



**Minnesota Conservation Federation  
Executive Director Report  
Gary Botzek  
June 2016**

The 2016 Legislative Session is in the books! Not finished, however!

The late starting date of March 8 allowed the Governor and legislative leaders to wait for the most current economic information available in order to determine which new investments or tax relief could be provided. A tax bill and a small budget spending bill were passed. But a bigger bonding bill and a transportation financial plan was not. Probably a Special Session to finish the work on these two issues.

In terms of natural resources investments and policies, the following is a summary of what did and did not happen in the 2016 legislative session:

New Buffer Law Clarified:

The legislature passed legislation that is designed to “clarify” the buffer bill passed in special session last year. The BWSR is in charge of implementing the law and they have been busy meeting with local soil and water conservation district organizations, as well as state and regional interests ranging from the MCF to the Farm Bureau. Portions of the law are already going into effect, including the excessive soil loss law. A good summary of the new law can be found on the BWSR’s website at <http://www.bwsr.state.mn.us/buffers/>.

DNR has an important part to play in the implementation of the new law as well. They are in charge of producing the Buffer Protection Map for the BWSR and others. These maps will identify all the lakes and ditches that probably need to be buffered. Local review will modify the map findings and DNR expects to have the Buffer Protection Map finalized by July 2016. More information can be found at <http://dnr.state.mn.us/buffers/index.html>.

The impact of the new buffer law took a hit early in the year when the Governor agreed with the Farm Bureau and the Republicans and limited the DNR mapping project to public water ditches only. By not requiring the mapping of private ditches (ditches on private property) thousands of miles of waterways will not be covered by the new law. According to statutes all ditches are on private property. However, all water is public waters and should be covered by the buffer requirements.

The new law will require a minimum average of a 50-foot wide buffer on public waters with a shoreland designation by November 2017 and a minimum of a 16.5-foot wide buffer on both sides of public ditches by November 2018. While these numbers are not new in terms of the statutes, the new law squarely puts the BWSR in the leadership role to build and implement a

program that works with farmers and other landowners by providing incentives and using federal and state dollars to put buffers in place. The new law will be enforced by the local soil and water conservation districts. Enforcement, needless to say, has been lacking in the past.

In the tax bill the 2016 legislature provided a \$10 million per year appropriation for any or all of Minnesota's 87 counties. If counties agree to implement and enforce the new buffer law they will receive state tax dollars to assist them in their efforts to a maximum of \$200,000 per year. However, the tax bill was vetoed so the funding remains in question.

It is widely believed that adding buffers around water bodies will provide additional protection from pollution runoff, as well as provide additional habitat opportunities for birds, animals and pollinators.

#### Mille Lacs Lake Management:

Based on angler discomfort and area resort pressure DNR changed the walleye fishing regulations on Mille Lacs to a catch and release only lake. A new Mille Lacs Fisheries Advisory Committee has been meeting regularly and is making recommendations to the DNR and the legislature. A new fisheries facility in Garrison, priced at \$3.5 million, is in the bonding bill that did not pass.

#### Lessard-Sams Dollars:

The legislature did pass its annual Lessard-Sams Outdoor Heritage Legacy bill generated from the sales tax revenues and constitutionally dedicated to natural resources. The Councils' recommendations for this round of spending call for investment of another \$110 million in habitat projects! Last session the Legislature appropriated \$97 million for outdoor projects including forestry, wetlands, forest habitat, and prairie habitat. The Lessard-Sams Outdoor Heritage portion of the dedicated sales tax dollars is appropriated annually to provide flexibility and allows for the ability to shift gears and/or direction with the money. About \$29 million of the \$110 million in this year's bill is scheduled to go to habitat projects, \$6.7 million to RIM/Buffers, \$41 million to prairie habitat, \$31 million to enhance grasslands and wetlands through the RIM Buffers program, and \$7.5 million going to the DNR managed Conservation Partner Grants Program. This is the program where local sportsmen's clubs can apply directly for matching dollars for habitat and other type local efforts.

#### Bonding Dollars for Conservation:

A big bonding bill was expected in the 2016 session. The bill just under a \$1 billion level failed to pass on the last night of session. A special session is possible over this bill. In the bill was bonding money for flood hazard migration, DNR buildings asset preservation, dam renovation, repair, and replacement, money to clean up the St. Louis River, money for Redwood-Cottonwood River Joint Powers Lake Redwood Reclamation and Enhancement Project, and \$6 million for RIM. Also in the bill was big money for roads and bridges, money for drinking water infrastructure, and the Lewis & Clark Regional Water System.

#### LCCMR Lottery Dollars:

The legislature passed its annual LCCMR funding bill. This bill, funded by lottery dollars, totaled \$46 million. This bill is heavy on research projects including \$5.8 million for the AIS Research Center on the St. Paul Campus of the U of M but also includes \$2.2 million for RIM. Also funded

in this bill is the elk restoration project to be led by the Fond du Lac Band of Lake Superior Chippewa tribe. This two part project will research and explore the willingness and ability to restore the elk herd in NE Minnesota. Governor Dayton line item vetoed projects totaling \$8.4 million including money for aggregate mining mapping, studying changes from forest land to cropland along the Crow Wing River, a University of Minnesota study of ecological issues including reducing sulfate, a pollinator habitat development along Minnesota interstate highways and money for the enhancement of parks and trails. These were projects that were added in the House committees that were not part of the commission's recommendations. This vetoed money goes back to the commission for reserves and to be recommitted next year.

