

Trout Unlimited Extension Request

From: John Lenczewski <john.lenczewski@mntu.org>

Sent: Thursday, December 21, 2023 12:11:48 PM

To: Mark Johnson <mark.johnson@lsohc.mn.gov>

Subject: Request for one year extension to availability of ML 2029 funds to ensure habitat project completion

Mark:

I am writing on behalf of Minnesota Trout Unlimited to request a one year extension of MNTU's ML 2019 appropriation. We were recently alerted to a sudden and unforeseen change in permitting practice by the MPCA that is likely to delay construction of our last two large-scale habitat projects funded with ML 2019 dollars beyond the end of that grant period (June 30, 2024). An extension will ensure that these planned projects can be built, and all enhancement funds exhausted creating quality habitat.

The last-minute circumstances we suddenly find ourselves in require some explanation. MNTU has two remaining ML 2019 projects scheduled for construction this spring that will exhaust all habitat enhancement dollars in this grant. Critical preparatory steps such as tree harvest and repositioning of rock are planned for February and March 2024. However, an unforeseen change in permitting practice has come to light that is likely to prevent that work and delay construction past June 30.

The DNR recently alerted us to an unannounced change in MPCA practice that means a new review and certification process must be followed for fish habitat projects. The new process requires a 30 day "pre-filing" meeting, followed by a review process expected to take 90 to 105 days. We have requested the pre-filing meeting and have been informed the meeting will take place in January 2024. We understand the process is complex and that the MPCA will not issue the certification until all other permits and coordination is completed. Thus, MPCA approval is unlikely before mid-April or mid-May. Critical preparatory work in February and March will likely be postponed, triggering further delays due to federal rules. This permitting change was unforeseeable and its impacts on our construction schedule are still unknown. The responsible course is to obtain an extension of the ML 2019 appropriation to ensure these projects can be completed and all enhancement dollars exhausted in 2024. We do not have another source of funding to construct these projects.

We appreciate that the Council would like to receive extension requests by its November meeting. However, we were unaware of the agency's sudden change in practice at that time and thus did not know an extension would be needed. We ask for the Council's understanding given these extraordinary circumstances.

The two projects are fully designed. We expect the remaining permits, other than the new MPCA certification, to be issued soon. Construction bids are due shortly. The standard construction schedule in our contracts will allow the projects to be completed by June, if there are no disruptions caused by the lengthy new MPCA review process. Extending the availability of funds will ensure that the habitat projects will be completed in 2024, whether or not the new MPCA procedures cause delays.

We are requesting only an extension of time to ensure all projects are completed and not seeking an increase in DSS or personnel.

Please feel free to contact me for additional information.

Thank you.

Best regards,

John

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