

old no  
HC107  
- m63  
E52  
1972 or  
don't  
have him  
year

ENVIRONMENTAL QUALITY, POLICIES,  
AND DECISION-MAKING IN MINNESOTA  
1974

A report by  
The Citizens Advisory Committee  
Governor's Environmental Quality Council

December 1973

ENVIRONMENTAL QUALITY, POLICIES,  
AND DECISION-MAKING IN MINNESOTA

1974

A report by  
The Citizens Advisory Committee  
Governor's Environmental Quality Council

December 1973

## CONTENTS

	<u>Page</u>
Introduction	1
Land-Use Regulation	5
Energy Policy	11
EQC Funding	18
Environmental Rights Act	20
Public Information	21

## INTRODUCTION

An Environmental Quality Council (EQC) was established by Governor Anderson on April 5, 1972. Creation of the Council was a recognition of the necessity in State government to provide continuous, comprehensive evaluation of the impact of social activity and technological change on the human and physical environment. Because of the multitude of institutions, public and private, that variously affect the quality of human life and the natural environment, no single State department or agency exerts a major influence in environmental policy and planning. It was therefore appropriate to establish an inter-departmental structure to consider the policies and planning of the State of Minnesota on matters pertaining to environmental protection and enhancement. Members of the Environmental Quality Council were the Governor, the Director of the State Planning Agency, the Director of the Pollution Control Agency, the Commissioner of the Department of Natural Resources and the Commissioner of Highways. The Chairman of the Council is the State Planning Agency Director. A Citizens Advisory Committee (CAC) to the Environmental Quality Council was established on April 13, 1972. The Citizens Advisory Committee was appointed by the Governor as a broadly representative group of citizens with a wide range of backgrounds and expertise.

The CAC provided a very useful document entitled, "Environmental Quality, Policies and Decision-Making in Minnesota -- 1973." This report represents not only a comprehensive compilation of environmental issues in Minnesota along with proposed actions, but it also provides an excellent reference document on environmental matters for the Legislature and others in and out of state government. The CAC assumed a leadership role in examining the various structures for an Environmental Quality Council, and this examination was helpful in influencing passage of a bill to create a statutory Council consisting of 11 persons and an 11-member Citizens Advisory Committee. The CAC also drew up an Environmental Policy Act. It was the Committee's proposal that, together with the interim proposals by a Legislative joint subcommittee, provided the basis for the Act that was approved by the Legislature. Passage of the Environmental Policy Act was one of the most important environmental actions taken by the 1973 Legislature. The CAC in addition to being very helpful to the full EQC in a number of ways, made some very good recommendations on means to protect Minnesota's ground water resources. Shortly after the Committee's recommendations were received, EQC established a three-member Work Group on Ground Water Quality with representation for the Department of Health, the Department of Natural Resources and the Pollution Control Agency.

The present Citizens Advisory Committee (CAC) for the Environmental Quality Council (EQC) was appointed by Governor Anderson in August of 1973. The eleven member Citizens Advisory Committee for the Environmental Quality Council is composed of one resident from each congressional district and three at large members and is seen

"...as a vehicle for citizen participation in the activities of the council. The governor shall appoint the members of the Citizens Advisory Committee with the advice and consent of the Senate, and the committee annually shall elect one of their members to serve as chairperson. Members of the committee shall serve four year terms coterminous with the governor...

The duties and functions of the committee shall be as follows:

- a. to review and appraise the various programs and activities of the state government in light of environmental quality concerns for the purpose of determining the extent to which such programs and activities are contributing to state environmental policies and goals;
- b. to hold meetings throughout the state as it deems necessary for the purpose of gathering information on public and private opinions concerning the adequacy of the state's environmental quality policies in the extent to which these policies are being implemented;
- c. to give advice and counsel to the council; and
- d. to make recommendations to the governor, legislature, and the public on or before December 31 of each year regarding any needed state policy or program changes to foster and promote the improvement of environmental quality.

Minnesota--1973, chapter 341  
Environmental Quality Council  
(S.F. 1160) pp. 4-6.

