



MINNESOTA DIVISION IZAAK WALTON LEAGUE OF AMERICA

2233 University Avenue West, Suite 339 • Saint Paul, MN 55114 • 651.221.0215

ikes@minnesotaiikes.org • www.minnesotaiikes.org

Larry Gunderson
Pesticide and Fertilizer Management Division
Minnesota Department of Agriculture
625 Robert Street North
St. Paul, MN 55155

Dear Mr. Gunderson,

The Izaak Walton League of America – Minnesota Division is a 95-year-old conservation organization with 15 local chapters distributed around the state. Our membership is both urban and rural, and includes numerous farmers who will be directly affected by the Minnesota Department of Agriculture’s proposed Nitrogen Fertilizer rules.

We applaud the initiative the Department of Agriculture is taking to address the expanding problem of nitrogen contamination of groundwater. We believe the current situation, with more than 20% of tested private wells in vulnerable areas testing near, at or above the safe drinking water standard of 10 milligrams/liter, is indicative of a serious problem that merits an even more aggressive approach than what is proposed in the draft rule.

More than seventy public water supplies in Minnesota are experiencing elevated nitrogen levels due to land use in the surrounding watershed. The costs to treat this water for drinking, or to find alternative sources, do not presently fall on those causing the contamination. We believe more efforts should be made to prevent further nitrogen pollution of our drinking water, and all groundwater, as called for in the state Groundwater Protection Act by strengthening this important rule in the following manner:

Part One

- We support the prohibition of application of nitrogen fertilizer to cropland in 1573.0030, Subpart 1 under frozen soil conditions, except;
- We urge this prohibition be applied across all cropland, not just those that are most vulnerable to groundwater contamination.
- Frozen soil application of nitrogen on cropland provides no opportunity for uptake and beneficial utilization of the nutrient before the next establishment of crops, leaving the nitrogen prone to movement into surface or groundwater. Surface water contamination by nitrogen is a serious impairment across our state; surface and groundwater are inextricably cross-linked.
- We urge the inclusion of a ban on land application of manure in the watersheds of “losing streams” (streams which are directly connected to groundwater in the karst regions of Minnesota) to prevent this direct source of groundwater pollution.
- We support the Exceptions to the prohibition cited in 1573.0030 Subpart 2, A-E as reasonable.
- We recommend that the prohibition of feedlots and CAFOs in the permeable karst region of Minnesota be strictly enforced, to reduce the risk of groundwater contamination either from waste lagoon release or failure, and from associated land spreading of manure and liquid waste.

Mission Statement of the Izaak Walton League of America

To conserve, restore, and promote the sustainable use and enjoyment of our natural resources, including soil, air, woods, waters, and wildlife.

Part Two

The whole premise of this part of the rules is flawed, in that it establishes thresholds of drinking water pollution, voluntary implementation and mandatory actions based on Best Management Practices (BMP) for nitrogen that are designed for agronomic economic efficiency, not to protect public waters from contamination. (This is clear from a reading of the Documents Incorporated in the Rule by Reference in 1573.0020.) Economic incentives already exist for agricultural producers to utilize these “Economic BMPs” for nitrogen, and increasingly they are being applied. However, application of these Economic BMPs is insufficient to protect ground water and connected surface waters from nitrogen pollution.

The proposed rule utilizes the gradual and incomplete (80%) application of these Economic BMPs as a shield to prevent the utilization of hopefully more effective alternative practices under a Commissioner’s Order for Site Specific Water Resource Protection Requirements. To delay implementation of effective mitigative measures under a Commissioner’s Order for years while BMPs are implemented which are not designed to protect groundwater from nitrogen contamination is not consistent with the requirements of the Groundwater Protection Act to prevent degradation of groundwater.

We do support the utilization of Alternative Management Practices for nitrogen, particularly those that result in perennial cover, cover crops and substitution of low-nitrogen using crops in vulnerable areas. However, we do not find the details of how these proposed practices would be applied and what exactly they would entail in the draft rule language, merely in explanatory documents.

The approach to managing nitrogen in Section Two of the rule might have merit only if BMPs were utilized that were specifically designed to protect water supplies from nitrogen pollution. Such Water Protective Nitrogen Application BMPs should be developed in Minnesota and used as the basis for these rules.

We appreciate the opportunity to comment on the draft nitrogen fertilizer rule. We applaud your initiative to start to address the widespread pollution of groundwater by nitrogen, finally, almost thirty years after the passage of the Minnesota Groundwater Protection Act.

Thank you for your consideration of our comments.



John Crampton
President, Minnesota Division
Izaak Walton League of America