright and sicken them at sublethal doses,
- Contaminate water ([Five surface water pesticides of concern, Minnesota MDA 2020](#)),
- Harm birds ([Neonic reduces migration in songbirds, Eng 2019](#)) and most recently large mammals such as deer ([Effects of neonics on physiology and reproduction of white-tailed deer, Berheim 2019](#)).

Two flagship species- monarch butterfly and rusty patched bumble bee (Minnesota state bee) are under the watchful eyes of pollinator researchers and declining numbers of monarchs tell us that pollinators are at a critical point for extinction requiring immediate action.

Please support HF2310 including these four small steps to help protect Minnesota water, land, pollinators and people.

Thank you,
POLLINATOR FRIENDLY ALLIANCE
www.pollinatorfriendly.org

Selected support references:

There is concern over pesticide-coated corn as feed. The amount of neonicotinoid on one treated corn kernel is enough to kill a songbird.

https://abcbirds.org/wp-content/uploads/2015/05/Neonic_FINAL.pdf

MnDNR study, have found wildlife sickened from harmful residues from insecticides

<https://static1.squarespace.com/static/623c9365af01026ca2eb4c15/t/63bd804decaf924071e86b26/1673363538860/neonic+exposure+deer+2021+DNR+report.pdf>

Dr. Jenks and Dr. Lundgren research found **grassland birds, otters and other free ranging animals suffering from systemic insecticide and pesticide coated seed contamination.**

<https://www.nature.com/articles/s41598-019-40994-9>

Effects of Neonicotinoids on Physiology and Reproductive Characteristics of Captive Female and Fawn White-Tailed Deer: Scientific Reports, 2019, Berheim, Jenks, Lundgren et al.

https://www.ecdysis.bio/files/ugd/49b043_5c2a015af9ba4ea691604534e4148117.pdf

Biodiversity is a must for all creatures from aquatics to salamanders to birds to mammals but in Minnesota, **our biodiverse wetlands have been drained for corn and soybean row crops.**

<https://www.sciencedirect.com/science/article/pii/S2214574521000572>

Pesticide effects on wild partridge study

<https://www.sciencedirect.com/science/article/abs/pii/S0269749122012192?via%3Dihub>

Contamination by neonics in barn owls and swifts: Science Direct: Humann, Laurent study

<https://www.sciencedirect.com/science/article/pii/S0048969721024748>

Neonic effects on hummingbirds: English, Sandoval-Herrera study: PubMed Central study

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7858574/>

HUMAN HEALTH EFFECTS OF NEONICS National toxicology report from US Dept. of Health and Human Services ISSN: 2473-4756 https://ntp.niehs.nih.gov/ntp/results/pubs/rr/reports/rr15_508.pdf

NRDC BRIEFING TO CONGRESS on Neonic Pesticide Human Health Harms, October 2019.

<https://www.nrdc.org/experts/jennifer-sass/nrdc-briefs-congress-neonic-pesticide-human-health-harms>

PESTICIDES IN MINNESOTA WATERS: Minnesota Department of Agriculture, *surface water pesticides of concern* (2020)

<https://www.mda.state.mn.us/surface-water-pesticides-concern>

INSECTICIDE COATED SEED CONTAMINATES NEBRASKA COMMUNITY AT ETHANOL PLANT

January 2021: <https://www.theguardian.com/us-news/2021/jan/10/mead-nebraska-ethanol-plant-pollution-danger>

POLLINATOR DECLINE: Xerces Society: *The science behind the role neonics play in harming bees.* Jennifer Hopwood, Aimee Code, Mace Vaughan et al. (2016)

https://xerces.org/sites/default/files/2018-05/16-023_01_XercesSoc_ExecSummary_How-Neonicotinoids-Can-Kill-Bees_web.pdf

NEONIC EFFECTS ON LARGE MAMMALS: Scientific Reports: *Effects of Neonicotinoid Insecticides on Physiology and Reproductive Characteristics of Captive Female and Fawn White-tailed Deer.* Elise Hughes Berheim, Jonathan A. Jenks, Jonathan G. Lundgren, et al. volume 9, Article number: 4534 (2019)

<https://www.nature.com/articles/s41598-019-40994-9>

RESULTS OF PESTICIDE STUDY OF NEONIC EXPOSURE TO WHITE-TAILED DEER IN MINNESOTA

March 1, 201, Minnesota Department of Natural Resources

<https://www.dnr.state.mn.us/news/2021/03/01/preliminary-results-pesticide-study-show-widespread-neonicotinoid-exposure-minnesota-white-tailed-deer>

NEONIC EFFECTS ON SONGBIRDS: Science: *A neonicotinoid insecticide reduces fueling and delays migration in songbirds.* Margaret L. Eng, LeBridget, J. M. Stutchbury, Christy A. Morrissey. Issue 13 Sep 2019: Vol. 365, Issue 6458, pp. 1177-1180.

<https://science.sciencemag.org/content/365/6458/1177>

POLLINATOR PROTECTION RESOLUTION: *Model resolution for cities, counties, state agencies, school districts.* Pollinator Friendly Alliance, Humming for Bees, Pesticide Action Network, Pollinator Minnesota 2020.

<https://static1.squarespace.com/static/59fcf40ab1ffb6ee9911ad2a/t/5f8fb7dcac3e6348089291a2/1603254237712/MODEL+resolution+2020.pdf>

NEONIC CAUSES AUTISM-LIKE SYMPTOMS: November, 2022. Neurosciencenews.com

<https://neurosciencenews.com/neonicotinoid-asd-21898/>

AN UPDATE OF THE WORLDWIDE INTEGRATED ASSESMENT ON SYSTEMIC INSECTICIDES: PART 2: IMPACTS ON ORGANISMS AND ECOSYSTEMS: 2021 Pisa, Goulson, Yang, Gibbons, Sanchez-Bayo

<https://link.springer.com/article/10.1007/s11356-017-0341-3>

RULEMAKING TO REGULATE TREATED SEED, California 2020 NRDC

<https://static1.squarespace.com/static/623c9365af01026ca2eb4c15/t/63b711ffb801df7d2cf28b2a/1672942080948/Neonics+CA+Petition+-+FINAL+9.23.20.pdf>



Health Professionals for a Healthy Climate

April 30, 2023

RE: Support for HF 2310 Environment, Natural Resources, Climate, Energy Omnibus Bill

Dear Chair Rick Hansen and members of the Environment, Natural Resources, Climate & Energy Conference Committee,

Health Professionals for a Healthy Climate (HPHC), a multidisciplinary network of over 500 health professionals across the state, is pleased to support HF 2310, which represents a comprehensive set of policies and meaningful financial investments in climate action and environmental protection.