Members of the CAC are, as follows:

CHAIRPERSON

Shirley K. Hunt  
5600 Hillside Court  
Edina, Minnesota 55435  
(District - At Large)

VICE CHAIRPERSON

Fred Ewing  
4436 Fourth Avenue South  
Minneapolis, Minnesota 55409  
(District 5)

MEMBERS:

Lyman Huntley  
803 2nd Avenue South  
Grand Rapids, Minnesota 55744  
(District 8)

MEMBERS (cont'd.):

Alice Keller  
358 Collegeview  
Winona, Minnesota 55987  
(District 1)

Richard Magnuson, c/o Land O' Lakes  
614 McKinley Place  
Minneapolis, Minnesota 55413  
(District 4)

Wesley Ohman  
481 Wagner Street  
Roseville, Minnesota 55113  
(District - At Large)

Charles Reinert  
Garvin, Minnesota 56132  
(District 6)

Kenneth Rock Vam  
315 Pearl Street  
Mankato, Minnesota 56001  
(District 2)

Ted Shields  
Longville, Minnesota 56655  
(District 7)

During the short period (August-December 1973), the CAC has been involved in several interesting and important matters that have come before the EQC, including environmental impact statement regulations, critical areas guidelines, the highway action plan, and EQC operating procedures. The CAC has devoted considerable effort to the problems of citizen involvement in the decision making process as it relates to environmental matters, and to how the CAC can operate to inform citizens and bring about more citizen participation.

An important part of our effort has been a review of the efforts of the previous CAC and the State's response to their more than 40 recommendations.

Many of the recommendations they made are now law or are under consideration by the Legislature, but much remains to be done. Some of the problems they discussed have come into sharper focus during the past year in particular problems in the areas of land-use regulation and energy policy.

The CAC is required to make annual recommendations to the Governor, legislature and the public. Due to the short time the present CAC has been together, the decision was made to limit the first annual recommendations to matters concerned with land-use regulation, energy policy, EQC funding, environmental rights, and public information.

This report supplements the report "Environmental Quality, Policies, and Decision-Making in Minnesota - 1973" prepared by the previous CAC. Recommendations are made which hopefully will assist the State in further coping with environmental concerns.

## LAND-USE REGULATIONS

Land use is a fundamental environmental issue - one that vitally affects transportation, housing, recreation, and employment. Many people feel dissatisfied with what is happening to their communities and the land surrounding them. The inevitability of urban deterioration, environmental degradation, suburban sprawl, racial and economic segregation, and lack of community is being questioned. Attention is being directed to the drabness and lack of variety of much new residential and commercial development, the unwillingness of many suburban communities to provide housing and, thus, access to jobs for people of modest means and the dehumanization of some downtown areas. Citizen interest and action by non-governmental organizations is keeping land-use issues before the people and pressure on public officials to do better than they have been doing in planning and controlling land use and in protecting natural, cultural, and aesthetic resources.

A new mood questions traditional assumptions about urban growth and expresses higher expectations of both government and new urban development. Rates of anticipated household formation suggest that some new development must be accommodated. This new development as well as redevelopment must come to mean quality growth. Long-term changes are occurring in basic attitudes and values toward land. The view that land is little more than a commodity to be exploited and traded is fading. A land ethic is being developed that regards land as a resource which, improperly used, can have the same ill effects as pollution, and which therefore warrants protection. What is being called for is more responsibility in the way land is used, in respecting natural systems and cultural values, and providing for an environment that will endure and enrich. It is being said that any necessary development should be guided by humanistic values that will lead to favored protection of vibrant neighborhoods and historic areas, to appreciation of the need for more flexible criteria that go beyond minimum development standards for evaluating new land-use proposals, to value broad environmental and social impact assessment procedures for new development, to development on a scale large enough to include generous amounts of open space and a wide variety of housing types, and to assurance that land is not developed inappropriately.

Our laws and institutions, many of which evolved during a time when growth was a national ideal, reflect a pro-development bias. Although public opinion is now changing and agencies that play by the old rules are increasingly coming under attack, new rules have yet to be fully established for sensitive accommodations and balances - that assure protection of critical open spaces and historic buildings, but also assure that essential development needs are met - are not yet in effect. We are in a period of great unrest when citizens'

groups, the courts, state government, the national administration and congressional committees have begun to consider fundamental reforms in the way State and local responsibilities for land-use control are distributed. There is a growing recognition that the State must have the responsibility to control land-use decisions that affect the interest of people beyond local boundaries if critical environmental lands are to be protected.

