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House Legacy Finance Committee
Chair Leon Lillie
365 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Dear Chair Lillie and Committee members,

April 5, 2022

Thank you for the opportunity to comment on Article 2: Clean Water Fund of the delete-all (DE5) amendment to HF3438, the omnibus Legacy bill.

The Clean Water Council, who by statute is required to provide recommendations to the legislature regarding the spending of Clean Water Funds, is also charged with expert scientific review and implementation of the Clean Water Legacy Act. The Council is unique from other citizen-legislator councils because it is comprised of specific varied interests representing particular areas of expertise around a common goal of clean water in Minnesota. Representatives are engaged in multi-year planning efforts and conversations about long-term goals for the state's water quality, that also include reviewing past-funded projects for accountability and metrics toward meeting water-quality goals. It is for these reasons we offer the following considerations pertaining to two sections of the DE5:

Article 2, Section 1 Clean Water Fund Appropriations

The Clean Water Council's biennial recommendations are based on a many months long process to consider and develop recommendations to the legislature that would make best use of the Clean Water funds toward the state's clean water goals, Clean Water Legacy Act obligations and the intent of the constitutional amendment that established the funds. The Clean Water Council considered these elements along with extensive stakeholder input to develop their strategic plan that guides biennial recommendations. It is important that the Council have the opportunity to deliberate and offer recommendations on the spending of funds in line with their systematic and long-term planning, and specify intended outcomes and standards to hold fund recipients accountable (per Minn. Statutes 114D.30). Forwarding the appropriations as proposed in the DE5 without Council review bypasses the structures in place to ensure Minnesotans get the best clean water outcomes expected of the funds.

Article 2, Section 3 Report to Legislature

This section of the DE5 appropriately updates the date by which the Council shall submit recommendations to the legislature from December 1 to January 15, and the proposal initiates a worthy conversation regarding the frequency of appropriation recommendations to the legislature by the Clean Water Council. While the DE5 includes an annual recommendation and appropriation process, we recommend calling upon the Council to establish a process by which they can offer supplemental recommendations to the legislature in even-numbered years. This will ensure the expertise of the Council can be best utilized on long-range plans to advance water quality and give local governments and landowners the opportunity to plan implementation activities to protect



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and restore water. Continuing appropriations on a two-year cycle with recommendations to the legislature by January 15th in odd-numbered years provides the opportunity to adjust clean water actions based on results of implementation.

As the land of 10,000 lakes and the home of the Mississippi River headwaters, Minnesota has an obligation to use Clean Water funds as strategically as possible and to maximize clean water outcomes with decisions informed by experts and scientists. The Clean Water Council was created in statute advise on how to do this successfully with the Clean Water Legacy Act and Clean Water Funds, and should have the opportunity to provide guidance on this important work.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Pinkalla".

Stephanie Pinkalla
Government Relations Manager
The Nature Conservancy in Minnesota