We support the substantial financial investments and policies in the bill that will help Minnesota reach our 2050 carbon-free goal and protect human health by reducing air pollution and greenhouse gases. These include increased access to renewable energy and energy efficiency for residences and public buildings, increased access to electric vehicles, and other climate action investments. We also support policies that protect Minnesotans from exposure to toxic PFAS chemicals. Since there are differences in the House and Senate versions of the bill, **we highlight the following policies and opportunities for larger allocations to address critical areas. HPHC supports the:**

- House position on investments in electric school buses of \$14m
- House allocation of \$17.45m for EV rebates
- House investment of \$4m for local climate action grants
- Senate allocation of \$500k for battery storage & MN iron ore
- House's larger investment in pre-weatherization
- House's stronger language on the cumulative impacts bill (Frontline Communities Protection Act)
- House inclusion of zero waste program, biodegradable & compostable labeling and Hennepin County zero waste report
- House allocation of \$20m in FY 24 for the Minnesota Climate Innovation Finance Authority (MCIFA). We urge an even higher amount in this budget item to increase the statewide reach and effectiveness of MCIFA

Lastly, **we urge you to support the House position on inclusion of the Next Generation Climate Act** to update our statewide climate goals to align with the IPCC and the Minnesota Climate Action Framework to establish in statute our vision for net zero carbon emissions by 2050.

Thank you for this unprecedented investment in climate action to help Minnesota achieve our carbon emission goals and create a healthy and equitable climate and economy that will support healthy lives for all Minnesotans.

Kathleen Schuler, MPH
Policy Director, Health Professionals for a Healthy Climate
Keschuler47@gmail.com



May 1, 2023

Environment, Natural Resources, Climate and Energy Conference Committee

RE: Letter of Support for Wolf Hunt Prohibition (House Article 4, Sec. 74)

Chair Hawj, Chair Hansen, and Members of the Committee:

My name is Zack Eichten and I am the Minnesota State Director for the Humane Society of the United States. On behalf of our members and supporters in Minnesota, thank you for this opportunity to write in support of House Article 4, Sec. 74 of HF2310, the provision to prohibit the trophy hunting and trapping of wolves. While wolves in Minnesota were relisted as “threatened” under the federal Endangered Species Act on February 10, 2022, it is possible they could be delisted again. [A bill is currently making its way through Congress that aim to remove federal protections for wolves in the Great Lakes region.](#) That is why it is imperative that Minnesota prohibit these controversial practices now.

Recreational wolf hunting and trapping conflict with the best available science, public values, and ethics. Scientific research demonstrates that trophy hunting and trapping wolves can cause a cascade of harms that ripple through a population. Killing a single wolf can result in the loss of *entire packs* by causing the death of dependent offspring and disrupting the pack’s social structure.¹ Recent studies have also found that killing wolves can have negative consequences for pack persistence and reproduction.² And killing fit adult wolves can harm population genetics and potentially affect evolution. Scientists observed these consequences, including decreased dispersal and gene flow and elevated mortality of dispersing wolves, after Minnesota’s 2012 season.³

Trophy hunting and trapping of wolves is not necessary to “control” their population; in Minnesota and Michigan, empirical evidence shows us that wolves have maintained a stable population for the past 10 years in the absence of recreational hunting or trapping. And it will not reduce conflicts with livestock or increase numbers of game animals like deer. Like all apex carnivores, wolves self-regulate their own populations.

¹ Ausband, David & Stansbury, Carisa & Stenglein, Jennifer & Struthers, J & Waits, Lisette & Correspondence, David & Ausband. (2015). Recruitment in a social carnivore before and after harvest. *Animal Conservation*. 18. 10.1111/acv.12187.

² Cassidy, Kira A, Bridget L Borg, Kaija J Klauder, Mathew S Sorum, Rebecca Thomas-Kuzilik, Sarah R Dewey, John A Stephenson, *et al.* “Human-Caused Mortality Triggers Pack Instability in Gray Wolves.” *Frontiers in Ecology and the Environment* (2023).

³ Rick, J. A., Moen, R., Erb, J. D., & Strasburg, J. L. (2017). Population structure and gene flow in a newly harvested gray wolf (*Canis lupus*) population. *Conservation Genetics*, 18(5), 1091-1104. <https://doi.org/10.1007/s10592-017-0961-7>



Moreover, scientific studies and data from state and federal agencies show that wolves cause very few livestock losses.⁴ According to the Minnesota DNR, less than 2% of livestock farms in areas where wolves live in Minnesota experience livestock-wolf conflicts each year. Indiscriminately killing wolves in a recreational hunt in the fall is not an effective means to solve the rare livestock-wolf conflicts that occur, most often in the spring. In fact, by disrupting their stable family structures, killing wolves can increase livestock predation. The best remedies are preventive: non-lethal deterrents such as prompt carcass removal, fencing and flagged fencing, known as “fladry,” livestock guardian animals, and other proactive measures.

Additionally, numerous studies demonstrate that killing wolves generally had no effect in the long term on populations of ungulates like deer and elk.⁵ Weather, disease, and habitat loss all play a much greater role in those species’ population declines.⁶ Human hunters cause the greatest number of deer mortalities⁷ statewide, while harsh winters are the primary cause of natural mortality, particularly in northeastern Minnesota.