Citizens are rebelling against the traditional processes of government and the market place which, they believe, have inadequately guided development in the past in an unconstrained and piecemeal fashion. Once citizens automatically accepted the idea that growth - in numbers of people, in jobs, in industries - would ease the public burden by increasing the tax rolls and spreading per capita costs. Now they have doubts. Larger size often means not only lesser quality but also higher costs. The repeated questioning that growth is good, the growth is inevitable - is so widespread as to signal a remarkable change in attitudes. The new mood reflects a growing sophistication on the part of citizens about the overall, long-term economic impact of development. Immediate economic gains from job creation, land purchases, and the construction of new facilities are being set against the public costs of school, roads, water-treatment plants, sewers, and the services new residents require. There is a rising emphasis on the preservation of natural and cultural characteristics that make for a humanly satisfying living environment.

Many issues will be involved in efforts of governments to establish controls on growth. There will be conflicts between the accommodation of a mobile society and the desire to protect existing character and values. Courts are going to be asked to draw, with some precision, the line between legitimate protective regulations and improper restrictions on growth and mobility. Even though many trends now point toward a continuation of urban sprawl, destruction of critical environmental areas, and racial and economic segregation, the development process could be altered to inhibit these tendencies of uncontrolled (or in some cases over controlled) growth by exclusionary local government without denying valid development needs.

It is being argued that protective regulations should be established to prevent development that would be incompatible with open space needs in critical agricultural and environmental areas. Regulation should be in a balanced framework that is respectful both of conservation and development priorities. Decisions to construct sewers and to provide other public services should be taken only after careful consideration of whether those decisions will stimulate or discourage the development of designated open spaces, and decisions should be in accordance with a comprehensive land-use plan. Techniques for improving land use should include public acquisition of land and development rights in strategic land parcels such as those located along highways, directly adjoining urbanized areas, and along waterfronts.

It is thought likely by many people that in forthcoming decades Americans will gradually abandon the traditional assumption that

development or urbanization rights arise from the land itself and treat development rights as created and allocated to the land by society. Known to lawyers is the "taking clause," (...nor shall private property be taken for public use, without just compensation.) in the Fifth amendment to the U. S. Constitution which protects one of the most fundamental of individual rights: the right to private property. Like other guarantees of the Bill of Rights, the "taking clause" establishes a basic principle that must be continually interpreted and applied by lawmakers and judges. One of the most difficult issues of interpretation arises out of judicial rulings that regulations restricting the use of private land can, if sufficiently restrictive, amount to a "taking" of the land itself for which compensation must be paid by the public. There is uncertainty about how far restrictive powers can go before expensive compensation must be paid.

The protection of critical environmental and cultural areas may require placing tough new restrictions on the use of private land. These restrictions will be little more than delaying actions if the courts do not uphold them as reasonable measures to protect the public interest, in short, as restrictions that landowners may fairly be required to bear without payment by the government. The "Takings clause" can arise in almost any situation in which land use is severely restricted, from wetlands protection to historic preservation, from phased development planning to open space protection. Basic justifications for restriction the use of land without compensation may be these" 1) Potential development value is speculative or "floating" and it is not possible to ascertain where the "float" will settle. To compensate for "probable" development results in over-valuation, as the "probabilities" over a wide area are more than actual development could possibly be. Thus, property restricted to current use is not considered reduced in value, since any other use is uncertain. 2) Land values are seen as largely created by public actions such as the construction of roads and utilities.

In 1955 the legislature enacted M.S. 106.671 which requires drainage authorities in assessing the public benefit of a ditch to: "...give due consideration to conservation of soil, water, forests, wild animals, and related natural resources ..." The efficacy of this section as part of the drainage code is called into question by the recent case of Schwermann V. Reinhart, Minn. \_\_\_\_\_, 210 N. W. 2d 33 (June 15, 1973). In that case the County Board of Nicollet County had established a ditch pursuant to M.S. ch 106. Reinhart and several other landowners appealed this decision to the District Court. The District Court reversed the establishment of the ditch and dismissed on fact, findings that the drainage would eliminate 100 acres of marshland with a loss of about 500 wild ducks per year through destruction of habitat, the drainage would be added to the flow of the Minnesota River, and 312.9 acres of the 27,000 acre watershed had been removed from production under the Federal crops stabilization program. Based on these findings the district court found no public benefit or utility for the ditch. However, in dealing with wetland loss, the court held: "With regard to the conservation issue, we hold that the trial court abused its discretion in relying on this as a basis for dismissing the proceedings." 210 N.W. 2d at 37. The court went on to say that the

proper way of dealing with wetlands preservation was through their acquisition under M.S. 97.481. It states that allowing the conservation interest to prevail would be taking of the property without compensation under the statute.

