



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 19, 2018

Chairman Bill Weber
Senate Agriculture, Rural Development,
and Housing Policy Committee
2109 Minnesota Senate Building
Saint Paul, Minnesota 55155

Chairman Paul Anderson
House Agriculture Policy Committee
369 State Office Building
Saint Paul, Minnesota 55155

Dear Chairman Weber and Chairman Anderson:

I am appalled that you are holding a hearing so that you can deny rural Minnesotans their rights to clean and safe drinking water.

Your action to invoke Minnesota Statute 14.126 to delay the adoption of the Groundwater Rule is unprecedented and unnecessary. By invoking this statute, you are holding the Groundwater Protection Rule hostage as a political bargaining chip and a campaign issue after citizens throughout Minnesota have spent countless hours providing input to make the Groundwater Protection Rule best serve them.

You, other Legislators, and agricultural groups have had numerous opportunities to receive and review the Groundwater Protection Rule. By your actions, you are denying Minnesotans everywhere, particularly farmers and rural residents, the opportunity to review and provide their public input on how best to protect their drinking water supply.

I understand that farm organizations including the Minnesota Corn Growers and Minnesota Farmers Union, support the Department of Agriculture moving forward with the Groundwater Protection Rule. They have publicly communicated their support to their members and to the Legislature.

I want to remind you and members of the Agriculture Committees of all the work and public engagement that has gone into shaping this rule.

- In 1989, the legislature passed Minnesota Statute 103H, the Groundwater Protection Act. It gave the authority to the Department of Agriculture to do this rulemaking.
- In March 2015, the Department published a Nitrogen Fertilizer Management Plan based on input from an advisory committee. The plan is the blueprint for how the state could prevent and mitigate nitrate contamination in groundwater, particularly in vulnerable areas of the state. The Advisory Committee included local governments, farm organizations, environmental organizations, and research experts from the University of Minnesota.

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- In June 2017, the Department released the pre-draft of the rule to ensure that farmers and all Minnesotans had the opportunity to shape the rule.
- In the summer of 2017, The Department held 17 public listening sessions across Minnesota. Those public meetings engaged over 1,000 farmers and landowners in conversations about how modified fertilizer application standards can improve the quality of drinking water. These listening sessions were held in Marshall (2), Chatfield, Farmington, St. Cloud (2), Wadena, McIntosh, St. Paul, Fairmount, Roseau, Warren, Hawley, Mankato, Bemidji, Crookston, and Rochester.
- In addition, the Department received over 820 written comments from Minnesotans.
- On Friday, April 13th, I received a copy of the proposed Groundwater Protection Rule, and the Statement of Need and Reasonableness (SONAR). I immediately approved the rule so that the Legislature could receive it as soon as possible.

In contrast, you have held no hearings and proposed no solutions on how we can provide safe drinking water for all Minnesotans, including rural residents and farmers. By invoking Minnesota Statute 14.126, you are sending the strong message that citizens' voices do not matter, and that the Legislature intends to usurp the authority over what is supposed to be a public process.

Clean and safe drinking water is the right of every Minnesotan. Thirty years ago, the Legislature asked the Department of Agriculture to address nitrate contamination in our water. The actions your Committees take will prevent the Department from protecting the health of all Minnesotans.

I urge you to reconsider this very destructive action.

Sincerely,



Mark Dayton
Governor

cc: The Honorable Paul Gazelka, Majority Leader
The Honorable Thomas Bakk, Senate Minority Leader
The Honorable Kurt Daudt, Speaker of the House
The Honorable Melissa Hortman, House Minority Leader
Senator Torrey Westrom
Senator Founq Hawj
Senator Kari Dziedzic
Representative Jeanne Poppe
Representative David Bly