The DNR states that health-related causes account for two-thirds of the adult moose mortality, and brainworm is the leading cause of health-related fatalities. A 2017 DNR study found that at least 40% of the moose killed by wolves had other serious health issues that may have predisposed them to predation.⁸ Researchers also find that moose are declining in population in some places because of disease and a warming climate, to which they are maladapted.⁹ With the loss of moose, deer will expand and even exacerbate their spread of diseases harmful to moose, further stressing moose populations in a downward spiral.¹⁰ And with high deer densities, forests have reduced tree seedlings and more invasive species, and this in turn could harm forest bird communities.¹¹ Fortunately, recent research by the Michigan DNR, Wisconsin DNR,

⁴ Peter Kareiva et al., “A new era of wolf management demands better data and a more inclusive process,” *Conservation Science and Practice* (2022), <https://conbio.onlinelibrary.wiley.com/doi/abs/10.1111/csp2.12821>; The Humane Society of the United States, “Government data confirm that wolves have a negligible effect on U.S. cattle and sheep industries,” https://www.humanesociety.org/sites/default/files/docs/HSUS-Wolf-Livestock-6.Mar_.19Final.pdf (2019).

⁵ See e.g., T. J. Clark and Mark Hebblewhite, “Predator control may not increase ungulate populations in the future: A formal meta-analysis,” *Journal of Applied Ecology* 58, no. 4 (2021), <https://besjournals.onlinelibrary.wiley.com/doi/abs/10.1111/1365-2664.13810>.

⁶ See e.g., H. E. Johnson et al., “Human development and climate affect hibernation in a large carnivore with implications for human-carnivore conflicts,” *Journal of Applied Ecology* 55, no. 2 (2018).

⁷ Chris T. Darimont et al., “The unique ecology of human predators,” *Science* 349, no. 6250 (2015).

⁸ Carstensen, Michelle, Hildebrand, Erik C., Plattner, Dawn, Dexter, Margaret, St-Louis, Véronique, Jennelle, Christopher, and Wright, Robert G. “Determining Cause-Specific Mortality of Adult Moose in Northeast Minnesota, February 2013-July 2017.” Minnesota Department of Natural Resources and Wildlife Restoration.

https://files.dnr.state.mn.us/wildlife/research/summaries/health/2016_moose-mortality.pdf

⁹ Bump, Joseph K. “Fertilizing Riparian Forests: Nutrient Repletion across Ecotones with Trophic Rewilding.” *Philosophical Transactions of the Royal Society B: Biological Sciences* 373, no. 1761 (2018/12/05 2018): 20170439; Sarah Hoy, Rolf Peterson, and John Vucetich, *Climate Warming Is Associated with Smaller Body Size and Shorter Lifespans in Moose near Their Southern Range Limit*, vol. 24 (2017), p. 2488.

¹⁰ Weiskopf, Sarah R., Olivia E. Ledee, and Laura M. Thompson. “Climate Change Effects on Deer and Moose in the Midwest.” *The Journal of Wildlife Management* 0, no. 0 (2019/03/03 2019).

¹¹ Ibid.



the University of Notre Dame and others finds that wolves benefit forest regeneration and the forest industry by regulating deer browse.¹²

Wolves are very good at identifying vulnerable prey, and tend to target individuals that are old, young, sick, or otherwise weakened.¹³ They prefer to prey upon deer who are already in poor health or otherwise compromised. As such, wolf predation can limit or even prevent transmission of Chronic Wasting Disease and other diseases.¹⁴

There is no question that Minnesotans value wolves. A 2019 study conducted by the Minnesota Department of Natural Resources (DNR) in partnership with the University of Minnesota found that more than two-thirds of residents have a positive attitude toward wolves, and nearly 9 out of 10 agree that it is important to maintain a wolf population in Minnesota.¹⁵ Furthermore, 86% of residents said they would like to see the same number or more wolves in Minnesota. More residents oppose a wolf trophy hunting season than support it, and 58% of residents oppose a wolf-trapping season.

For all of these reasons, I urge you to adopt the language found in House Article 4, Sec. 74 into the conference report. Thank you.

Zack Eichten
Minnesota State Director
zeichten@humanesociety.org

¹² Callan, R., Nibbelink, N. P., Rooney, T. P., Wiedenhoeft, J. E., & Wydeven, A. P. (2013). Recolonizing wolves trigger a trophic cascade in Wisconsin (USA). *Journal of Ecology*, 101(4), 837-845; Flagel, D. G., Belovsky, G. E., & Beyer, D. E. (2016). Natural and experimental tests of trophic cascades: gray wolves and white-tailed deer in a Great Lakes forest. *Oecologia*, 180, 1183-1194.

¹³ J. A. Vucetich, D. W. Smith, and D. R. Stahler, "Influence of harvest, climate and wolf predation on Yellowstone elk, 1961-2004," *Oikos* 111, no. 2 (2005), <Go to ISI>://WOS:000232979300007.

¹⁴ Ellen E. Brandell et al., "Examination of the interaction between age-specific predation and chronic disease in the Greater Yellowstone Ecosystem," *Journal of Animal Ecology* (2022), <https://besjournals.onlinelibrary.wiley.com/doi/abs/10.1111/1365-2656.13661>.

¹⁵ Minnesota Cooperative Fish and Wildlife Research Unit, Minnesota Department of Natural Resources: Minnesotans' Attitudes Toward Wolves and Wolf Management. https://files.dnr.state.mn.us/fish_wildlife/wildlife/wolves/attitude_report_final.pdf



April 28, 2023

To: Conferees of the Environment, Natural Resources, Climate and Energy Conference Committee (HF2310)

From: John Rust, President, Minnesota Division, Izaak Walton League of America

Re: **Two Raids on Heritage Enhancement Account for Non-Conservation Purposes**
Senate Omnibus Environment bill (SF 2438A-3)

Summary

The Minnesota Division of the Izaak Walton League of America is concerned that the present language in the Senate Omnibus Environment bill (Senate File 2438A-3) contains **two raids from the Heritage Enhancement Account to fund activities that are contrary to the conservation purposes of this account:** (1) shooting sports facilities grants; and (2) hunter and angler recruitment and retention.

