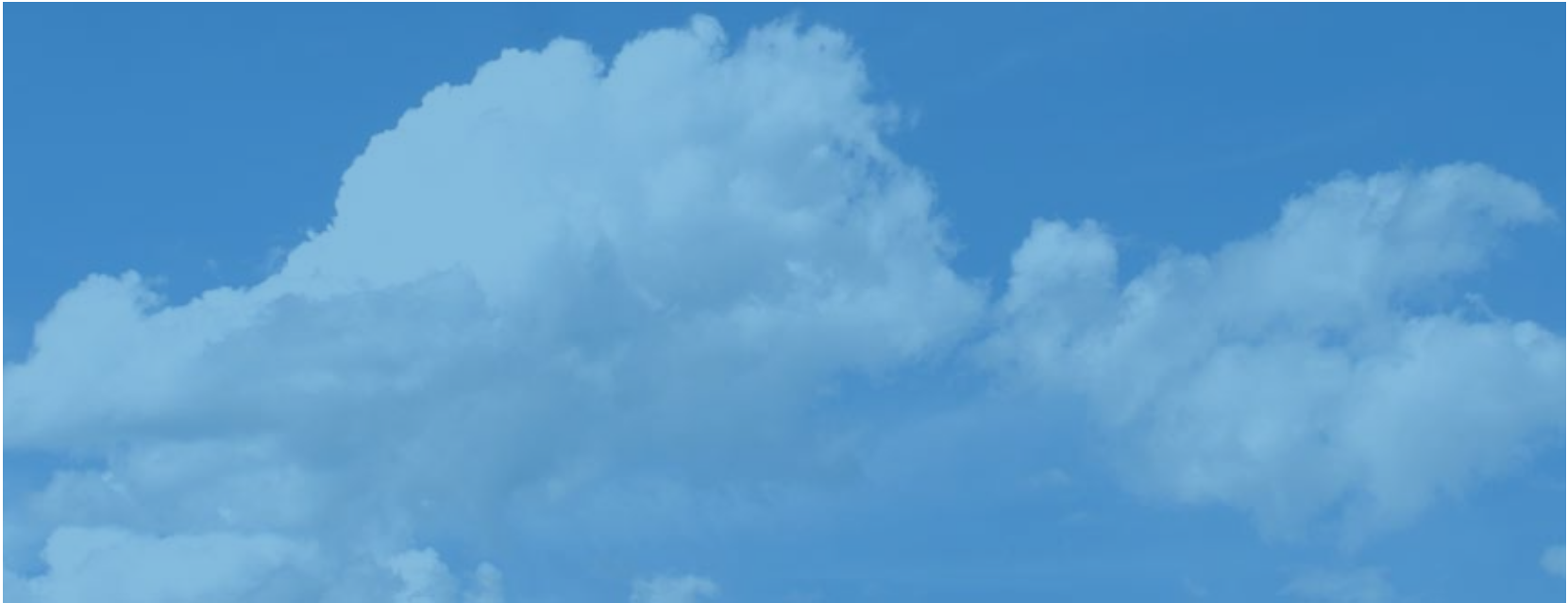


Minnesota Environmental Partnership





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Dear Minnesota Legislator:

In 2010, you can take significant action to continue the progress we've made in recent years to protect and defend Minnesota's lakes, rivers, streams and Great Outdoors.

We recognize the difficult economic times facing our state this year. Yet it is in these challenging times when our values are truly tested. We ask that you pause and reflect upon what Minnesotans treasure about living here: watching children and friends discover the wonderment of sitting beside a campfire, splashing in a cool lake, or wandering along a forest trail.

Minnesotans highly value our Great Outdoors: spending time outdoors with our families; the \$9 billion boost that tourism, spurred by our 10,000-plus lakes, provides our economy; our premium quality of life, enriched by a run around the lake or a trip Up North; and as a legacy to pass on to our children and grandchildren.

In 2010, you can support Minnesota's natural heritage by acting on these critical legislative measures. The Minnesota Environmental Partnership, a coalition of more than 80 conservation and environmental nonprofit organizations, has voted to make these issues priorities this session:

- **Complete Streets: Making Roads Safer for All Minnesotans**, ensuring that streets and roads are designed to support more walking, bicycling and clean transportation choices to protect Minnesota's lakes, rivers, and air quality;
- **Safe Mines: Protecting Our Water from Toxic Mining Pollution**, requiring a damage deposit from non-ferrous sulfide mining operations to protect Minnesota taxpayers from potential pollution clean-up costs;
- **Defending Minnesota's Environmental Policy Foundation**, including upholding Minnesota's restrictions on new nuclear and coal-burning power plants; and
- **Safeguarding Minnesota's Great Outdoors Legacy**, assuring traditional long-term investments for our lakes, forests and natural areas, and protecting against raids of constitutionally protected funds.

In addition, we also have a responsibility to protect Lake Superior and address the problems that threaten its health, as well as that of the entire Great Lakes system.

As Minnesotans, it's our responsibility to put our values into action to protect and defend Minnesota's Great Outdoors for all to enjoy today and tomorrow.

Sincerely,

Steve Morse
Executive Director

Complete Streets: Making Roads Safer for All Minnesotans



OVERVIEW:

Safe roads are important for everyone. Passage of Complete Streets legislation will ensure that our roads are designed to be safe and accessible for drivers, pedestrians, transit riders, and bicyclists—all users of Minnesota's roads, regardless of age or ability. The legislation will help remove transportation barriers for seniors, children, and people with disabilities while giving people more choices in how they get around. It will also support more walking and bicycling, healthy and clean transportation choices that help protect Minnesota's lakes, rivers, streams, and air quality.



