

PETITION FOR ENVIRONMENTAL ASSESSMENT WORKSHEET

REGARDING R.D. OFFUTT'S PROPOSED USE OF 166.4 MILLION GALLONS OF WATER PER YEAR ON DEFORESTED LAND FOR CHEMICALLY-INTENSIVE POTATO FARMING

The Minnesota Environmental Policy Act (MEPA) Minn. Stat. § 116D.04, subd. 2a(c), and Minnesota Rules 4410.1100, gives citizens of Minnesota the right to petition for environmental review. The undersigned individuals therefore petition for preparation of an Environmental Assessment Worksheet (EAW) on R. D. Offutt's (Offutt) plans to convert thousands of acres of forestland in central Minnesota to potato production ("the Project"). We petitioners believe that the facts below clearly show that this project "may have the potential for significant environmental impacts" and that, accordingly, the DNR is required to order an EAW under the MEPA.

The Project will require several water appropriation permits from the Minnesota Department of Natural Resources (DNR) allowing for the use of 166.4 million gallons of water a year,¹ in addition to chemigation/fertigation permits from the Minnesota Department of Agriculture (MDA), as well as local government land use permits. The Project may also affect Minnesota Pollution Control Agency (MPCA) National Pollution Discharge Elimination System (NPDES) permits and Watershed Restoration and Protection Strategies (WRAPS) for the surrounding area. Offutt's Project involves phased and connected actions, parts of a larger project, and must be assessed together with its past years of associated groundwater, chemigation, land use, and other permits—including all environmental impacts that flow from these government actions.

MEPA provides the appropriate tool to assess the direct, indirect, and cumulative impacts from Offutt's Project prior to development in order to mitigate the likely harms. Aside from creating legal requirements and standards for government agencies, MEPA encourages government transparency and community participation. Any environmental review that falls short of MEPA's standards is not appropriate in this situation, and the undersigned individuals strongly oppose any plan that 1) requires taxpayers to pay for environmental review primarily benefitting Offutt, or 2) happens after Project development begins, which would negate the purpose of environmental review—to mitigate harm BEFORE a project is permitted.

Previously, the DNR ordered a discretionary EAW for the Project, but then later withdrew that in favor of a proposed, publicly-funded study (which has yet to be funded, and may not be) with limited scope and limited opportunities for public participation. In announcing the proposed study, both DNR and Offutt acknowledge that: "The MDNR believes there may be the potential for significant environmental effects from this land conversion and increases in irrigated crop production."² This finding obligates the government to perform MEPA review.

Petitioners contend the DNR's decision to conduct an EAW was the correct one, and the new contemplated study will not obviate the need for environmental review that meets legal standards. Under an equitable standard—namely MEPA—Offutt would pay for the environmental review that it is responsible for because it is pursuing a project with significant environmental impacts. Moreover, the public should be permitted to participate fully in scoping and the review itself through a public comment period including public hearings in the impacted counties, and the decision whether there is a need for further review should be reviewable in court. An EAW, and then likely a full Environmental Impact Statement, is called for.

¹ The groundwater permit applications before the DNR have been designated Permit Application Nos. 2014-0678, 2014-2074, 2014-2082, 2014-2089, and 2014-1028.

² Memorandum of Understanding Between the Minnesota Department of Natural Resources and R.D. Offutt Company, Attachment A – Pineland Sands Land and Water Study Outline, Sept. 10, 2015.

Description of the proposed governmental action

Final determinations for groundwater use permit application numbers 2014-0678, 2014-2074, 2014-2082, 2014-2089, and 2014-1028, allowing for the use of 166.4 million gallons of groundwater per year; as well as all connected permits, including permits sought from MDA, PCA, and local authorities.

Government body taking the proposed action

DNR has authority over the groundwater appropriation permits. MDA has authority over chemigation and fertigation permits. PCA has authority over NPDES permits and WRAPS for the surrounding area. Municipalities and counties have authority over land use permitting, and the Project impacts the permitting authority of: Wadena County, Hubbard County, Cass County, Becker County, Shell River Township, Osage Township, Orton Township, Huntersville Township, Blueberry Township, McKinley Township, and other local jurisdictions. The Environmental Quality Board has oversight authority over MEPA and environmental review of all these cumulative impacts under different agencies.

Petitioners' representative

Petitioners are represented in this matter by Amy S. Mondloch, Coordinator, Toxic Taters, P.O. Box 25 Callaway, MN 56521 (mailing), 607 Main St. Callaway, MN 56521 (office), tel. (218) 375-2600.

Brief description of potential environmental effects

1. Depletion and Pollution of the Pineland Sands Aquifer

a. The five permits will authorize the use of 166.4 million gallons of groundwater per year from the relevant aquifer and at a rate of 3000 gallons per minute. Removal of water in such large quantities will have negative environmental impacts on existing waters. Considering the past three years of connected actions, these permits are a part of tens of thousands of gallons of water pumped per minute from a single aquifer.

The water appropriation sought in these five water use applications, along with those appropriations previously granted and future appropriations to be sought, may negatively impact:

- The availability of limited public water resources needed for family farms and residential and municipal users.
- The health of lakes, rivers, and wetlands.
- The area covered by the Straight River Groundwater Management Plan.
- Rare, threatened, and endangered species.

b. The addition of synthetic fertilizers, as well as potato insecticides, fungicides, herbicides, and fumigants will also contaminate the aquifer in addition to contamination already caused by Offutt's farming in the area, further risking:

- The health of trout streams, as well as other area wildlife and ecosystems.
- The health of local residents, farmers and livestock who rely on this aquifer for drinking water.

2. Health Impacts of Pesticide Drift from Large-Scale Potato Farming

The increase in the application of drift-prone potato pesticides like mancozeb, chlorothalonil, and metam sodium will likely lead to increased incidences of pesticide drift and associated acute and chronic harms to human health. Residents are already experiencing serious negative impacts due to drift from Offutt's Project activities.

3. Large-scale Deforestation

In total, considering the past three years of connected actions, these permits are part of over two thousand acres of land conversion from forest to agricultural production. The conversion to potato fields of an additional 496 acres of once-forested land will increase soil erosion, remove a natural water filter, and destroy natural habitat, which could have further deleterious effects on the health of local ecosystems and wildlife including rare, threatened, and endangered species.

4. Socioeconomic impacts

The tourism industry will be affected by the loss of forest, as well as the chemical contamination of local water systems, which will harm trout streams as well as lakes and wetlands. Contaminated water will incur additional costs both for nearby landowners and municipalities for the treatment polluted drinking and well water. Local farmers, including fruit and vegetable growers and organic farmers, may experience crop damage and crop loss due to pesticide drift.

5. Impacts on native Plants and Pollinators

Increased pesticide use will also affect native plants and pollinator and wildlife habitat. Birds, aquatic creatures and pollinators in these areas will be at risk of harm from systemic insecticides like neonicotinoids.

6. The environmental impacts described above have the potential to further affect cultural and treaty rights through the impingement of citizens’ ability to hunt, fish, and gather according to their existing rights.

Material evidence of potential for significant environmental effects

See attached.

We, the undersigned, think that the Project by Offutt may have the potential for significant environmental impacts and therefore the DNR is required to conduct an Environmental Assessment Worksheet before any permits can be issued.

NAME (please print and sign)	ADDRESS (please include zip code)