While the decision is subject to criticism on a number of grounds, its effect for present purposes is to read M.S. 106.671 out of the drainage code. The court seems to be saying that the use of environmental criteria in the drainage code as a basis for dismissing the proceedings is tantamount to a taking under M.S. 97.481. It may be that the court is viewing drainage under ch.106 as a right of land owners that may not be taken without compensation under the Minnesota and Federal Constitutions. If this is the case, there is no supporting case law and if true, should come into play with every drainage ditch that is dismissed. A more rational view of the drainage code is that it is a privilege conferred by statute if certain criteria are met. Whatever the legal niceties of the court's decision, it has displayed a very negative attitude toward environmental considerations with regard to drainage. While the 1973 amendments to the drainage code were not in effect at the time of the decision, the court must have known of their existence and may be indicating rough treatment and a strict construction when faced with these limitations on drainage.

The CAC finds that the "taking clause" is a crucial matter for the future of land-use regulation aimed at improving the quality of the environment in Minnesota. The CAC recommends that legislation be considered which will guide the interpretation of the "taking clause" and assist Courts in arriving at a recognition of the need for strong land-use regulations to further orderly development and protect natural, cultural, and aesthetic resources.

The CAC finds that economic and the revenue consideration often control local land-use decisions; that land owners should not be taxed on the basis of potential uses not possible under zoning ordinances; and that counties and municipalities are concerned about possible loss of revenue resulting from the effects of State initiated regulation or organization. The CAC recommends that the State consider the land-use planning effects of the present system of property taxation, timber tax law, the green acres law, and the fiscal disparities act, and seek alternate systems of methods of taxation which would encourage greater natural resource based planning.

A frequent source of debate concerning protection of the environment through land-use regulation is the economic impact of alternative courses of action. Often opposing points of view quote figures that are incomplete disagreement concerning the effect on jobs, competition resource depletion, etc. It is important that decisions be made with full knowledge of the economic impact and that this knowledge be based on reliable facts. In order to accomplish this in some cases, the CAC recommends that all legislation sponsored by State agencies be supported by agency studies of the probable economic impact where a debate exists.

The CAC finds that another important economic consideration is the effect of environmental legislation on employment. Employees of industries that are adversely affected by the State's efforts to protect the quality of the environment through land-use regulation must not become victims of this effort nor must they be used as hostages. The CAC recommends that the legislature consider legislation to provide for dislocation allowances, education and retraining, moving expenses, assistance in finding employment and unemployment compensation for lengthened periods of time for employees whose job loss can be demonstrated to be the result of enforcement of a State environmental regulation.

The CAC finds that tax laws often act as a stimulus to develop land which without that stimulus would remain in its natural state. It is not clear what action is needed or desirable to remove this pressure but the CAC makes the following recommendations:

1. The State should undertake a study of the tax laws of the State with regard to their relation to implement the policies of the Environmental Policy Act.
2. The State should immediately consider elimination of taxes on privately owned wetlands to remove the economic pressure to drain and develop these areas.

The CAC finds that local and regional units of government receive little or no policy direction from the State in formulating land use policies and plans, except where required by Shoreland, Floodplain, Wild River or Critical Areas legislation. The CAC recommends that the State Legislature formulate land-use policies to aid local governments in dealing with the following problems:

1. Premature development of lands not served by public facilities.
2. Timing of development to coincide with the extension of urban services.
3. Preservation, protection, or development of land through zoning, based upon the capability of the land to support various types of development and its importance as a natural resource. Areas needing special protection from the State through development of State shorelands followed by local ordinances, groundwater recharge areas, erodible slopes, wetlands, prime agricultural lands, forests and wetlands (particularly in urban areas). Soils or bedrock unsuitable for building, areas, adjacent to parks and wildlife areas and natural habitat areas.
4. Scattering of Rural Non-farm growth. (Leap-frog development.)
5. Proliferation of commercial and industrial development in undeveloped areas, stimulating additional residential development in previously undeveloped areas.

The CAC finds that there is no adequate method by which rural planning decisions can be reviewed at a regional or State level. The CAC recommends:

1. Planning or approval of developments of more than local impact must include consideration by the local units of

- Government of the regional or statewide effects of such developments.
2. Decisions of local units of government on developments of more than local concern should be subject to review, modification or reversal by regional and State authorities.
  3. Citizens should be provided with an accessible forum in which land use decisions of local governments may be challenged without the necessity of legal counsel or expert witnesses.
  4. Land use plans of local units of government should be required within a reasonable time. Such plans must be consistent with the State land policies and regulations, the Environmental Policy Act and the Regional Development Plan. Additional funds should be provided to improve land planning capability of Regional Development Commissions and as soon as such capability is acquired local plans should be reviewable by the Regional Development Commissions which should be authorized to require modifications.