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PROBLEM:

Many Minnesotans do not feel safe walking or biking in their neighborhoods or letting their kids walk to school. Too often, Minnesota roads are built primarily for driving as quickly as possible, and the needs of children, seniors, and others are not seriously considered. This can result in roads that simply aren't safe for pedestrians, people with disabilities, bicyclists, transit riders, and drivers themselves. It can also result in roads that hurt the economic vitality of main streets and harm the quality of life that draws people to Minnesota.

Everyone is affected by unsafe roads that lead to more injuries and fatalities, very real barriers in our transportation system, and disincentives for walking, bicycling, and transit use.





POSITION:

Complete Streets legislation will help us update the way we design our roads so that they are safer and meet the quality of life needs of all Minnesotans. The legislation ensures a flexible road design process that considers the needs of all users throughout all stages of transportation planning and engineering. A specific safe road design will depend on community context, topography, and the likely users of the road.

Working with the Minnesota Department of Transportation we can update current design guidelines, requirements, and processes to ensure that they provide the flexibility needed to create safer roads for all Minnesotans. It will not require retrofits to existing roads, but will ensure that as we construct, reconstruct, and rehab roads, we consider the full range of needs. The legislation will also provide local governments with relief from current design mandates that can lead to roads that cost more, are less safe, and do not serve the community. In total, Complete Streets will support safer roads, healthy lifestyles and clean transportation choices that help protect Minnesota's rivers, lakes, and air quality.

For more information go to www.Protect.MN

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SAFE MINES:

Protecting Our Water from Toxic Mining Pollution

OVERVIEW:

A new kind of mining is being discussed in Minnesota. But are current regulations strong enough to protect our taxpayers and our lakes, rivers and streams?

Several companies are interested in operating non-ferrous sulfide mines in the state's Arrowhead region. These mines are not Minnesota's traditional iron ore and taconite mines; these new toxic-producing mines would extract minerals like copper and nickel from sulfide ores. This type of mining has the potential to cause long-term water pollution that would be very costly to clean up. Minnesota's current non-ferrous rules are not strong enough, and the Legislature needs to make improvements to financial assurance requirements to protect our water and our wallets.



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PROBLEM:

The U.S. Environmental Protection Agency (EPA) has identified the hardrock mining industry, which includes non-ferrous sulfide mining, as the nation's top toxic polluting industry, creating over 2 billion tons of toxic waste annually. In the western U.S., the Forest Service estimates that mines are polluting between approximately 5,000 and 10,000 miles of streams.

Now, mining corporations have set their sights on a region stretching from Hoyt Lakes to the edge of the Boundary Waters Canoe Area Wilderness, and even into Aitkin County. One proposal from PolyMet Mining Corp. is in the midst of the environmental review process. Another company is interested in mining beneath Birch Lake, which flows into the Boundary Waters.

Time and time again, mining companies have escaped their clean-up obligations by manipulating their corporate structure, stripping the permit-holder entities of their assets, or filing for bankruptcy. To address these problems, many states now require mining companies to pay a "damage deposit" to cover clean-up costs.

Minnesota's existing financial assurance regulations are insufficient to protect clean water and taxpayers. Studies show that other states have chronically underestimated financial assurance requirements and have accepted forms of financial assurance that are worthless when companies go bankrupt or otherwise do not meet their obligations. The result is taxpayers foot the bill and the environment suffers.



Non-Ferrous Mining Creates Sulfuric Acid

When rain runs off the waste from iron mining, it creates rust. When rain runs off waste from non-ferrous sulfide mining, it creates sulfuric acid, which in turn leaches out toxic metals and pollutes nearby lakes and streams. Pollution risks also include elevated levels of harmful sulfates, which can lead to mercury contamination of fish.



POSITION:

Minnesota needs stronger financial assurance rules for non-ferrous sulfide mining, not only to protect taxpayers from being forced to pay for polluters' messes, but also to ensure the state can respond to threats to our clean water. Needed improvements to financial assurance requirements include:

- Financial assurance should be in cash or cash-equivalent forms and deposited in the state treasury — to be beyond the reach of bankruptcy courts.
- Determination of the form and amount of financial insurance should involve not only the Minnesota Department of Natural Resources, but also the Minnesota Pollution Control Agency and the Minnesota Management and Budget Department.
- Parent or affiliate mining corporations should be held accountable for clean-up costs.
- The public should have a chance to review how financial assurance figures are obtained and adjusted, as a necessary protective measure for an industry with high pollution risks.

For more information go to www.Protect.MN

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Defending Minnesota's Environmental Policy Foundation

Minnesotans cherish our natural resources and take pride in our outdoor heritage. Over the years, Minnesota Environmental Partnership (MEP) and our member organizations have fought for laws that strengthen our ability to protect our land, water and air. These laws provide the bedrock of Minnesota's environmental policy. As MEP moves forward with our priority issues, we will continue our work of defending existing laws from being weakened or repealed. These include:

CLEAN ENERGY – Implementing sound energy policies that increase our use of renewable energy sources, provide incentives to utilities to promote energy efficiency, and achieve our goal of reducing Minnesota's global warming pollution 80 percent by 2050. This includes maintaining the prohibition on the construction of new coal-burning power plants.

MINNESOTA ENVIRONMENTAL POLICY ACT – Maintaining environmental review standards that provide important guidelines for protecting our environment and natural resources. Minnesotans expect state officials to ensure the protection of our Great Outdoors.

CLEAN WATER – Defending clean water laws and regulations so that we can pass a Clean Water Legacy on to future generations. Minnesota must protect and restore our treasured lakes, rivers and streams, not lower the pollution standards so that contaminated water is reclassified by the state as clean.

COMMUNITY AND TOWNSHIP RIGHTS – Protecting the core democratic principle of community and township rights that allow local communities to enact planning and zoning ordinances that are stronger than state regulations. This ensures that proposed developments benefit the area and do not come at the expense of neighbors and the local environment.

