



September 9th, 2022

Re: FY 24-25 Clean Water Fund Recommendations

Dear members of the Clean Water Council,

We, the undersigned organizations, wish to thank the Clean Water Council for the opportunity to provide comments on the preliminary [FY24-25 Clean Water Fund proposed budget](#) dated July 20, 2022.

We appreciate the work of the Clean Water Council to pursue a more inclusive and transparent process by soliciting additional public input throughout the Clean Water Fund recommendation process.

Context: Ten years remain

The Clean Water, Land and Legacy Amendment will expire in 2034. While the amendment is popular with voters and could be renewed if brought forward by lawmakers, it is vital that the Clean Water Fund is invested in a way that proves its worth to Minnesota advocates and voters in the short time that remains. There is room for considerable improvement in this regard.

Requests for increases in FY24-25 Clean Water Fund budget recommendations

We ask that additional funds be included in the BOC's FY24-25 Clean Water Fund recommendations to the Clean Water Council for the following items:

- **University of Minnesota Forever Green Initiative (UofMN - \$4M to \$8 million):** Minnesota can not "BMP our way to clean water." While traditional BMP cost-share programs can be effective at a local scale, it is clear that Minnesota's clean water goals are not attainable without the widespread adoption of Continuous Living Cover (CLC) on millions of acres of cropland.

For that reason, we support doubling the current Clean Water Fund investment in Forever Green. Forever Green develops new perennial and winter annual crops and associated cropping systems that preserve and enhance water quality and support the development of new supply chains that provide profitable markets for these crops.

This would bring the Clean Water Fund's investment in next-generation market-based perennial and winter annual crops to \$8.0 million for the FY 24-25 biennium. This program is the most direct path to achieving clean water and prosperous farms in Minnesota. We believe this is the most critical investment the state can make to achieve our ag-related clean water goals.

- **Community Lead Service Line Inventory Grants (MDH - \$0M to \$6M):** Every Minnesotan deserves access to clean, safe drinking water. For many communities, conducting an inventory of potential lead service lines is a daunting and expensive process. This funding is essential to understanding our lead service line risks and optimizing our state's replacement efforts - and is the kind of work product that will encourage voters to renew the Amendment in 2034.
- **Private Well Protection (MDH - \$3.0M)** Every Minnesotan deserves access to clean, safe drinking water. Contaminants in the water samples from private wells in certain areas represent a public health crisis, especially when the wells are polluted by increasing nitrate, chloride, and pesticide levels. For complete well testing, private well owners must pay for expensive testing at certified laboratories, rather than from most county or state health departments.

Items we strongly support in the existing draft FY24-25 recommendations

While many of the draft recommendations are excellent, some items we find particularly worthy of Clean Water Fund investment include:

- **Chloride pollution reduction (MPCA - \$1.3M):** Chloride (salt) is a permanent pollutant that poses a significant threat to aquatic life and health. Enhancing support for communities to reduce chloride discharges from water softeners is an important part of meeting our statewide chloride reduction goals.
- **Targeted Wellhead/Drinking Water Protection (BWSR - \$6.0M):** Every Minnesotan deserves access to clean, safe drinking water. This program will provide critical funding for communities with vulnerable groundwater, communities with Mitigation Level 1 or 2 by the Groundwater Protection Rule, where monitoring has shown elevated nitrate levels, where drinking water protection plans have identified specific activities that will achieve long-term protection, and/or on lands with expiring Conservation Reserve Program contracts.
- **Subsurface Sewage Treatment System (SSTS) Grants (MPCA- \$7.5M):** These resources help low-income homeowners repair and replace septic systems - with clear benefits for water quality and public health.
- **Fish Contamination Assessment (MPCA - \$910K):** This funding provides for enhanced lab analysis of fish assessments, including the capacity to begin a statewide assessment of PFAS in fish tissue. Due to the [prevalence of PFAS in our environment](#) and widespread concern about the [health risks of PFAS exposure](#), this is a wise investment.
- **Watershed Partners Legacy Grants (BWSR - \$1M):** This grant opportunity invites local partners to bring their creativity and innovative thinking to bear on our water quality challenges in a new way.
- The recommendations for **Aquifer Monitoring for Water Supply Planning (DNR - \$4.0M)** and for **Nonpoint Source Restoration and Protection (DNR - \$3.2M)** are critical to protecting Minnesota's precious groundwater. Groundwater is becoming increasingly at-risk because of aquifer breaches, pumping for irrigation, drought, and tiling and drainage practices. We support these increases and encourage additional funds for these programs for further research on the impact on Minnesota's groundwater resources.