We agree that these activities, when exercised ethically, are an important part of our national heritage. However, the present language of this bill amounts to a **taxpayer subsidy for the proliferation of toxic lead in the environment – a perverse incentive to continue harming wildlife and human health.**

We respectfully request, as described below, amendments to the bill to rectify these raids.

Background – Conservation Purpose of Heritage Enhancement Account

Minn. Stat. 297A.94(h)(1) references the “in lieu of sales tax” collected from the sale of lottery tickets:

“(h) 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65 [payments in lieu of sale tax on lottery tickets], must be deposited by the commissioner in the state treasury as follows:

Raids on Heritage Enhancement Account for Non-Conservation Purposes
April 3, 2023

“(1) 50 percent of the receipts must be deposited in the **Heritage Enhancement Account** in the game and fish fund, and **may be spent only on activities that improve, enhance, or protect fish and wildlife resources**, including conservation, restoration, and enhancement of land, water, and other natural resources of the state ...” [Emphasis added.]

This language is restated in “Minnesota Game and Fish Fund Annual Report”, published by the Minnesota DNR on December 15, 2022, which states on page 65:

“Minnesota’s Legislature established the **Heritage Enhancement Account** (2209) in the GFF in 2000. **Revenue in the Heritage Enhancement Account (2209) comes from the in-lieu-of-sales tax on the sale of lottery tickets.** Of total in-lieu-of-sales tax receipts, 72.43 percent are currently deposited to accounts spent for environmental and natural resource purposes, 50 percent of which is directed to the **Heritage Enhancement Account** (2209) for **spending on activities that improve, enhance, or protect fish and wildlife resources**, including conservation, restoration, and the enhancement of land, water and other natural resources (M.S. 297A.94.” [Emphasis added.]

As explained below, SF 2438A-3 creates two raids or exemptions from the statutory requirements of the **Heritage Enhancement Account** by stating: “**Notwithstanding Minnesota Statutes, section 297A.94 ...**”

Raid #1 on Heritage Enhancement Account Shooting Sports Facilities

The Senate Omnibus Environment Bill (SF 2438A-3, lines 34.1 – 34.15) creates an exemption (in **yellow highlights**) from the statutory conservation requirements of the Heritage Enhancement Account:

“(q) **Notwithstanding Minnesota Statutes, section 297A.94, \$300,000** the first year and **\$300,000** the second year are from the **Heritage Enhancement Account** in the game and fish fund for **shooting sports facility grants** under Minnesota Statutes, section 87A.10, including grants for archery facilities. Grants must be matched with a nonstate match, which may include in-kind contributions. Recipients of money appropriated under this paragraph must provide information on the toxic effects of lead. This is a onetime appropriation and is available until June 30, 2026. This appropriation must be allocated as follows:

- (1) \$200,000 each fiscal year is for grants of \$25,000 or less; and
- (2) \$100,000 each fiscal year is for grants in excess of \$25,000.”

Without conditions attached, taxpayer subsidies to shooting sports facilities will expand the facilities to allow more shooters, who will then discharge more toxic lead ammunition over the landscape.

Raid #2 on Heritage Enhancement Account Hunter and Angler Recruitment and Retention Grants

The Senate Omnibus Environment Bill (SF 2438A-3, Lines 32.10 to 32.19) creates a second exemption (in **yellow highlights**) from the statutory conservation requirement of the Heritage Enhancement Account:

“(a) \$11,458,000 the first year and \$11,658,000 the second year are from the **Heritage Enhancement Account** in the game and fish fund only for activities specified under Minnesota Statutes, section 297A.94, paragraph (h), clause (1). **Notwithstanding Minnesota Statutes, section 297A.94**, five percent of this appropriation may be used for **expanding hunter and angler recruitment and retention.**”

Note: 5% times \$11,458,000 = **\$572,900 each year for a total of \$1,145,800 for two years** – with no strings attached. The result will be a taxpayer subsidy for the use of toxic lead ammunition and toxic lead fishing tackle.

Summary of Two Raids

The grant of **\$600,000** from the **Heritage Enhancement Account** for shooting sports facilities - and **\$1,145,800 (\$572,000 each year)** from the **Heritage Enhancement Account** for “hunter and angler recruitment and retention” - are **not serving the statutory conservation purposes for which the account was established**. Instead, the grants will result in more proliferation of lead ammunition and lead fishing tackle.

Adopting the requested amendments, stated below, would help to mitigate this concern and advance conservation.

Legislative Remedy – Raid #1

SF2348A-3 also states that the grants are subject to **Minn. Stat. 87A.10**, which presently states:

“**87A.10 SHOOTING SPORTS FACILITY GRANTS.** The commissioner of natural resources shall administer a program to provide cost-share grants to local recreational shooting clubs or local units of government for up to 50 percent of the costs of developing or rehabilitating shooting sports facilities for public use. A facility rehabilitated or developed with a grant under this section must be open to the general public at reasonable times and for a reasonable fee on a walk-in basis. The commissioner shall give preference to projects that will provide the most opportunities for youth.”

Under the present language of Minn. Stat. 87A.10 (and without other conditions), shooting sports facilities grants amount to a **taxpayer subsidy for the proliferation of toxic lead in the environment – a perverse incentive to continue harming wildlife and human health.**

Raids on Heritage Enhancement Account for Non-Conservation Purposes
April 3, 2023

Therefore, the Izaak Walton League proposes the following amendment, **which would create incentives to convert to non-toxic ammunition.** Furthermore, the amendment applies to all shooting sports facilities grants, no matter where the money is coming from, thereby discouraging other applicants from seeking an exemption from the requirements of the heritage enhancement account.