PUBLIC LAND PROTECTION – Safeguarding millions of acres of public lands from uses and practices that cause damage and degradation. Jeopardizing our land threatens our treasured outdoor way of life and the segments of our economy that depend on its protection.

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Ensuring Progress on Minnesota's Path to a Clean Energy Future

ALTERNATIVES TO COAL

The Next Generation Energy Act of 2007 established climate protection goals for Minnesota to achieve an 80 percent reduction in global warming pollution by 2050. The Act also set new goals for increased energy efficiency savings, established a nation-leading renewable energy standard, and prohibited the construction of new fossil fuel-burning power plants after August 2009 if regulations to control global warming pollution are not in effect by that date.

In response to the Act's requirements, Minnesota energy utilities have stepped up their investments in clean energy technologies. However, these achievements can be easily erased if new coal-burning power plants are built. These plants will result in a dramatic increase in coal use, further harming our air quality and eclipsing investments in advanced and renewable power generation. As part of defending Minnesota's environmental policy foundation, MEP and our member groups will oppose attempts to repeal this prohibition on new coal-burning power plants.

MAINTAIN NUCLEAR MORATORIUM

Minnesota's progress on the path towards a clean and renewable energy future will also be in danger if we allow more nuclear power plants to be built in our state. Recently there has been an effort to repeal a long-standing state law that prohibits new nuclear power plants. But there are many concerns about new nuclear power plants in Minnesota, including the huge building costs that will be passed on to ratepayers; the large amount of water from our lakes, rivers and streams required to operate the plants; and the prospect of increased amounts of radioactive waste piling up at facilities in Minnesota, with the federal government hitting a dead end with its plans for long-term nuclear waste storage.

More nuclear energy is not a sensible or cost-effective solution to increasing our energy independence. Until solutions can be found to answer the concerns about new nuclear power plants, Minnesota should focus its efforts on increasing energy efficiency and developing more clean renewable energy resources.

MEP and our member groups will oppose attempts to repeal the existing state law that prohibits construction of new nuclear power plants in Minnesota. We must not let a misguided push for new nuclear plants derail our progress on installation of renewable energy such as wind and solar.

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SAFEGUARDING MINNESOTA'S GREAT OUTDOORS LEGACY

Upholding the Clean Water, Land and Legacy Amendment — Outdoor Traditions Investment

Minnesota's Great Outdoors is what makes our state so special. Our abundant lakes and rivers, rolling prairie lands, noble forests, and lush parks and trails contribute to our state's jobs and economy, the health of our families, and our treasured Minnesota way of life.

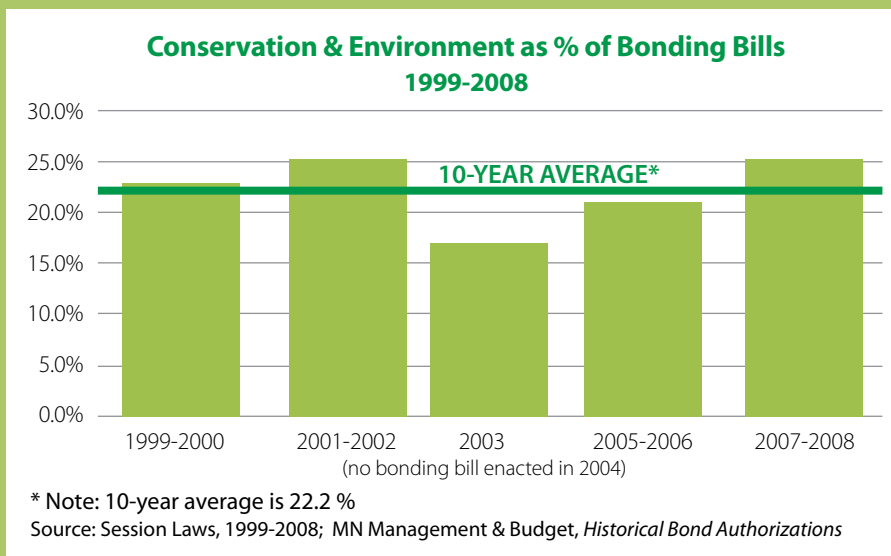
Our deep appreciation for our Great Outdoors led to the overwhelming passage of the Clean Water, Land and Legacy Amendment in 2008. The Minnesota Constitution now specifies that dedicated money from the amendment must supplement traditional sources of funding for these purposes and not be used as a substitute. As elected officials continue to grapple with the worst budget crisis in our state's history, the Minnesota Environmental Partnership is committed to

upholding the voters' overwhelming mandate to pass on a Great Outdoors legacy to our children and grandchildren.

In the last decade, the Minnesota Legislature has at times shown its commitment to our Great Outdoors by allocating over 22 percent of the funds in the capital investments bill to environmental and conservation projects. Even in difficult financial times, elected officials must protect our Great Outdoors by maintaining this traditional level of funding. We cannot allow constitutionally-protected funds for our lakes, rivers and streams, natural areas and wildlife habitat, and parks and trails to be raided to solve short-term state budget problems.

The capital investment projects supported by MEP member organizations are smart investments that create needed jobs and protect our waters, natural lands, and access to the outdoors.

A full list of outdoor traditions investments projects can be found at www.Protect.MN



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Transit Investments That Keep Minnesota Moving

Our communities depend on a strong public transportation system to reduce harmful emissions in our air and toxins in our water, and to encourage thoughtful development patterns. Transportation Choices 2020, first introduced in 2004, provided Minnesota with a transit vision that included:

- eight new transitways;
- doubling public transit ridership by 2020;
- improved bus and park & ride facilities;
- revenue for local governments for bike and pedestrian facilities; and
- expanded transit options in Greater Minnesota.

In 2008, the Minnesota Legislature took a major step towards achieving that vision when it approved the largest investment in our transit infrastructure in history. Despite facing the worst

deficit in Minnesota's history in 2009, state lawmakers protected that investment, allowing the state to move forward on several critical transitway projects while maintaining bus service. But without additional funding, including a bonding package of more than \$90 million in 2010, Minnesota's vision for a 21st century transportation system cannot be attained.

