



STATE OF MINNESOTA

Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Blvd ♦ Saint Paul, MN 55155-1611

May 30, 2018

The Honorable Kurt Daudt
Speaker of the House of Representatives
463 State Office Building
100 Rev. Martin Luther King, Jr. Blvd.
St. Paul, Minnesota 55155

RE: HF 3422 Wild Rice Water Quality Standards

Dear Mr. Speaker:

I have vetoed HF 3422, the Wild Rice Bill. My administration has repeatedly expressed my commitment to protect wild rice waters without imposing unaffordable treatment costs on Minnesota cities and businesses. To continue that process, today I am issuing an Executive Order to establish a Wild Rice Task Force that will address the issues I had hoped could be part of a legislative solution in the past session.

Furthermore, until such time as cost-effective sulfate treatment technologies are available, I have instructed the MPCA Commissioner implement the federal Clean Water Act by working closely with dischargers to assure that no existing permitted facility will be required to install unaffordable treatment to meet the existing sulfate standard. Other tools authorized under the Clean Water Act will be used to protect the Agency and permitted dischargers from allegations of non-compliance.

While I do recognize that HF3422 represents some progress over previous legislation, it is not enough to make up for the rest of bill's shortcomings.

Of particular note is the inclusion of a work group process and set of tasks that were acceptable only to the bill's proponents. During the ten days my staff and MPCA staff met with stakeholders, several of my Administration's draft proposals included the creation of an inclusive work group that would focus on recommendations for documenting, protecting, and enhancing natural stands of wild rice, and for reviewing existing scientific literature. However, it appeared that the interests, who advocated for the initial bill, were principally concerned with rehashing disagreements with MPCA on the scientific research supporting the sulfate standard, and with attempting to replace the MPCA's responsibilities under state and federal laws with the authority of the work group.

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Giving a work group the power to decide the state's wild rice water quality standard is an unlawful delegation of authority under the federal Clean Water Act, as well as offensive to the Native American Tribes, who place great significance on wild rice. By contrast, the Task Force I am creating will provide the opportunity to bring together a diverse group of stakeholders to work on practical measures to protect and restore wild rice.

While today I am vetoing HF 3422, I also restate my desire to bring Minnesotans together and find a path forward on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Dayton".

Mark Dayton
Governor

cc: Lieutenant Governor Michelle Fischbach
Senator Warren Limmer, President Pro Tem of the Senate
Senator Paul E. Gazelka, Senate Majority Leader
Senator Thomas M. Bakk, Senate Minority Leader
Senator Bill Ingebrigtsen, Chief Senate Author
Representative Melissa Hortman, House Minority Leader
Representative Dan Fabian, Chief House Author
The Honorable Steve Simon, Secretary of State
Mr. Cal Ludeman, Secretary of the Senate
Mr. Patrick Murphy, Chief Clerk of the House of Representatives
Mr. Paul Marinac, Revisor of Statutes