The CAC finds that the State's land use planning authority is fragmented in a number of different agencies. The CAC recommends the authorization of the land use planning authority of the State in a single agency, to be administered by a citizens' board appointed by the Governor. The CAC finds that insufficient funds have been available for public purchase of open space, parkland, wetlands and natural areas, and trails for non-motorized recreation. Moreover, the mechanisms by which such funding decisions are made in the Legislature and by state and federal agencies is complex, convoluted and understood by only a very few people, if any. Thus, such decisions are effectively sheltered from public participation and scrutiny.

The CAC recommends:

1. That the Legislature provide general obligation bonding authority to the Metropolitan Council for the purpose of providing grants to local units of government for the purchase of parkland in the Metropolitan area.
2. That the State compile a description of the various sources of public funding for natural resources acquisition, the allocation of public funds in Minnesota for natural resources and parkland acquisition during the past five years, and the projected budgets, to the extent available.

## ENERGY POLICY

In response to the energy shortage, the people in Minnesota are being bombarded with a bewildering and often conflicting succession of statistics, predictions, policy choices and regulations. The public can hardly be blamed if it is confused or skeptical. "Facts" about the size of fuel deficits are elusive. Even when certain figures are assumed, the economists naturally disagree in their forecasts of economic impact, unemployment and prices. It is difficult to gauge the effects of energy conservation and when and if alternative energy technologies will be available and at what costs. Motives and blame are suspect all around. Through this maze, however, there can be no disagreement on one fact about the energy shortage: IT IS HERE. The energy shortage offers an unprecedented opportunity to examine some questionable traditions, and to plan for the future with a deeper economic, social and ecological understanding.

Whether one conceives the energy shortage as a short-term or long-term problem, there are two ways to alleviate it - increasing supply and reducing demand. Supply is governed by resource limitations, technological limitations, economic and tax policies, and distribution problems. Demand is governed by population growth, economic growth in general, extent to which economic activity is energy-intensive, amount of energy wasted, and extent to which, community and individual life styles are energy-consumptive. For years, environmentalists have urged the public to consider ways and means for reducing demand. Energy conservation is directly related to the protection of the environment because energy production and use cause much environmental damage. Conserving energy lessens the impact on the environment. Energy conservation is one way of reducing the energy gap "thus buying time and stretching out the life of domestic energy resources, reducing the nation's dependence on imported fuels, and allowing more time for the development of improved, less-polluting energy systems.

The CAC finds that the conservation of energy is a worthy and increasingly important goal. And, with proper attention given to minimizing social and economic disruptions, significant economies appear to be possible, many of which involve only moderate change in life-styles. Slower growth rates for all forms of energy consumption will reduce the environmental damage associated with energy production and use, reduce pressures to weaken environmental quality controls, and ease shortages.

Following more than a year of study, the Energy Policy Task Force of the EQC has made its final report. The recommendations of the Task Force are summarized below.

1. That energy conservation measures should play a major role in state energy policy.
2. That the Minnesota Environmental Education Council be directed to develop educational materials and programs on the energy problem, particularly emphasizing the importance of energy conservation.

3. That a state agency, possibly the Department of Administration, develop an energy conservation program directed toward owners and operators of commercial and industrial buildings, consisting of informational materials and knowledgeable professionals who would be available for advice and evaluation of building systems design and operation and further that any program of this type must begin with the state setting an example to the private sector.
4. That the Governor publicly explain to the people of Minnesota the need for energy conservation, and the effect certain of these measures could have on the energy situation in the state.
5. That a thorough compilation of the environmental consequences of energy use in Minnesota should be undertaken.
6. That the question of the kinds of fuels to be used in Minnesota Power Plants be seriously addressed by the Minnesota Environmental Quality Council, with particular emphases on educating the people of the state on the alternatives which are involved.
7. That the State, possibly through an Energy Commission, should be authorized to determine what type of fuel will be used in all new electrical generating plants constructed in the state, and all remodeling of present facilities which entail changes in the type of fuel used.
8. That a Committee on Energy Priorities be appointed to advise the Governor and the Director of Civil Defense on:
  - a. Evaluating the overall fuel situation in the state.
  - b. The priorities for use of fuels within whatever federal allocation system is devised.
  - c. In conjunction with developing priorities for fuel use, set up contingency plans for drastic reduction in energy consumption throughout the state if an emergency situation develops.
9. That an educational program on the potential for energy savings through proper maintenance of heating systems be prepared and presented.
10. That where electricity is available, decorative gas lights should be prohibited.
11. That state government immediately initiate an energy conservation program emphasizing particularly measures to lower peak electrical demand as one of the best, and perhaps the only way to prevent the disruptive effects of a fuel shortage on Minnesota residents this winter. Further, that a similar program be developed immediately focusing on measures to conserve gasoline.
12. That savings of up to 25 percent of normal automobile gasoline consumption will result from the following actions:
  - drive slower;
  - use air conditioning systems as little as possible;
  - keep your car in tune and well-maintained;
  - form car pools.
13. That the Environmental Quality Council immediately develop a program for recycling, or preferably reusing, as much state generated waste as is presently feasible.