Public transit makes our region more vibrant and successful, connecting our region and shaping communities that we are proud to call home. With an additional 1.2 million new residents living in Minnesota over the next 20 years, Governor Pawlenty and the Minnesota Legislature must invest in a public transportation system that provides new jobs, grows our economy, expands transportation choices, and protects our Great Outdoors.



A full list of important transit projects can be found at www.Protect.MN

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CARING FOR LAKE SUPERIOR AND THE GREAT LAKES

Minnesota is blessed to be the headwaters state for the Great Lakes, counting 150 miles of Lake Superior shoreline among our natural assets. As the largest of the Great Lakes, Lake Superior contains 10 percent of the world's fresh surface water and over half of the water in all of the Great Lakes. It provides drinking water, transportation, jobs, recreation, and a way of life for millions of people.

Although Lake Superior remains the cleanest of the Great Lakes, it is not immune to the problems facing the lower lakes, and human activity increasingly threatens its health. Such threats include:

- Invasive species carried into the lake in ships' ballast water, and then spread into rivers and inland lakes;
- Untreated and poorly treated sewage discharged into the lake;
- Airborne pollution from mining and other industrial activities that contribute to the lake's toxics load;
- Numerous sites at the mouth of the Saint Louis River (the largest U.S. tributary to Lake Superior) that remain contaminated from historic industrial activity;
- Shoreline development that has already degraded water quality and wildlife habitat on streams and lakes throughout the lower Great Lakes, including the growing demand for homes on the shore; and
- Growth in the demand for fresh water across the United States and around the world.

We must act now to restore the health of the Great Lakes – we have solutions and it is time to use them. Action is required at both the state and federal level to protect our drinking water, our health, our economy, and our way of life.

At the state level, this includes achieving an effective anti-degradation policy to protect water quality in the Lake Superior Basin; adopting and enforcing water clean-up plans; opposing efforts to weaken water quality standards; and supporting the adoption of shoreline standards that protect water quality.

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Funding Great Lakes Restoration

Great Lakes residents celebrated a major achievement in 2009 with Congressional approval of President Barack Obama's budget request for \$475 million to begin to implement the Great Lakes Restoration Initiative, a coordinated multi-agency approach to target the most significant problems in the Great Lakes. Federal dollars will begin flowing to the states in early 2010. An ongoing challenge will be to ensure that state funding, including that generated by the Clean Water, Land and Legacy Amendment, is available to meet federal match requirements.



Restoring Clean Water Act Protections

Clean Water Act protections for rivers, headwater streams, and wetlands are essential for Great Lakes restoration. Two recent U.S. Supreme Court decisions have placed millions of acres of isolated wetlands and an estimated 50 percent of Minnesota's stream miles at risk of losing federal safeguards. Legislation currently before Congress to restore full protection of the Clean Water Act to waters and wetlands is necessary to protect Minnesota's lakes, rivers and streams, including Lake Superior.

Aquatic Invasive Species

The Great Lakes are now home to more than 160 non-native aquatic invasive species; 87 of these are found in Lake Superior. Ballast water discharged from oceangoing and Great Lakes vessels is the primary source of these introductions, and Duluth receives more ballast water than any port on the Great Lakes.

In 2008, the Minnesota Pollution Control Agency adopted a ballast water discharge permit program for commercial vessels travelling in the Minnesota waters of Lake Superior. The program applies to both oceangoing and Great Lakes-only vessels over 50 meters in length.

While Minnesota's program and those of other states are welcome steps, a comprehensive federal ballast water program is needed to protect the Great Lakes as a whole and provide a consistent framework for state regulatory programs. The critical component of any federal program is that it must address lake carriers as well as salt water vessels in order to protect Lake Superior.

Great Lakes Water Resources Compact Implementation

In 2008 Congress passed the Great Lakes-Saint Lawrence River Basin Water Resources Compact, which provides a comprehensive management framework for achieving sustainable water use and resource protection in the Great Lakes region. All states and provinces are now taking steps toward implementation. Minnesota must meet several required deadlines to implement the Compact, including developing water conservation and efficiency goals and objectives by December 2010. A strong conservation program is essential to ensure that the promise of the Compact is fulfilled.

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ENERGY POLICIES

21st Century Transportation Fuels

OVERVIEW:

A low carbon fuel standard is one tool that can help Minnesota reduce global warming emissions from the transportation sector, diversify our fuel supply, grow our state's clean energy industry, and reduce risks to businesses and consumers from global energy price shocks. A low carbon fuel standard uses the incentives of the marketplace to drive innovation in the production of 21st century transportation fuels.

PROBLEM:

The transportation sector accounts for approximately a quarter of the greenhouse gas emissions in the state, and no state policies currently exist to specifically reduce transportation fuel emissions. Minnesota cannot meet its global warming reduction goals without addressing emissions from vehicles. Achieving these essential reductions will bring about changes in how we drive, what we drive, the fuels we use in our vehicles, and the variety of transit options available. By creating requirements and providing incentives for the production of fuels that will help meet our climate protection goals, Minnesota will gain a measure of energy independence from foreign sources of oil, generate economic benefits for the locally-owned producers of lower carbon biofuels, and spur innovation in transportation fuel production.

POSITION:

A low carbon fuel standard is designed to reduce greenhouse gas emissions in transportation fuels throughout the lifecycle of transportation fuel production and use. The policy regulates oil refineries and blenders, requires a 10 percent reduction in carbon intensity of transportation fuels by 2020, and assigns carbon intensity values to various transportation fuels, processes and components.

