August 24, 2017

Larry Gunderson
Minnesota Department of Agriculture
625 Robert St. N
St. Paul, MN 55155-2538

Dear Mr. Gunderson:

The Pennington County Board of Commissioners submits the following comments to the Draft Nitrogen Fertilizer Rule:

1. Pennington County coarse textured soils may fall under the rule due to their Ksat rating in the USDA Soil Survey which rates the water movement thru the soil profile to a 5 foot depth, however what happens after 5 feet is important in the Red River Valley. Pennington County soils, with exception to the Glacial Lake Agassiz Beach Ridge area, have a limiting layer below the top 5’ that causes lateral movement in the soil profile therefore preventing groundwater contamination as Nitrates move with the water. Under this scenario nitrates would end up in our surface water, not ground water. The Pennington SWCD surface water monitoring, conducted monthly during ice free period on 9 sites for over the last 20 years, has limited readings that exceed 0.03 mg/L.

2. Although Ksat is a reliable tool, for ground water movement up to a 5’ depth, maybe it can be used in conjunction with another geologic indicator. The geologic atlas would be a great tool but not every county has one. Pennington County has dedicated resources to completing an atlas in the future but there aren’t enough resources in the State to increase the pace at which they are completed. Possibly MDA could request more resources through the State to produce atlases at a faster pace to utilize as a tool for sensitive soils. An alternative suggestion is to use a geologic map indicating the area covered by Glacial Lake Agassiz to determine sensitive ground water areas such as Beach Ridges. Possibly a data layer utilized by GIS to identify Beach Ridge areas as sensitive soils would be a good tool also.

3. Over the last 20 years the Pennington SWCD has conducted a Nitrate clinic for local landowners to have their wells tested for nitrates and bacteria. On average, 35 wells are tested annually. There have not been any wells with nitrates above the drinking water standard. We do realize that the Draft Nitrogen Fertilizer Rule is a prevention plan, but we have concerns as to whether the draft rule is adding rules and restrictions to landowners to prevent something that is not actually a threat.

4. Some Pennington County land users have identified the soils that have the potential to lose fall applied Nitrogen. For the most part those soils have not had fall applied nitrogen for years,

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mostly due to the waste of money but as a side benefit, the threat of groundwater contamination has been minimized.

5. Farmers and Fertilizer Dealers in the region currently do not have the storage, equipment or labor needed to transfer all Nitrogen application to spring. Upgrade costs to make this available would be passed on to the local producer.

6. Most land users utilize the services of crop consultants that provide a detailed nutrient management plan. Variable rate applications are being adopted which recommend not fertilizing coarse textured soils.

We appreciate the MDA providing the opportunity for the public to provide input to this proposed rule and listening to our concerns. We also appreciate the extra meetings held in northwestern Minnesota for landowners to provide input.

Sincerely,

[Signature]

Kenneth Olson
Pennington County Auditor Treasurer