Amend Minnesota Statute 86A.10 by adding the underlined language to read:

“87A.10 SHOOTING SPORTS FACILITY GRANTS. The commissioner of natural resources shall administer a program to provide cost-share grants to local recreational shooting clubs or local units of government for up to 50 percent of the costs of developing or rehabilitating shooting sports facilities for public use. A facility rehabilitated or developed with a grant under this section must be open to the general public at reasonable times, **and** for a reasonable fee on a walk-in basis, **and require the use of non-toxic ammunition only.** The commissioner shall give preference to projects: **(a) that will provide the most opportunities for youth; and (b) that contain an educational component regarding the toxic effects of lead ammunition and non-toxic ammunition alternatives.”**

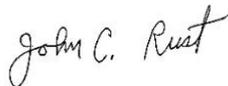
Legislative Remedy – Raid #2

Add the following underlined language to SF 2438A-3, Lines 32.10 to 32.19:

“(a) \$11,458,000 the first year and \$11,658,000 the second year are from the heritage enhancement account in the game and fish fund only for activities specified under Minnesota Statutes, section 297A.94, paragraph (h), clause (1). **Notwithstanding Minnesota Statutes, section 297A.94,** five percent of this appropriation may be used for expanding hunter and angler recruitment and retention, **which shall include an education component about: (1) the toxic effects of lead ammunition and lead fishing tackle; and (2) non-toxic alternatives to lead ammunition and lead fishing tackle.”**

Thank you for your kind consideration.

Sincerely,



John Rust
President MN Division IWLA
(763) 202-3346
imgahn2u@yahoo.com

Chairs Acomb, Hansen, Frentz, and Hawj, and members of the Environment and Energy Omnibus Conference Committee,

The undersigned organizations represent leading clean energy businesses, labor unions, local governments, and utilities that are all stakeholders in matters before the Minnesota Public Utility Commission. We write to thank you for your careful consideration of the energy policy matters before you, and to urge you to adopt the Senate proposal to expand use of compensation for intervenors in Commission proceedings.

The Senate and House have each proposed significant changes to Minnesota's intervenor compensation statute which would expand resources available to organizations that participate in Public Utility Commission proceedings by a factor of 20 or more compared to current levels. When changes to intervenor compensation were proposed in the current session, many of the undersigned organizations expressed concerns about the potential for unintended consequences, including both misuse of funds to delay approval of critical projects or advance private commercial interests; and the crowding out of voices that would be ineligible or lack the financial wherewithal to access the program.

We appreciate the efforts of Chair Frentz and Senator Xiong to convene stakeholders and work out a compromise that we believe balances the interests of stakeholders, including clean energy businesses, electric and gas utilities, organized labor, and advocacy organizations that seek additional funding from the program. By focusing on proceedings that directly impact utility ratepayers, the Senate language maximizes the likelihood that customers will benefit from program expenditures, and reduces risk that ratepayer funds can be used to block or delay investments in generation and transmission that will be needed to meet the state's energy objectives. Further, the proposed five-year sunset will help to ensure a thorough review of impacts on the regulatory process and an opportunity to make any changes that are necessary to safeguard the public interest.

We thank members of the Environment and Energy Conference Committee for your willingness to listen to our feedback. We ask committee members to adopt the Senate compromise, or in the alternative, to defer action on the matter for further discussions among stakeholders in order to ensure that any expansion of intervenor compensation advances the interests of utility ratepayers and the public as a whole.

ALLETE/Minnesota Power
Avangrid
CenterPoint Energy
Clean Grid Alliance
Coalition of Utility Cities
EDF Renewables
International Brotherhood of Electrical Workers (IBEW) Minnesota State Council

International Union of Operating Engineers Local 49
Iron Workers Local 512
LIUNA Minnesota and North Dakota
Minnesota Building and Construction Trades Council
Minnesota Pipe Trades
Minnesota Rural Electric Association
Missouri River Energy Services
NextEra Energy
North Central States Regional Council of Carpenters
Xcel Energy

Testimony: Re-creation of the Legislative Water Commission
House File1338; Senate File1918

Keep it Clean Initiative

Robyn Dwight: President Upper Red Lake Area Association/Regional
Keep it Clean Committee
27022 Steel Bridge Road NE
Waskish, MN 56685
Keepitcleanmn.org
218-556-5844

Monday, March 20, 2023

To: Kara Josephson: Committee Administrator

Testimony in Support of Bill SF 1918—Re-establishing the Legislative Water Commission

During the winter fishing season, on Public Waters across the State of Minnesota, the growing popularity and availability of RV-styled, fish-house shelters is allowing greater numbers of ice anglers and winter campers to enjoy extended stays on our frozen playgrounds. The garbage, trash, and human waste left behind for others to deal with is now unmanageable.

Forward-thinking groups, like ***Keep it Clean***, are picking up the challenge and doing the hard work of keeping our stories in the light of day, and working with partners, from the local to the state level, to come up with SMART, sustainable solutions before another garbage season begins.

Our work is not done in a vacuum, and as volunteers, our commitment of time and talent can be overwhelming. We have reached out to agents of the Board of Water and Soil Resources, the Pollution Control Agency, the Department of Natural Resources, the Department of Health, the Department of Agriculture, First Nations, local County Boards and many others, to ask for their expertise and their partnership as we spearhead a movement to protect our public waters.

We fully support SF1918 for the reestablishment of the Legislative Water Commission. ***Keep it Clean***, and other groups like ours, will be far more efficient and effective, as we strive to introduce legislation and follow it to law, knowing that there is a commission listening to our legitimate concerns and helping them be recognized and realized at the Capitol.

Yours Truly,
Robyn Dwight
Keep it Clean Initiative



MINNESOTA WATERSHEDS

Connecting People. Protecting Water.

Chair Hawj
Environment, Climate and Legacy Committee
Minnesota Senate
St. Paul, MN 55155

Dear Chair Hawj,

On behalf of Minnesota Watersheds, I would like to express our support for SF1918, the reestablishment of the Legislative Water Commission. The Commission and Subcommittee have proven to be very beneficial for those of us involved in water management in Minnesota. To have a group of legislators willing to dig into some of the complex issues we face is certainly a benefit to water management in Minnesota.