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ENERGY POLICIES

Community Options for Renewable Energy (CORE)

OVERVIEW:

CORE is an innovative approach that promotes Minnesota owned renewable energy and encourages all utilities to incorporate more distributed renewable energy into their supply mix. Specifically, the CORE policy (1) promotes and supports clean energy jobs; (2) ensures that eligible projects can connect to the electricity grid and receive a power purchase rate that covers the cost of the project for communities plus a reasonable profit; and (3) provides resources to update Minnesota's aging electrical grid to accommodate more renewable energy. The CORE program is designed to have a minimal impact on individual electric customers.

PROBLEM:

Meeting Minnesota's renewable energy standard will require building thousands of additional megawatts (MW) of renewable energy. In order to fulfill this obligation in a way that also stimulates local economies, Minnesota needs stronger incentives for community ownership of renewable energy and a more robust electric grid that can support these distributed generation projects. Studies by the University of Minnesota, the National Renewable Energy Laboratory, and the Lawrence Berkeley National Laboratory show that locally-owned renewable energy projects provide significantly more economic benefits and job creation potential than similarly sized absentee-owned projects.

The current Community-Based Energy Development (C-BED) policy has unfortunately not lived up to its expectations. In 2005 Governor Pawlenty announced a goal of achieving 800 MW of C-BED projects by 2010. However, according to the Minnesota Office of Energy Security, only 121.6 MW of C-BED projects

have come online as of June 2009. Minnesota needs a policy that can directly address the barriers these projects face, such as negotiating a power purchase agreement, connecting to the electricity grid, and securing financing.

According to a study recently released by the Minnesota Office of Energy Security, the current electrical grid is operating at its capacity and few "free" opportunities remain to connect new projects to the grid. The study concluded that it will cost \$121 million to upgrade the system to accommodate an additional 600 MW of dispersed renewable energy projects. The costs of system upgrades are currently divided between the project owner and the utility or transmission line owner. Because community-owned renewable energy projects are often smaller in size, they cannot always incorporate expensive grid upgrades into their overall project budget.

POSITION:

The CORE policy addresses grid barriers and promotes community ownership of renewable energy projects. In so doing, this policy stimulates rural economies and creates green jobs. CORE guarantees connection to the grid and a power purchase rate sufficient to cover the cost of locally-owned projects plus a reasonable profit. It also provides resources to upgrade existing low voltage transmission lines and to promote utility staff and clean energy workforce training. A small statewide system benefits charge will generate the funds for these programs and will cost the average Minnesotan household approximately 85 cents per month. Program oversight and administration will be through an independent entity and subject to regulatory approval.

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ENERGY POLICIES

Green Jobs for Minnesota

OVERVIEW:

Minnesota is poised to expand job opportunities by stimulating economic growth while addressing global warming and building a green, low carbon economy. Support for key green jobs policies will build a clean energy economy that creates family-sustaining green jobs in Minnesota.

PROBLEM:

Our leaders have an opportunity to jump start the economy, get Minnesotans back to work, and make the transition to a clean, renewable energy economy and increased energy efficiency by investing in green jobs. However, our state has yet to enact a Green Jobs Plan.

POSITION:

Green jobs legislation will include three priority areas:

1. Bonding projects that expand job opportunities and build the green, low carbon economy
2. Green Manufacturing Incentives
 - Green JOBZ with access to funds for metro area, and job quality and quantity standards
 - Green Angel Investment Tax Credit
3. Advance the Green Jobs Platform:
 - Train and employ a green workforce by funding a Green Jobs Corps Program to provide a road out of poverty and, in cooperation with labor and business, increasing workforce training for the green jobs that will be created in the new economy. Assure that new green jobs provide a family-supporting wage.
 - Development of Green Jobs Corps for workforce development with entry level positions and career ladders
 - Attract and retain green manufacturing facilities by providing state incentives and creating Green Industrial Parks, particularly in areas that have lost manufacturing jobs. One focus should be on attracting plants relating to the production of fuel efficient vehicles.
 - Goal of locating green jobs where workers and infrastructure already exist
 - Green Minnesota's transportation system by increasing investment in transit and by encouraging fuel efficient vehicle use by individuals and in government and corporate vehicle fleets.
 - Increase building efficiency and renewable energy use by providing incentives such as rebates; low interest loans; and/or tax credits for weatherization or renewable energy installation to individuals, government entities such as schools, and small businesses. Develop and implement high green building standards for renovations and new buildings.
 - Support Minnesota's large industrial energy users by providing incentives and technical assistance to increase energy efficiency and by working to strengthen America's trade policies to level the international playing field and protect America's working men and women from unfair global competition.

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ENERGY POLICIES

Midwestern Cap and Trade

OVERVIEW:

Minnesota cannot meet its global warming reduction goals without participation in a cap and trade system that limits and lowers emissions of greenhouse gases on a strict schedule. The Minnesota Legislature needs to pass legislation that authorizes the state to participate in the regional cap and trade system being designed by representatives from Minnesota and other Midwestern states as part of the Midwest Greenhouse Gas Reduction Accord. Other states in our region, including Iowa, Wisconsin, Illinois, and Michigan, will also be considering this action in 2010.

PROBLEM:

Minnesota has been laying the groundwork for adoption of a cap and trade policy for years. In 2007 the Legislature passed the Next Generation Energy Act, setting science-based greenhouse gas reduction targets and establishing a stakeholder process with specific instructions to consider cap and trade, and requiring the Governor to consult with other states on a regional cap and trade system. Cap and trade is an overarching policy mechanism that is a key component of the recommendations from the Minnesota Climate Change Advisory Group. A cap and trade policy that is carefully constructed and implemented will make it easier and cheaper to meet emissions reductions targets across economic sectors. Greenhouse gas emissions limits with a timetable for reductions is crucial policy for creating the market signal that the state and region are serious about the transition to a low carbon economy, and will provide innovators and entrepreneurs the certainty with which to attract private capital investment needed to grow the Minnesota clean energy economy.