#### Supplemental Budget/Spending Bill:

Included in the \$167 million budget bill adjustments was new money for Avian influenza and an emergency response, a new water draw permit from the DNR to Cold Spring Brewery, new carbon monoxide detector language for enclosed boats, a new Zebra mussel study on Lake Minnetonka, and tougher AIS boat movement inspection regulations.

#### Northern Pike Zones:

The DNR proposed a three-zone size structure on northern pike to the legislature this year. The plan would implement different sets of regulations regarding size and number of northern pike that could be taken in the northeast, north-central, and south areas of the state (three zones). This bill did not make it. If DNR chooses to go through a rule making process on the three zone concept it would take two years to complete.

#### Hunting/Angling Poaching Fines:

The Governor proposed stronger penalties for grossly illegal overtaking of fish and wildlife in the state. The proposal included higher restitution shares per animal or fish and substantially longer game and fish license revocations for poaching offenses. This bill did not make it to the Governor's desk.

#### Lead Shot on WMAs:

The DNR has proposed a new rule that would ban hunters of small game and upland birds from using lead shot on certain agricultural area wildlife management areas. Legislation that would have stopped the DNR in this project passed the House three times but did not make it out of the Senate.

#### Blaze Pink Deer Hunting Gear:

Both the House and the Senate passed bills to add blaze pink clothing to the current usage of blaze orange for deer hunting in the state. That bill died, as well.

#### Muskie Stocking:

Bills that would have taken away the DNR's management responsibilities for stocking muskies in certain listed lakes passed both the House and Senate but died with the game and fish bill. Currently DNR stocks muskies in 90 lakes across the state. The legislative effort was prompted by concern that the DNR is not listening to local lake associations. DNR is expected to spend more time with local lake residents. This issue will be back, as well.

### Dog Protection/Trapping Conflicts:

While no hearings were granted to bills that would have changed the law relating to the design of animal traps or their placement in forests or fields policy amendments were offered on the floors of the House and Senate. Good debate took place. In the center of the controversy are the “body-grip” traps that are popular in the taking of raccoons, beavers, bobcats, and other fur-bearers. Proposed changes include modifications to the entry point of the enclosed traps. This issue will be back next year.

### Shooting Range Grants:

The MCF, along with Jim Sable of the State High School Clay Target League, testified for a bill that would have provided \$25 million in bonding dollars to build a metro area “world class” shooting range facility. This new facility would be used for state tournament play, leagues during the shooting year, and Olympic training and tournaments. The bill was not included in the bonding bill. Money from the game and fish fund remain in the DNR administered shooting range grant program. Shooting ranges can apply to the DNR, and if selected, would receive matching funds to improve or expand their shooting range operations assuming there is an increased usage by high school teams and leagues. The MCF will be asked the legislature for more money in 2017.

### Aquatic Invasive Species:

Additional research funding was made available to the Aquatic Invasive Species Research Center located on the St. Paul campus of the U of M. Concern over the “up river” movement of Asian carp and other aquatic invasive species the U of M is leading the way in terms of control methods and chemical control research. That research is targeting controlling the northern movement up the Mississippi River using sound, light, and water movement to slow or control carp movement. Chemical research to stop reproduction continues as well.

The closing of the St. Anthony Lock & Dam in Minneapolis has provided some additional time to find the combination of strategic and technologies. However, both the Minnesota and St. Croix Rivers are currently “unguarded” in terms of northerly movement.

I am honored to represent the MCF and serve on the University of Minnesota Aquatic Invasive Species Research Center Advisory Board that provides input and feedback into the research that is being done on carp and other aquatic invasives. We will need a “research miracle” to stop or control the many aquatic invasives that continue to enter Minnesota waters through our rivers and the Great Lakes.

### Waukesha Water Diversion Plan:

The MCF, working with the NWF and others, continue to call on Governor Dayton to say “no” to the Wisconsin City of Waukesha’s proposal to draw water from Lake Michigan for drinking water purposes. The City is requesting the withdrawal of up to 10 million gallons of water per day from Lake Michigan to be used for their drinking water. They have a radium contamination problem and are looking for a new drinking water source. The City is considered part of a “straddling” county and is therefore eligible to apply for an exemption under the 2008 Great Lakes Compact. MCF supported the state law passed in 2008 that set up the Compact. Minnesota was the first state to vote to join! The NWF and MCF testified against the Waukesha proposal at a Minnesota DNR

hearing held in Duluth in March. Any one of the eight governors signed to the Compact can veto the application. A decision is expected by late June.

If you are interested in more information regarding items mentioned in this report, please call me at 651-293-9295 or email me at [gary@capitolconnections.com](mailto:gary@capitolconnections.com). Thanks for your continued interest, involvement and participation in the MCF, NWF, conservation, habitat and the environment. We are all in this together!