We appreciate the past efforts and look forward to working with the Commission in the future should it be reinstated.

Thank you for your consideration.

Sincerely

Jan Voit

Executive Director

C: Kara Josephson
Jim Stark

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To: House and Senate Conferees of the Environment, Natural Resources, Climate and Energy Finance and Policy Bill (HF2310)

From: Concerned Industries

Date: May 1, 2023

Subject: Please Oppose Pesticide Provisions found in Article 7 Section 4 & 5 of HF2310

On behalf of agricultural producers, crop production retailers, certified crop advisors, landscape professionals, pest management businesses, golf course owners, arborists, and the businesses that support these industries in Minnesota, we respectfully ask that you oppose provisions found in Article 7, Sections 4 & 5 of HF2310. These provisions jeopardize the state's successful and existing regulatory framework for pesticides.

Since 1987, the Minnesota Department of Agriculture (MDA) has had sole substantive regulatory authority over pesticides, including sale, distribution, application, use, education, and enforcement. Minnesota is one of 45 states that has this statutory preemption over local regulation of pesticides. The professionals at the MDA regulate and control the use of pesticides and enforce violations of state statute. All pesticide applicators are certified and licensed by the Minnesota Department of Agriculture. Significant State and Federal oversight ensure industry compliance and the proper use of pesticide products according to the label which is equal to law.

The cited **provisions included in Article 7, Sections 4 & 5 of HF2310 undermine MDA and U.S. Environmental Protection Agency (EPA) regulatory authority.** These provisions would allow 853 Minnesota cities to regulate and ban certain pesticides without any uniformity. Adding another layer of regulation by cities who lack the necessary expertise and scientific training would be moving responsible regulation several steps backward. While local control makes sense in many areas, the highly technical field of pesticide and chemical use is clearly not one of them. **Pesticides are one of the most studied and regulated products on the market.**

We are unaware of any data suggesting there is a human health threat in Minnesota from the **proper** application and use of pesticides. In fact, properly applied pesticides are effective in preventing threats to human health coming from mosquitos, ticks and rats as well as preventing environmental damage from crop destroying insects and tree/shrub destroying beetles, the Emerald Ash Borer and other invasive pests.

Additionally, **when applied responsibly**, per the instructions on the label (which have the force of law) the EPA has found the use of pesticides not to be harmful to beneficial insects. As professional applicators who are trained, pass state exams, and undergo continuing education, we understand the importance of proper and responsible use of these products.

As the committee deliberates, please know that pollinator health is a vitally important issue to us; however, this legislation ignores stakeholder input and support and works at cross purposes to efforts already underway to preserve and support pollinator populations by the state and EPA. Similarly, pesticide registrants have invested both time and resources into bee health and supporting stewardship initiatives. General information on these efforts can be found at www.growingmatters.org.

Thank you,

State Associations:

Cooperative Network
 Hospitality Minnesota
 Minnesota Agricultural Aircraft Association
 Minnesota Golf Course Superintendents Association
 Minnesota Grain and Feed Association
 Minnesota Nursery and Landscape Association
 Minnesota Pest Management Association
 Minnesota Pesticide Information and Education
 Midwest Food Products Association
 Midwest Hardware Association
 National Federation of Independent Business - Minnesota

National Associations:

Agricultural Retailers Association
 CropLife America
 Golf Course Superintendents Association of America
 National Agricultural Aviation Association
 National Association of Landscape Professionals
 National Pest Management Association
 RISE

Date: April 27, 2023

To: Rep. Acomb, Sen. Frentz, Rep. Hansen, Sen. Hawj, Rep. Hollins, Rep. Jordan, Rep. Kraft, Sen. McEwen, Sen. Xiong, and Sen. Coleman.

From: The Minnesota Climate and Clean Energy Equity Network

Support Local Solar to Benefit All Minnesotans

Dear Environment, Natural Resources, Climate, and Energy Conference Committee Members,

We commend the progress that the Minnesota Legislature has made this session to advance serious climate legislation. The 100% Carbon-Free Electricity Law lays the groundwork for a clean energy transition in Minnesota. However, more must be done to expand communities' and families' access to affordable local rooftop and community solar, to do right by Minnesotans and to get us to an equitable clean energy future.

We urge you to include the following policies in the final omnibus Environment, Natural Resources, Climate and Energy bill:

- **Minnesota Climate Innovation Finance Authority** | Support House version HF2310, increasing appropriations to \$45 million if possible.
- **Community Solar Gardens and Community Access Program** | Adopt certain principles in conference committee.
- **HOA Homeowners Right to Go Solar** | Support as written in House version HF2310.
- **Funding for Solar*Rewards** | Support certain provisions from each House version HF2310 and the Senate Companion.
- **Distributed Energy Resources Grid Upgrade Program** | Support as written in House version HF2310.
- **Small Interconnection Cost-Sharing Program** | Support as written in House version HF2310 and the Senate Companion.
- **Energy Storage Incentive Program** | Fund grants for energy storage systems ≤ 50 kW.
- **Intervenor Compensation** | Support as written in House version HF2310 and the Senate Companion.

Our organizations convened after the 2022 election to ensure that the benefits of the clean energy transition accrue to all Minnesotans, not just the big utility corporations. We share a common goal of advancing energy democracy, equity, and justice, including through equitable local solar.

Minnesotans Need Local Solar

Local rooftop and community solar provide many benefits to Minnesotans. Research has found that local solar is a cost-effective way to clean up our power grid and it compares favorably with

utility-scale solar projects, when all costs are counted. Plus, rooftop solar and community solar create direct benefits for families and communities. They save people money on electricity bills, create jobs across the state, and increase the resiliency and reliability of our energy system.