14. That the Commission on Minnesota's Future develop the specifics of a low energy consumption alternative life style and evaluate the implications such a life style would have for growth and the quality of life in Minnesota.
15. That the most important factor in developing a state energy policy is to discourage inefficient energy consumption by all users of energy - residential, commercial, and industrial.
16. That the State encourage proper maintenance of residences to improve energy efficiency.
17. That energy inefficient heating and cooling systems be discouraged in all buildings, and that the State, in particular, immediately develop specifications which would ensure the utilization of energy efficient heating and cooling systems, such as heat reclamation systems, in all public buildings.
18. That fresh air requirements in all buildings be reduced to the minimum required for comfort and health with a special emphasis placed on the use of high efficiency air cleaning devices and the re-use of exhausted air. We further recommend that the Minnesota Department of Education immediately re-evaluate its fresh air requirements for schools with the goal of increasing energy efficiency through minimizing this type of ventilation.
19. That the Department of Administration, in consultation with the Building Code Division sponsor a study which would develop energy consumption specifications for all buildings.
20. That large buildings and large complexes be required to install coal burning capability and adequate flue gas cleaning in their heating systems.
21. That the use of high volumes of outside air rather than powered refrigeration systems be encouraged in certain types of commercial and industrial comfort cooling applications.
22. That lighting levels in all areas be evaluated, and lowered except in those cases where high levels are definitely necessary. As an interim measure, the standards set by the Illuminating Engineering Society (IES) which are now considered "minimum" should become the "maximum" allowable.
23. That the Department of Administration should immediately evaluate the specifications it uses for lighting sources and lighting systems for all state owned buildings to ensure that they follow these recommendations.
24. That studies be made to re-evaluate the present lighting levels in outside applications.
25. That the use of decorative, sign and advertising lighting be reduced and the hours of operation of this type of lighting be restricted.
26. That the Legislature approve the "Truth-in-Energy" bill which was introduced in the 1973 Session.
27. That legislation which authorizes energy efficiency labeling should also authorize the designated agency to promulgate minimum efficiency standards for appliances sold in the state, particularly room air conditioners, refrigerators, and freezers, in those cases where there are wide variations in the efficiencies of appliances with similar characteristics. Included

in this responsibility would be the development of minimum insulation standards for refrigerators, freezers, and hot water heaters.

28. That the following energy sources be further developed for public use with State Aid:
    - \* Solar energy that would supplement our conventional heating systems in homes and commercial buildings.
    - \* Agricultural waste techniques to produce marketable methane gas.
    - \* Solid waste incineration systems that would recover the heat value contained in the wastes and reduce transport energy required in landfill methods required at present.
    - \* Heat recovery systems and heat pumps with special regard for their installation in commercial buildings and industrial processes.
    - \* Mass Transit Systems that will reduce energy expenditures of approximately 1/3 to 2/3 of present requirements.
    - \* Wind power that could provide up to 3 kilowatts of electricity at the source location.
- Specific recommendations for funding by the State are included in the subcommittee report. Funding may take the form of grants, matching funds with industry, tax incentives, etc. Programs are envisioned as pure research on the one extreme to demonstration projects at the other.
29. That energy conservation be encouraged through manipulation of the pricing mechanism.
  30. That the Commission on Minnesota's Future should begin immediately to evaluate the effect these pricing policies will have on economic growth in the state.
  31. That the State should be authorized to regulate rates of gas and electric utilities.
  32. That this rate regulating authority consider peak pricing or seasonal pricing and that the entire rate structure for gas and electricity should be examined and changed for those customers whose present prices do not equitably reflect actual costs, particularly the substantially lower rates now given large volume customers.
  33. That the taxing authority of the State should be used to alter energy prices beyond market levels in order to encourage energy conservation and discourage wasteful uses of energy.
  34. That the following areas should be studied to determine the value of a tax in encouraging energy conservation:
    - a. Taxation of all new, and possibly used, cars sold in the state which have an engine size above a certain minimum horsepower (or displacement);
    - b. Taxation of all cars sold with air conditioning units;
    - c. Basis for assessing car registration fees should reflect weight, and therefore gasoline consumption;
    - d. Taxation of air conditioning units and frost-free refrigerators and freezers;
    - e. Taxation of recreational motor vehicles.