By early 2010, the Midwestern Governors Association (MGA), working with the Midwest Greenhouse Gas Reduction Accord parties (including Minnesota), will complete a model rule for Midwestern cap and trade, wrapping up a two-year deliberative process of creating a roadmap to a low carbon economy. As the MGA completes its work, the results of studies of the economic and environmental impacts and benefits of cap and trade, specific to Minnesota, will be released.

POSITION:

The Minnesota Legislature should adopt the Midwestern Greenhouse Gas Reduction Accord's model rule on Midwestern cap and trade, thus approving Minnesota's participation in a Midwestern regional cap and trade system to reduce greenhouse gas emissions.

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NATURAL RESOURCES, LAND AND WATER POLICIES

Preventing Harm from Metallic Sulfide Copper-Nickel Mining

OVERVIEW:

Minnesota's quality of life is threatened by metallic sulfide mining, a new type of mining with significant potential for contaminating wilderness quality watersheds in northeast Minnesota. The mining of this less than 1 percent copper-nickel mineralization would destroy high quality wetlands and create mile-square mountains of toxic tailings. Recycling, conservation, and improved efficiencies could make this type of mining unnecessary.

PROBLEM:

Metallic sulfide mining generates sulfuric acid, while leaching toxic metals. This combination, at even a few parts per billion, impacts the aquatic food chain, eventually affecting fish, wildlife, and people. Sulfates released into the watershed increase methylmercury levels in fish. The surface rock and rock formations adjoining the metallic sulfide ore deposits have been shown to contain cancer-causing asbestos-like fibers.

The first sulfide mining proposal for Minnesota is currently going through environmental review. The proposed PolyMet mine near Hoyt Lakes would destroy more than 1,000 acres of wetlands and create a persistent toxic legacy cost for future generations. The Department of Natural Resources has conflicting responsibilities to regulate mine pollution and maximize revenues from state-owned minerals. The State of Minnesota recently invested in a start-up sulfide metallic mining venture near Ely, by receiving common shares as part of a loan agreement. Minnesota's mining rules for these mines are weak and leave protection levels up to political appointees.

Exploration for copper-nickel-precious metals is advancing throughout the Birch Lake-Ely-Lake Vermilion corridor near the Boundary Waters Canoe Area Wilderness. Exploratory leasing is also taking place near Duluth, into Carlton and Aitkin Counties, and south along the Mississippi River. Most Minnesotans do not own the mineral rights on their property and can lose their land through a process similar to eminent domain. This will become an increasing problem if any mine gets permitted.

POSITION:

Minnesota should enact a "prove-it-first" law similar to Wisconsin's, prohibiting metallic sulfide mines until they have been proven safe through long-term operation and closure of similar mines elsewhere. This policy makes sure Minnesotans are not the recipients of untested mining practices, insurmountable clean-up costs, and human health issues, including the loss of clean drinking water.

Additionally, Minnesota should prohibit mines that would require long-term treatment of surface runoff or groundwater after the mine's closure. There is no way to predict closure and clean-up costs. PolyMet, Inc. has never operated a mine and has no financial reserves. The burden shifts to the taxpayer.

Lastly, metallic sulfide mines should be prohibited in watersheds of special concern, such as those of the BWCAW and Lake Superior. Pristine or sensitive waters should not be subjected to acid drainage or toxic leaching. The Minnesota Regional Copper-Nickel Study, conducted by the Minnesota Environmental Quality Board, reached a similar conclusion in 1979, but adequate protections have never been adopted.

SPONSORING ORGANIZATIONS:

Save Lake Superior Association, Sierra Club North Star Chapter, Friends of the Cloquet Valley State Forest

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NATURAL RESOURCES, LANDS AND WATER POLICIES

Principles for Clean Water Funds

OVERVIEW:

Minnesota Center for Environmental Advocacy (MCEA) urges the Minnesota Legislature to adhere closely to the Minnesota Clean Water Legacy Act and the federal Clean Water Act goals and mandates in developing its principles for expending the Clean Water Legacy Amendment proceeds. These principles will be developed by the House Cultural and Outdoor Resources Division of the House of Representatives, the appropriate Senate committees, and the Lessard-Sams Outdoor Heritage Council, as required by 2009 Session Laws.

PROBLEM:

In continuing the long-term commitment of the Minnesota Environmental Partnership to Clean Water Legacy and working toward Minnesota's compliance with the federal Clean Water Act, MCEA will provide guidance for legislators who will be developing principles by which to guide future expenditures of the dedicated funds, including the Clean Water funds.

POSITION:

The Legislative Guidelines for Appropriations of Clean Water Legacy Amendment Funds should direct that the Minnesota Legislature adhere closely to the Minnesota Clean Water Legacy Act and the federal Clean Water Act goals and mandates in developing its principles for expending the Clean Water Legacy Amendment proceeds.

- **ASSESSMENT:** Funding sufficient to assess water quality to identify impaired and high quality waters on a scientifically-valid timeline of at least once every 10 years.
- **TMDLs:** Funding sufficient to prepare and

submit Total Maximum Daily Loads (TMDLs) for all impaired waters in a timely manner in accordance with federal TMDL requirements.

- **TMDL Implementation:** Funding sufficient to implement restoration of impaired waters through TMDL-targeted point and nonpoint source upgrades and Best Management Practices (in conjunction with State Revolving Fund, other state and federal programs, and private landowner expenditures).
- **WATER RESTORATION:** Provide targeted assistance and incentives to begin restoration of waters listed as impaired but which do not yet have an approved TMDL addressing the impairment.
- **WATER PROTECTION:** Provide targeted assistance and incentives to prevent waters from becoming impaired.
- **NECESSARY FOR COMPLIANCE:** Provide other funds necessary to achieve compliance with federal Clean Water Act requirements in Minnesota.