Policies for Equitable Local Solar

As energy costs rise and communities feel the impacts of climate change, legislative action is needed to make sure the benefits of local solar are available to all Minnesotans, no matter their income, color, or location. We urge you to continue to support legislation that will boost equitable access to rooftop and community solar.

Policies that are essential to pass this session via the omnibus Environment, Natural Resources, Climate and Energy bill include:

Minnesota Climate Innovation Finance Authority | Support House version in HF2310, increasing appropriations to \$45 million if possible.

HF2310 (Lines 291.28-292.5 and 369.12-382.11) / HF2310 Senate Companion (Lines 54.10-54.15 and 234.5-246.8)

- Boldly fund climate solutions by devoting at least \$20 million to the establishment of MNCIFA as per HF2310, which would provide financing for more clean energy projects across the state and increase access to solar and energy efficiency for environmental justice communities, low-income households, and other historically underserved communities. If more funds become available to the conference committee, it should be a priority to increase this appropriation to \$45 million, as originally proposed in HF2336/SF2301, to help scale Minnesota's equitable transition to clean energy and address the climate crisis.

Community Solar Gardens and Community Access Program | Adopt certain principles in conference committee.

HF2310 (Lines 389.7-393.19) / HF2310 Senate Companion (Lines 188.15-193.5)

- Create the Community Access Program as described in HF2310 to increase access to community solar for residential and low- and moderate-income (LMI) subscribers.
 - Subscribers should get Applicable Retail Rate or the Average Retail Rate if the garden meets the residential and LMI requirements. This would ensure that residential customers and LMI customers are fairly compensated for the renewable energy they produce to offset the energy they use.
 - The Community Access Program should not have an annual or total cap on the number of MW that are admitted into the program. This would help promote

truly equitable solar and make sure low- and moderate-income households aren't left behind as Minnesota builds out its solar capacity through means like a distributed generation (DG) program and utility-scale solar.

- Maintain the existing Community Solar Garden program, removing contiguous county requirements, increasing permitted project size from 1 MW to 5 MW and expanding the program to all public utilities, as detailed in HF2310.
- Order the Public Utilities Commission to develop a comparable, robust program for non-subscriber distributed solar to complement the subscriber-based programs and leave to the Commission to decide the best format, e.g. standard offer or request for proposals.

HOA Homeowners Right to Go Solar | Support as written in HF2310.

HF2310 (Lines 407.1-409.13) / SF2542 (Lines 24.11-26.24)

- Guarantee homeowners association (HOA) homeowners' right to go solar, while still allowing HOAs to set reasonable rules. Currently, HOAs are a major obstacle to more solar in Minnesota with 34% of Minnesota homeowners belonging to an HOA.

Funding for Solar*Rewards | Support certain provisions from each HF2310 and the Senate Companion.

HF2310 (Lines 385.23-387.6) / HF2310 Senate Companion (Lines 170.1-171.10)

- Use RDA funds to increase the Xcel Solar*Rewards program by at least \$15 million over three years, to at least \$10 million each year 2023-2025. (The Senate version increases funding by \$15 million but allocates funding unevenly over the three years.) Establish a strong carve-out for supporting solar adoption by low-income customers, especially ownership of solar, dedicating half of program funding to low-income solar (HF2310 Senate Companion), to be administered as described in HF2310.

Distributed Energy Resources Grid Upgrade Program | Support as written in House Version HF2310.

HF2310 (Lines 298.14-298.23 and 404.1-406.31) / HF2310 Senate Companion (Lines 54.1-54.9, 63.27-64.16, and 223.4-226.5)

- Appropriate \$10 million from the Renewable Development Account as provided in HF2310 to establish a fund for improvements to Xcel's electrical grid to enable more distributed solar. In some communities, such as Northfield, Red Wing and surrounding areas, the grid can accommodate no additional local solar without these upgrades. We call on the Distributed Energy Resource Systems Upgrade Program created in this bill to develop policies that require Xcel to maintain a grid that is distributed energy resources-ready as part of its obligation as a regulated monopoly.

Small Interconnection Cost-Sharing Program | Support as written in HF2310 and Senate Companion.

HF2310 (Lines 298.24-299.3) / HF2310 Senate Companion (Lines 63.27-64.16)

- Provide \$250,000 to implement a small interconnection cost-sharing program for Xcel customers as ordered by the Public Utilities Commission. Xcel customers too often face exorbitant costs to connect their solar arrays to the grid. When the utility claims its local distribution grid needs upgrades to connect more solar, the customer has to foot the bill or cancel the project. Xcel customers will be able to tap these funds to cover up to \$15,000 in grid upgrade costs. The fund will be replenished by a \$200 fee most solar owners will pay to interconnect their project.

Energy Storage Incentive Program | Fund grants for energy storage systems ≤ 50 kW.

HF2310 (Lines 286.12-286.30, 297.28-297.34, and 342.15-343.16) / HF2310 Senate Companion (Lines 56.7-56.23, 63.18-63.26, and 229.20-230.16)

- Provide an upfront grant incentive to electric customers that install energy storage systems up to 50 kW to encourage adoption of energy storage technologies.

Intervenor Compensation | Support as written in House version HF2310 and the Senate Companion.

HF2310 (Lines 358.3-362.32) / HF2310 Senate Companion (Lines 203.1-208.17)

- Update the existing statute that compensates qualifying public-interest intervenors in certain Public Utilities Commission proceedings to enable greater participation by many of the communities who are most impacted by high energy costs, including low-income households, BIPOC communities, and renters. It's essential to adopt this policy as written in the House and Senate omnibus bills with no sunset.

We look forward to enacting this essential legislation to save families money, strengthen our communities, and fight climate change. Please let us know if you would like to discuss any of these policies with you in further detail.

Sincerely,

Minnesota Climate and Clean Energy Equity Network

Institute for Local Self-Reliance

Cooperative Energy Futures

Solar United Neighbors of Minnesota

Minneapolis Climate Action

(cont.)