- **Lake Superior Basin SWCDs Leveraging Federal Funding: (BWSR - \$2M)** This project will support Lake Superior Basin SWCDs to leverage expanded Great Lakes Restoration Initiative dollars and other funds from the Bipartisan Infrastructure Law.

We are grateful for the Clean Water Council's support for these important initiatives and are hopeful these items are included in the Council's final FY24-25 recommendations.

Questions and concerns

We are concerned about several proposals included in the preliminary recommendations.

- **Buffer Law Implementation (BWSR - \$4M):** BWSR is to be applauded for its excellence in securing approximately 99% compliance with public water buffers statewide. However, for that reason, it is unclear why this level of funding remains necessary.

We acknowledge that remaining non-compliant landowners may be the least cooperative and most time-consuming to bring into compliance. However, the buffer law includes Administrative Penalty Order (APO) authority for this reason. While APO authority is understandably not a preferred method of securing compliance, relying on the APO approach while redirecting a portion of these funds to other activities may be a more just and equitable use of limited public resources.

- **Voyageurs National Park Clean Water Joint Power Board (\$2.2M):** While the merits of this work are clear, we question whether or not the Clean Water Fund is the optimal funding source. Clean Water Fund recommendations have typically been program-based, rather than earmarked for specific projects in a particular location or legislative district. This proposal appears to run counter to the program-based nature of the fund. This type of water infrastructure assistance may better be funded through a bonding bill or through the PFA Small Community Wastewater Treatment Program Program.
- **Ag Water Quality Certification Program (MDA - \$7M):** While the certification program has made modest progress in promoting baseline BMP adoption statewide, we remain concerned that the profitability-based Maximum Return To Nitrogen (MRTN) nutrient management recommendations at the heart of the certification standard are not always compatible with achieving our public health goals through the Groundwater Protection Act.

Communities with at-risk DWSMAs deserve the protections provided in Part II of the MDA's Groundwater Protection Rule (GPR). However, any farm operation that is certified under the far less-protective MNAWQCP standard is exempt under phase III and IV interventions included in the GPR for a period of 10 years. This invites the scenario where the critical public health protections provided by the GPR are significantly delayed in communities where DWSMA acreage is instead certified by the Ag Water Quality Certification Program.

While we appreciate the comments from MDA staff at the August 15th Clean Water Council expressing their intent to align the certification standard with GPR phase III & IV regulatory interventions in relevant DWSMAs. However, until the certification standard is revised accordingly, new funding for this purpose would best be channeled through BWSR's Targeted Wellhead / Drinking Water Protection work.

- **BWSR implementation funding:** BWSR has an essential role in directing resources to implement conservation practices statewide. However, Minnesota's water quality trends suggest that simply ramping up voluntary cost-share BMP adoption funding is not likely to produce meaningful results. An increase of this magnitude is somewhat surprising and could

compromise the ability of other state agencies to expand upon their own ongoing work, and deprive the Council of the ability to invest in new and innovative uses for Clean Water Fund dollars in future years.

Appreciation

The Clean Water Fund can't fund everything. Some activities - while of great importance to our state's natural resource goals - are best funded elsewhere. We are grateful that the Council recognizes that funding for the **Conservation Reserve Enhancement Program (CREP)** and base funding for **Soil & Water Conservation Districts (SWCDs)** are best provided through other means.

We also look forward to continuing our conversations with Council members as to how to best avoid the substitution of Clean Water Funds for traditional sources of revenue, including fees. Sincerely,



Steve Morse
Executive Director

Submitted on behalf of the following organizations:

Clean Water Action Minnesota

Friends of Minnesota Scientific and Natural Areas

Friends of the Mississippi River

Land Stewardship Project

League of Women Voters Minnesota

Minnesota Center for Environmental Advocacy

Northern Waters Land Trust

Save Lake Superior Association

Save Our Sky Blue Waters

St. Paul Audubon Society

Wilderness in the City