Further, MCEA urges the Legislature to adhere to the following principles in allocation of drinking water and groundwater protection funds:

- **WATER SUPPLIES:** Funds to evaluate water supplies and develop strategies to ensure adequate safe drinking water for Minnesotans.
- **GROUNDWATER and DRINKING WATER:** Funds to identify and address threats to groundwater and other drinking water sources.
- **ENDOCRINE DISRUPTORS:** Funds to identify and address impacts from endocrine disruptors and other contaminants not covered by the federal Clean Water Act, in surface and groundwater.

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NATURAL RESOURCES, LANDS AND WATER POLICIES

Protecting Minnesota's Groundwater in the Landfill Siting Process

OVERVIEW:

The 2008 Minnesota Legislature tasked the Minnesota Pollution Control Agency (MPCA) to develop new rules for landfill siting, stating that "the rules for the disposal of solid waste shall include site-specific criteria to prohibit solid waste disposal based on an area's sensitivity to groundwater contamination." It required the MPCA to return a rules report to the Legislature on January 15, 2010, and it imposed a moratorium on the siting of landfills until such time as the rule-making process is complete and the new rules adopted. The MPCA has said that its "rules report" will be in the form of a rule, and that it intends to ask the Legislature to enact the proposed rule in statute.

PROBLEM:

Contamination emanating from landfill operations has tainted drinking water supplies in various places throughout the State of Minnesota, resulting in threats to human health and the environment as well as costly clean-up efforts. Fundamentally, the Legislature has asked the MPCA and stakeholders to answer the question, "What, in the event of a failure of engineered containment, is the back-up plan for protecting the environment and human health?" Currently, the strategy of the industry and the MPCA is to rely on monitoring and detection as that back-up plan.

The Friends of Washington County prefer the siting of landfills in hydrogeological settings that minimize contaminant releases, contain contamination, and minimize impacts. Our

White Paper entitled *Groundwater Sensitivity and Solid Waste Disposal in Minnesota* states, "As time of travel increases due to the presence of silt and clay in the aquifer, the potential for sorption and favorable chemical reactions also increases" (page 4). "Landfill remediation has proven to be extremely expensive and ineffective in many cases. Therefore, monitoring and remediation is a much less preferable approach than is minimizing and containing contamination" (page 13).

In short, our proposal provides for three levels of protection—natural containment, engineered containment, and monitoring and detection—and for true redundancy of protection.

POSITION:

The MPCA is scheduled to publish its proposed rule on or about December 15, 2009. Our position on the proposed rule will depend upon the content of the rule. But it is our expectation that we will oppose a proposed rule that continues to rely on engineered monitoring and detection as the sole back-up plan for protecting human health and the environment in the event of a failure of engineered containment.

Secondly, we would oppose any legislative effort to lift the moratorium on landfill siting unless and until the larger issues of siting criteria and the siting process are satisfactorily resolved.

SPONSORING ORGANIZATION:

Friends of Washington County

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NATURAL RESOURCES, LANDS AND WATER POLICIES

Shoreland Rules for Minnesota

OVERVIEW:

The Minnesota Department of Natural Resources (DNR) has been working on much-needed new statewide shoreland rules since 2004. These new rules will provide better protection of shoreland areas than the current rules which have been in effect for 20 years. Minnesota Center for Environmental Advocacy urges support of the new rules and legislative action to expedite their implementation, including funding for new ordinance development at the local government level.

PROBLEM:

Minnesota is blessed with a wealth of lake and river shorelands. The statewide rules that provide reasonable protections for shorelands and ensure better water quality and habitat protection are now 20 years old. These old rules are no longer adequate given today's development realities and trends. Beginning in 2004, the DNR began an effort to update shoreland rules in north central Minnesota. This effort resulted in a "voluntary" set of standards, which were almost entirely ignored by local governments. In 2007, the Minnesota Legislature directed the DNR to begin a statewide update of shoreland rules and provided \$1 million for the effort. DNR has not finished the job despite repeated assurances that rules would be finalized in 2009. DNR now indicates that shoreland rules will be complete in the "first half of 2010."

The current draft rules were developed in an extensive statewide process. Key features include needed new standards for sewage treatment, stormwater, buffer, and resorts. The rules also provide greater protections for vulnerable waters such as trout streams, shallow lakes, and sensitive shorelands. The new standards will provide needed protections for habitat and water quality. Without these standards, local governments lack the guidance they need to adequately protect shorelands.

POSITION:

The intent of the legislation is to ensure timely and effective adoption and implementation of updated statewide shoreland rules.

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Union, Minnesota River Valley
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PUBLIC HEALTH AND POLLUTANT POLICIES

Promoting Environmentally Sustainable Business Practices and Green Economic Development

OVERVIEW:

Minnesota is a leader in renewable energy policy and has strong wind and biofuels industries, but lags behind in the green chemistry field. The Healthy Legacy Coalition proposes taking interim steps to promote and provide incentives for the use of safer chemicals, sustainable materials, and the adoption of clean production technologies. Including green chemistry criteria in current economic development and business incentive programs will attract green industries, help create green jobs, and lead to the use of safer chemicals in consumer products.

PROBLEM:

The U.S. regulatory system fails to prevent the use of toxic chemicals in everyday consumer products. As a result, many toxic chemicals find their way into our environment, into our food, into our homes, and ultimately into our bodies. The 2009 Minnesota Legislature took the first step on the path to identifying safer chemicals by passing the Toxic Free Kids Act (TFKA), which calls for the generation of lists of chemicals of high concern and priority chemicals in children's products that have been identified in the environment or in the human body. TFKA sets forth a basic framework for identifying inherently hazardous chemicals and calls for state agencies to craft policies that address problem chemicals in children's products. State agencies will then make recommendations on how to promote clean production and safer

chemicals in a December 2010 report to the Legislature.