35. That it is imperative to reverse the industry-induced trend toward larger, heavier, and thus more energy intensive automobiles by encouraging the public to move toward smaller, lighter vehicles whose engines will consume less fuel.
36. That all future purchases of passenger cars by the State should be of vehicles with engines no larger than realistically needed for the proposed usage.
37. That the present system for determining motor vehicles license fees be changed so as to reflect the energy consumption of the vehicle.
38. That the effectiveness of a significantly increased gasoline tax be evaluated by the State as a further means to encourage more energy efficient transportation.
39. That the State of Minnesota consider the feasibility of lowered speed limits in Minnesota.
40. That the desirability of allowing continued uncontrolled proliferation of recreational vehicles, such as snowmobiles, all terrain vehicles, trail bikes and motorized boats, ought to be reconsidered in light of their demands upon our increasingly depleted supply of petroleum resources, not to mention their obvious environmental impact.
41. That the Department of Administration immediately set up a car pool information system such as that which has been developed by the Minnesota Department of Highways and the University of Minnesota, and make it available to all State employees in urban areas.
42. That the State develop a program of incentives through the tax system to encourage commercial and industrial firms to initiate and support car pools for their employees.
43. That urban passenger traffic must move away from dependence on the private automobile towards systems in which public mass transit supplies most transportation needs.
44. That the State insure that bus service be continued in those areas which presently have such service, and that studies be made on the feasibility of developing public transportation systems in those urban areas which must now depend on private transportation.
45. That a fair and open-minded evaluation of the PRT system for the metropolitan area need be made immediately.
46. That immediate steps be taken to upgrade the passenger rail system in order to make this system a viable alternative to the airplane for intercity travel over short and medium distances.
47. That a Department of Transportation should be established at the State level.
48. That State officials urge the Federal Government to set rates to promulgate regulations to encourage energy efficient modes of transportation.
49. That through appropriate machinery, the University of Minnesota and other academic institutions be encouraged to conduct research in order to learn more about the energy intensiveness of Minnesota agriculture and the significance of any present trends toward greater use of energy.

50. That the Department of Agriculture and the Agriculture Extension Service consider evaluating, and unless significant unknown effects are found, promoting those methods of husbandry which appear to be less energy intensive, such as the following:
  1. "minimum tillage";
  2. Interseeding of legumes;
  3. Use of manures and legumes as methods for nitrogen incorporation.
51. That good conservation practices and proper consideration of "total energy use" per acre be made a part of the continuing education of farm operators, both on the high school level and for later refresher courses.
52. That the Minnesota Environmental Quality Council establish a citizens task force to examine the impact of "high technology" agriculture, with its energy intensive use of large machinery, pesticides, herbicides, and fertilizer, upon the environment and human health.
53. That a state agency such as the Minnesota Department of Agriculture, the Department of Natural Resources or the Pollution Control Agency be designated as responsible for monitoring the use of energy in agriculture, including the evaluation of new methods of husbandry from a standpoint of energy use, impact on the environment, and impact upon human health, in the near and long term.
54. That consideration be given to broadening the scope of agricultural information programs in Minnesota so as to assist and inform operators of small farms, truck gardeners and other food producers who may not be well informed and who may be likely to use less energy intensive methods.
55. That an energy commission bill be adopted with the following twelve sections:
  - a. An independent commission with:
  - b. Data collecting and forecasting functions,
  - c. Responsibility for a state energy plan,
  - d. Requirements for public participation,
  - e. Authority for state energy emergency plan,
  - f. Authority to examine energy rates and marketing practices,
  - g. Responsibility for energy conservation research,
  - h. Responsibility for a conservation education program,
  - i. Provision for promulgation of conservation rules and regulations,
  - k. Establishment of an energy surcharge, and
  - l. An appropriation sufficient to carry out the intentions of the act.
56. That the Minnesota Energy Commission be directed to examine marketing and distribution practices as well as pricing policies.
57. That SF 2237/HF 2249, the "truth in energy" bill, and HF 911/SF 2073, the "automobile horsepower tax", be passed as useful steps in the direction of energy conservation.
58. That a Public Service Commission with rate setting authority be established.