Sierra Club North Star Chapter

Vote Solar

Communities Organizing Power and Action for
Latinos-COPAL

Minnesota Solar Energy Industries Association
(MnSEIA)

Coalition for Community Solar Access (CCSA)

CURE

MN Interfaith Power & Light

Minnesota Center for Environmental Advocacy

Oak Grove Presbyterian Green Committee

Community Power

Minnesota Well Owners Organization

Vote Climate

Hastings Environmental Protectors

League of Women Voters Minnesota

Friends of Minnesota Scientific and Natural
Areas



April 29, 2023

To: Chair Hawj and Chair Hansen and members of the Conference Committee on HF 2310

From: John Rust, President, Minnesota Division, Izaak Walton League of America

Re: Invasive Carp (Revisor's Side-By-Side, Senate Language Articles 1, page R27, 26.4 – 27.34)

Since our founding over century ago, the Izaak Walton League of Minnesota has been deeply invested in the ecosystems and fisheries of the Mississippi River, starting with Will Dilg's leadership in founding the Upper Mississippi River National Wildlife Refuge to the current battle against invasive carp from Asia migrating upstream from Iowa.

Published peer-reviewed scientific studies clearly show that, should these fish breed and establish in Minnesota waters, we can expect half our native river fishes to disappear, while our ability to enjoy the river will be severely diminished by hoards of large jumping (and dangerous) carp.

Indeed, large numbers of silver carp are now being caught in Minnesota and unless immediate action is taken, they will define our future as has proven to be the case in half a dozen states to our south. Fortunately, Dr. Sorensen, at the University of Minnesota, has identified and published a viable interim solution using LCCMR funding which, although not perfect, would buy the citizens of the state enough time to develop a better solution. This work has won international awards. However, it can only work if enough adult fish are kept from moving upstream past Lock and Dam 5.

Meanwhile, the DNR has failed to develop any plan in the 12 years they have been working on the problem. Two key elements of Sorensen's plan were found in the Senate's Environment and Climate Appropriation (SF2438):

1) Funds for carp surveys/removal by the DNR; 2) Funds for lock and dam spillway gate adjustment by the U of M in partnership with the US Army Corps of Engineers.

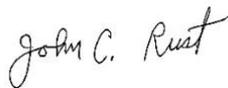
While enhanced carp survey and removal work will relieve pressure on Lock and Dam #5, spillway gate adjustment will reduce carp passage rates; together, these actions should delay carp upstream progress until the state can hopefully find the means to install a deterrent system in key locks as many other states have now done -- some with success (Illinois).

Not to take action at this time would be extremely foolish and would signal to the citizens of our state that our agencies either do not care and/or are incapable of taking decisive action against this threat.

The Minnesota Division of the Izaak Walton League of America urges action, not just further study. If funding for this work is not included in this Omnibus Environment bill, then we strongly urge it be included in a bonding bill as there is bipartisan support for it.

Thank you for your kind consideration.

Sincerely,

A handwritten signature in cursive script that reads "John C. Rust".

John Rust
President MN Division IWLA
(763) 202-3346
imgahn2u@yahoo.com



MINNESOTA TRAPPERS ASSOCIATION

April 28, 2023

Dear Conference Committee,

We write on behalf of the Minnesota Trappers Association in opposition to Article 4, Section 74 of H.F. 2310. Article 4, Section 74 proposes to amend Minnesota Statute Section 97B.645, subdivision 9 to prohibit an open season for wolves, regardless of its listing status under the federal Endangered Species Act of 1973. This is in contrast to the statute's current text, which provides "[t]here shall be no open season for wolves until after the wolf is delisted under the federal Endangered Species Act of 1973. After that time, the commissioner may prescribe open seasons and restrictions for taking wolves but must provide opportunity for public comment." H.F. 2310 proposes to amend this text to read "[t]here is no open season for wolves."

Promoting and maintaining a sustainable wolf population in Minnesota should be the product of robust, science-based management; not legislation based on emotion. In 2022, the Minnesota Department of Natural Resources ("DNR") finalized the "Minnesota Wolf Management Plan," which guides wolf management in the state from 2023-2032. The Plan contemplates a sustainable wolf population and addresses adaptive management methods to maintain a stable wolf population. The plan addresses numerous considerations for obtaining these objectives, including population monitoring, population management, public safety, and depredation control. The plan also emphasizes stakeholder collaboration to ensure extensive public input in wolf management. These adaptive approaches backed by science should guide wolf management in the state. An outright ban on open wolf seasons fundamentally fails to consider methods of population control that ultimately support a balanced approach to wildlife management in Minnesota.

To be clear, we are not opposed to a sustainable, managed wolf population in Minnesota. We believe having a wolf population in the state is important. However, it is vital to consider the impacts that wolves have on other populations of wildlife—including ungulates such as deer and moose—as well as livestock, agriculture, and humans. An unregulated wolf population will decimate ungulate populations throughout the state; adversely affect other populations of wildlife (including possible disease outbreaks); and increase wolf-livestock and wolf-human conflict; all resulting in significant ecological and financial harm (and may compromise the safety of Minnesotans and others who recreate in the state). The DNR needs access to effective methods of controlling the wolf population moving forward, including a regulated wolf season as circumstances allow and even require.¹

¹ Between 2012 and 2014, the DNR facilitated highly regulated hunting and trapping seasons for wolves, which included the implementation of a program which monitored harvest numbers daily and enabled the DNR to close the season when the number of wolves harvested reached a set limit. Pages 19-20 of the Wolf Plan provide additional information on these methods.



MINNESOTA TRAPPERS ASSOCIATION

H.F. 2310's proposed amendment to Minnesota Statute Section 97B.645, subdivision 9 to prohibit an open season for wolves is a legislative initiative based on emotion, not science. Wolf populations in Minnesota need to be adaptively managed to promote a sustainable population; produce a balance between wolves, other wildlife, and humans; and avoid the catastrophic consequences of a runaway wolf population. We oppose the amendment for the reasons outlined above, and strongly urge you to do the same.

Sincerely,

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