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Minn. court affirms wild rice protection

by Dan Kraker, Minnesota Public Radio
December 17, 2012

DULUTH, Minn. — The Minnesota Court of Appeals upheld a lower court ruling Monday dismissing a challenge to the state's water quality standard protecting wild rice.

A three-judge panel ruled the court lacked jurisdiction to hear the lawsuit from the Minnesota Chamber of Commerce.

Two years ago, the Chamber of Commerce asked the court to throw out the state's 1973 standard that limits the discharges of sulfates into wild rice waters. In May, a district court judge ruled in favor of the state, saying the standard was appropriate.

This ruling, said Chamber of Commerce attorney Thad Lightfoot, was more of a procedural decision.

"It's a decision with respect to whether or not the Court of Appeals, and for that matter the district court, had jurisdiction, it doesn't go to the merits of the Chamber's argument," Lightfoot said.

The court said the Minnesota Pollution Control Agency has not taken any steps to enforce the rule against the chamber or its mining company members. Paula Maccabee, attorney with the intervening group WaterLegacy, called the decision a "positive step."

"Little by little, I think we're reclaiming the idea that Minnesota can protect wild rice and other natural resources through regulation, and that's an important thing," Maccabee said.

Lightfoot said the Chamber hasn't decided whether to appeal the decision.

Meanwhile, a Legislature-funded study on the wild rice sulfate standard is under way, but results likely won't be known for at least another year.

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