

Memo

Date: 11/19/2019

To: Environmental Quality Board members

From: Faith Krogstad, Environmental Quality Board staff member

RE: Summary of MN 2019 Legislation relating to pollinators

Minnesotans continue to be interested in and concerned about pollinator health. Omnibus bills passed in the 2019 Special Session contained policy changes and appropriations that can help advance Minnesota's pollinator goals, while other pollinator-related bills came up short.

Goal 1: Lands support diverse pollinators

- **Minnesotans have a history of valuing conservation**, as evidenced by several unique funding sources such as the Environment and Natural Resources Trust Fund (ENRTF) and Outdoor Heritage Fund. Despite these efforts, **pollinator habitat continues to decline overall** due to urban development, fewer acres enrolled in Farm Bill conservation programs, and increased intensification of agriculture.
- **A new funding source for residential pollinator habitat was created:** the Lawns to Legumes program.
- **Pollinator protection in roadsides was not addressed legislatively.** The language change in Minnesota Statute 84.0895 from "roadway" to "rights-of-way" exempted public road "right-of-way" from endangered plant protections, which may impact pollinator habitat.
- ENRTF also supports **important pollinator surveys and research**, but long term monitoring efforts face significant shortfalls in funding.

Goal 2: Judicious use of pesticides

- Successful pollinator-related pesticide legislation included **funding for pesticide research and minor policy changes.**
- Lawmakers sponsored several pesticide-related bills, however the legislature made **no substantive changes to regulations or incentives.** Some examples included:
 - A bill to ban neonicotinoids from Wildlife Management Areas for five years garnered widespread bipartisan support, but was removed from the omnibus bill.
 - An effort to allow cities to establish more stringent local pesticide regulations failed to advance.
 - Financial incentives for farmers to voluntarily avoid neonicotinoid seed treatment of corn and soybeans did not move forward.

Goal 3: Minnesotans understand, value, and support pollinators

- Minnesota **designated a state bee**: the federally endangered rusty-patched bumble bee.

Pollinator-Related Bills Passed

Statements marked with an asterisk (*) denote bills that echo recommendations in the Governor’s Committee on Pollinator Protection report.

Omnibus Environment & Natural Resources Finance Bill

Article 2 Environment & Natural Resources Trust Fund (LCCMR funding)

Heading	Summary/Notes	Bill Language
Native Bee Survey [Article 2, Sec 2, Subd 3]	Funding the completion of the DNR’s statewide native bee survey (final third)	(s) \$600,000 the first year is from the trust fund to the commissioner of natural resources to continue to assess the current status and distribution of native bee pollinators in Minnesota by expanding surveys into the coniferous-deciduous forest region of Minnesota and facilitating interagency collaboration and public outreach on pollinators.
Determining Influence of Insecticides on Algal Blooms [Article 2, Sec 2, Subd 4]	Funding to study impacts of widely-used insecticide on algal blooms. These insecticides negatively affect bees.	(a) \$350,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to quantify the occurrence of neonicotinoid insecticides in Minnesota’s surface waters and groundwaters and assess if the insecticides are contributing to the formation of algal blooms.
Mapping Unprofitable Cropland for Water and Wildlife [Article 2, Sec 2, Subd 4]	Conversion of unprofitable cropland to pollinator habitat is frequently cited as an important strategy for pollinator conservation.	(n) \$100,000 the first year is from the trust fund to the Science Museum of Minnesota for the St. Croix Watershed Research Station to conduct the first statewide analysis that maps the extent of Minnesota’s unprofitable cropland and estimates both the water-quality and habitat benefits of converting these lands to perennial crops and vegetation. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

Article 3 Environment & Natural Resources

Heading	Summary/Notes	Bill Language
State Bee [Article 3, Sec 1]	Establishing the endangered rusty-patched bumble bee as the state bee of MN.	Subd. 1. Rusty patched bumble bee. The rusty patched bumble bee, <i>Bombus affinis</i> , is the official bee of the state of Minnesota. Subd. 2. Photograph. A photograph of the rusty patched bumble bee must be preserved in the Office of the Secretary of State.
Saving Endangered Pollinators through Data-Driven Prairie Restoration [Article 3, Sec 1, Subd 8]	Funding MN Zoo & DNR to reestablish imperiled prairie butterflies in the wild and develop habitat recommendations.	(a) \$800,000 the first year is from the trust fund. Of this amount, \$630,000 is to the Minnesota Zoological Garden and \$170,000 is to the commissioner of natural resources to reestablish populations of Minnesota's imperiled butterflies through reintroductions and prairie restorations and by developing foundational habitat recommendations for preventing future extinctions. This appropriation is available until June 30, 2023, by which time the project must be completed and final products delivered.
Lawns to Legumes* [Article 3, Sec 1, Subd 8]	Funding conversion of residential lawns to pollinator habitat. This idea was highly prioritized by the Governor's Committee on Pollinator Protection.	(f) \$806,000 in fiscal year 2019 and \$94,000 the first year are from the trust fund to the Board of Water and Soil Resources for demonstration projects that provide grants or payments to plant residential lawns with native vegetation and pollinator-friendly forbs and legumes to protect a diversity of pollinators. The board must establish criteria for grants or payments awarded under this section. Grants or payments awarded under this section may be made for up to 75 percent of the costs of the project, except that in areas identified by the United States Fish and Wildlife Service as areas where there is a high potential for rusty patched bumble bees to be present, grants may be awarded for up to 90 percent of the costs of the project.
Amending MN Statutes 2018, section 84.0895, subdivision 2 [Article 3, Sec 13, Subd 2]	Exempts public road "right-of-way" from endangered plant protections; previous language was "roadway."	Sec. 13. Minnesota Statutes 2018, section 84.0895, subdivision 2, is amended to read: Subd. 2. Application. (a) Subdivision 1 does not apply to: (1) plants on land classified for property tax purposes as class 2a or 2c agricultural land under section 273.13 , or on <u>a ditch, or on an existing public road right-of-way as defined in section 84.92, subdivision 6a, except for ground not previously disturbed by construction or maintenance;</u>

Omnibus Agriculture Department, Rural Development, and Housing Finance Bill

Heading	Summary/Notes	Bill Language
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<p>Enhanced penalties; outdoor recreation lands. [18D.40] [Article 2, Sec 9]</p>	<p>Enhanced penalties for damaging adjacent outdoor recreation lands with pesticides</p>	<p>Notwithstanding limitations placed on administrative or civil penalty amounts under sections 18D.315 and 18D.325, a person who applies a pesticide resulting in damage to adjacent property that is part of the state outdoor recreation system may be subject to a monetary penalty equal to twice the amount that the commissioner would otherwise assess for a comparable violation.</p>
<p>Nursery stock; report [Article 2, Sec 22]</p>	<p>Requiring MDA to make recommendations about nursery stock labeled “pollinator-friendly” and report on their ability to test these plants for insecticides.</p>	<p>By March 1, 2020, the commissioner of agriculture must report recommendations to the members of the legislative committees or divisions with jurisdiction over agriculture policy regarding the regulatory oversight of nursery stock labeled as beneficial to pollinators. The report must include a summary of the Minnesota Department of Agriculture's technical ability to test for insecticides on different parts of plants that comprise nursery stock, including the minimum detectable concentration for various insecticides, and the cost per test.</p>

Omnibus Legacy Finance Bill

A large proportion of the appropriations in the Outdoor Heritage Fund, Clean Water Fund, and Parks & Trails Fund is used to acquire and restore lands. These activities likely benefit pollinators.