59. That certificate of necessity and a promulgation of conservation regulations be assigned to a separate, independent Energy Commission.

The CAC places a high priority on action consistent with the recommendations of the EOC Energy Policy Task Force.

## EQC FUNDING

The CAC finds that there are several funding problems that need immediate attention by the Governor and the Legislature. The EQC has been given the responsibility to administer several important environmental programs but the necessary financial support to provide the needed staff was not appropriated. The amount of funding that has been provided is often unrelated to the magnitude of the task. For example, the EQC is appropriated \$100,000 for its tasks which include administration of the environmental impact statement program, the critical areas program, reviews of state permits, development of the "early notice" system, subdivided land standards, and preparation of a semi-annual long range plan. The power plant siting act by comparison provides \$500,000 for that single activity.

Further, there is no provision of funds for staff assistance to the CAC. The CAC recommends that the Governor and the Legislature consider a supplemental appropriation to the EQC so that there is adequate staff to administer these important programs.

There is also a need to delineate and clarify the assignment of staff to the EQC. Presently most of the staff is provided by the State Planning Agency. Often these staff members' assignments are a mixture of EQC and SPA matters. The CAC recommends that staff members be assigned to EQC so that the EQC is more precisely aware of the staff resources available to undertake EQC assignments. We also recommend that appropriations for staff for SPA be designated separately for EQC and non-EQC functions. Further, we recommend an appropriation to provide one staff member whose time is devoted to assisting the CAC in its efforts. An alternative would be contract services for CAC on a time limit pilot project basis. Funding for contract services might be obtained initially from other sources, i.e. private foundations, if staff time of the EQC was allocated to explore the possibilities.

It would seem that the activities of the CAC might best be carried out by providing funding to contract for services, i.e. staff time, administrative detail, development of communication systems, coordination of public meetings, etc., as recommended in the Citizen League Report Why Not Buy Service, September, 1972 as well as the latest Report of January, 1974. The legislature saw as part of the responsibilities of the CAC to

"...review and appraise the various programs and activities of State government in light of environmental quality concerns for the purpose of determining the extent to which such programs are contributing to state environmental policies and goals."

It would seem that it would be advisable to carry on this as well as the other CAC activities outside or separate from the bureaucratic structure.

The present administrative arrangement places the activities of the CAC under the control of the State Planning Agency since EQC staff and their supervision is the responsibility of the State Planning Agency director. This does not seem to be consistent with either the duties and functions designated to the CAC by the legislature or by the tone set by Governor Anderson in his Inaugural Address to the sixty-seventh session of the Minnesota legislature. (January 6, 1971)

I believe the people of this state are prepared to do what is necessary: to face facts, to make sacrifices, to experiment, to risk.

Our insights and our readiness must not be less than theirs. Whether we can meet, and justify the expectations of those who sent us here will be the great test of these coming months.

We will fail that test unless we dare to be bold. We will fail that test unless we break the tyranny of tradition, unless we question and change and start fresh where we must.

That is our mandate: to make our government more responsive to the people and more imaginative to the service of their needs.

But that mandate must be translated into programs. Programs that make sense. Programs that work. Programs in which the people themselves can play the largest role.

## ENVIRONMENTAL RIGHTS ACT

The Environmental Rights Act is a very progressive piece of legislation which has unfortunately been little used. The CAC believes that this is due in part to the need to hire legal assistance with no opportunity for the court to award legal fees or expenses. This has the effect of requiring that a citizen who wishes to use the provisions of the act have sufficient means to bear the expense. The CAC recommends that the State consider allowing discretionary awards of legal fees and expenses to successful plaintiffs in these cases.

PUBLIC INFORMATION

Many citizens have expressed the need for additional information concerning notices of public hearings, proposed regulations, and environmental impact statement preparation in Minnesota.

The CAC recommends that the State develop a "Minnesota Register" similar to the Federal Register to carry notices of public hearings, proposed regulations and pending decisions. The development of such a register should be coordinated with the development of the "Early Notice System" required by the Environmental Policy Act of 1973.

The State should also consider the possibility of a toll-free number which could be called which would play back a taped message giving information of legislative and agency hearings or meetings that would be of interest to citizens.