



STATE OF MINNESOTA

Office of Governor Mark Dayton

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

May 9, 2018

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

RE: HF 3280 Wild Rice Water Quality Standards

Dear Mr. Speaker:

I write to inform you that I have vetoed HF 3280, the Wild Rice Bill, because it is an extreme overreach that eliminates important protections for wild rice, attempts to exempt Minnesota from the federal Clean Water Act, and ensures ongoing litigation that will prolong, not relieve, the current regulatory uncertainties.

Instead, I urge Legislative Leaders to use the remainder of this Session to bring the different stakeholders together and forge a resolution that respects the federal law, provides regulatory certainty to affected companies and municipalities, and protects our priceless wild rice resource for future generations.

Wild rice is very special to Minnesota. It is essential to the culture and spirituality of many Native American Tribes in our state. In 1973, the state set a 10 mg/L sulfate standard to protect wild rice. That standard has proven to be extremely difficult to implement, due in part to the current costs of sulfate treatment. Furthermore, recent scientific studies have questioned whether the sulfate limit needs to be that low in all wild rice waters to provide the protection it needs.

However, the bill passed this week by the Legislature does not solve the law's implementation challenges or provide regulatory certainty to those industrial and municipal operations affected by it. Instead, it throws out all we have learned about wild rice and sulfate and takes Minnesota backward in our efforts to balance the necessary protections of wild rice with the economic imperatives of jobs and environmentally sound industrial progress.

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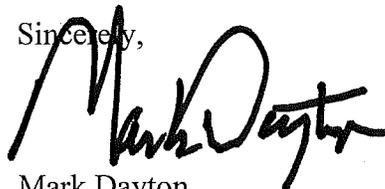
The bill you have sent to me is in direct conflict with federal law. If enacted, the Minnesota Pollution Control Agency (MPCA) would have to submit scientific evidence to the Environmental Protection Agency (EPA) that demonstrates how the state can repeal its current 10 mg/L sulfate standard and still protect wild rice. This puts the Agency in an impossible bind, as the research it conducted – at the direction of the Legislature – demonstrated the need for a sulfate standard to protect the growth of wild rice. Furthermore, if the Agency tried to issue any permits after the Legislature repealed the 10 mg/L standard without EPA approval of that repeal, municipalities and businesses seeking new permits could not expand or modify their discharges, creating additional regulatory limbo and litigation. Without a scientifically defensible basis for the repeal of the existing standard, the EPA should have to rule that it violates the Clean Water Act.

In 2011, the Legislature directed the MPCA to develop a new wild rice standard. Now, however, some Legislators have decided – based upon their own subjective analyses – that they do not like the science. In response, they have attempted to abolish the standard and pretend that it solves the problem.

This Legislature can do better. Minnesotans – including those whose cultural, environmental, and economic interests are invested in this complex issue – deserve much better. I, for one, believe strongly that working together, we can achieve a more ideal, workable, and sustainable solution for all the people of Minnesota.

For these reasons, today I am vetoing HF 3280 immediately to provide adequate time to resolve this issue during the remainder of this Legislative Session.

Sincerely,



Mark Dayton
Governor

cc: Senator Paul E. Gazelka, Senate Majority Leader
Senator Thomas M. Bakk, Senate Minority Leader
Senator Justin D. Eichorn, Chief Senate Author
Representative Melissa Hortman, House Minority Leader
Representative Dave Lueck, 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