While regulatory reform is necessary at both the state and national levels to keep toxic chemicals out of consumer products, the path to safer chemicals must also include positive incentives for businesses to adopt green chemistry principles in designing products using safer chemicals, sustainable materials, and clean production. Public policies must support technological innovation, research and development, and entrepreneurial activity in the pursuit of green chemistry. While current economic incentive and business development programs in Minnesota recognize the importance of green economic development, they do not specifically include a focus on green chemistry.

POSITION:

Healthy Legacy proposes legislation to implement interim steps to promote and provide incentives for the use of safer chemicals, sustainable materials, and the adoption of clean production methods and technologies. Including green chemistry as a criterion for current economic development and business incentive programs will help make Minnesota a leader in green chemistry, attract green industries and green jobs, and will ultimately lead to the increased use of safer chemicals in consumer products.

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PUBLIC HEALTH AND POLLUTANT POLICIES

Protecting Children from Lead in the Environment

OVERVIEW:

A large body of scientific studies demonstrates that lead in the environment impairs children's health and development at exposure levels below the existing federal limit of 10 micrograms/deciliter ($\mu\text{g}/\text{dL}$). Minnesota Center for Environmental Advocacy (MCEA) is working to encourage substantive public health actions at a more protective level, 5 $\mu\text{g}/\text{dL}$, to help ensure that all children have the opportunity to reach their full potential.

PROBLEM:

Two decades ago, when the federal government last revised its guidelines for children's lead exposure, 10 $\mu\text{g}/\text{dL}$ was the lower end of the range in which health effects were known to occur. Since then, researchers throughout the world have repeatedly found that lead exposures below this benchmark can impair children's intellectual capacity, academic aptitude, and psychological development. This range of exposure has also been identified as a risk factor for attention deficit/hyperactivity disorder (ADHD).

Although our society has made great progress in reducing the occurrence of extremely high exposures, there are still hundreds of thousands of American children who are exposed to lower levels of lead that are now known to be hazardous. Not all children are faced with these health risks and obstacles to success: African-American children are the hardest hit as a group, and children from lower-income families – of any racial or ethnic background – also face a disproportionately high risk.

Children's risk from lead is typically assessed by testing the concentration of lead in their blood,

which reflects their exposure to lead in the environment. The Minnesota Department of Health (MDH) publishes guidelines for blood lead testing, and recommends public health actions to be taken at different exposure thresholds. The lowest of these regulatory thresholds is 10 $\mu\text{g}/\text{dL}$, enforced in Minnesota as the "elevated blood lead level." Beneath this level, no substantive public health actions are promoted in existing guidelines.

POSITION:

The legislation would require MDH to revisit a specific aspect of Minnesota's guidelines for responding to childhood lead exposures. It would not affect higher regulatory thresholds already in place that trigger more intensive interventions such as home inspections or medical treatments.

The details would be determined by MDH in consultation with public health, medical, and lead abatement practitioners. A few cost-effective steps would help protect children from lead exposure levels that represent a significant health hazard. For example, these actions should be carried out at clinics: family education on sources of lead and on ways to minimize exposure, and a recommendation for a follow-up blood test at the clinic for the exposed child and other young children living at the same residence.

By calling for development of guidelines that will be "implemented to the extent possible using available resources," the bill language makes it clear that public health agencies and others would not have to divert resources from other critical programs in order to phase in substantive public health actions when blood levels are between 5.0 and 9.9 $\mu\text{g}/\text{dL}$.

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Alliance for Sustainability	Fresh Energy
Audubon Chapter of Minneapolis	Freshwater Society
Audubon Minnesota	Friends of the Boundary Waters Wilderness
Austin Coalition for Environmental Sustainability	Friends of the Cloquet Valley State Forest
Cannon River Watershed Partnership	Friends of the Minnesota Valley
Carpenter St. Croix Valley Nature Center	Friends of the Mississippi River
Center for Energy & Environment	Friends of the Parks & Trails of St. Paul and Ramsey County
Clean Up the River Environment (CURE)	Friends of Washington County
Clean Water Action Alliance of Minnesota	Greater Minnesota Housing Fund
Community Design Center of Minnesota	Green Institute
Conservation Minnesota	Harbor Friends
Dovetail Partners, Inc.	Institute for Agriculture & Trade Policy
Duluth Audubon Society	Institute for Energy and Environmental Research (IEER)
Eco Education	Institute for Local Self-Reliance
Environment Minnesota	International Wolf Center

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Izaak Walton League of America -
Minnesota Division

Land Stewardship Project

League of Women Voters of
Minnesota Education Fund

Leech Lake Area Watershed
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Lower Phalen Creek Project

Lutheran Coalition for Public Policy in
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Mankato Area Environmentalists

Minnesota Catholic Conference

Minnesota Center for Environmental
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Minnesota Conservation Federation

Minnesota Council of Nonprofits

Minnesota Environmental Initiative

Minnesota Food Association

Minnesota Forestry Association

Minnesota Ground Water
Association

Minnesota Land Trust

Minnesota Naturalists' Association

Minnesota Ornithologists' Union

Minnesota Project

Minnesota Public Interest Research
Group

Minnesota River Valley Audubon
Chapter

Minnesota Waters

Minnesotans for Responsible
Recreation

National Wildlife Federation

NE Minnesotans for Wilderness

Parks & Trails Council of Minnesota

Renewing the Countryside

Saint Croix River Association

Saint Paul Audubon Society

Save Lake Superior Association

Sierra Club North Star Chapter

Southeastern Minnesotans for
Environmental Protection (SEMEP)

Sustainable Farming Association of
Minnesota

The Conservation Fund

The Nature Conservancy of
Minnesota

The Trust for Public Land

Transit for Livable Communities

Trout Unlimited - Minnesota State
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Union of Concerned Scientists

Voyageurs National Park Association

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Women's Environmental Institute