

## Steven Timmer

I am Steve Timmer; I am a retired attorney and live in Edina, Minnesota. I write with questions about the proposed "site specific" standards for implementation of the Wild Rice Rule.

First, no "site specific" regime may be adopted without formal rulemaking: a SONAR, notice, comments, and hearings in the OAH for an action that would amend the Wild Rice Rule. Ten ppm is current law, and there is a process for the MPCA to justify changing it. This is the only way to create a transparent (somewhat transparent, anyway) record for the public to judge the actions of the MPCA.

Without a SONAR – including a proof of the science – and proposed rules, there no way for scientists, the tribes, environmentalists, or the public to judge what the MPCA proposes to do. Moreover, at the moment, it doesn't seem that the MPCA has the data to conceive or enforce a "site specific" regime.

Second, tribal nations must have a seat at the table in conceiving any proposed changes (in the SONAR) to the Wild Rice Rule. Recent Clean Water Act litigation in Minnesota has reminded both federal and state regulators of the need to include the tribes in a plenary way.

Third, the Clean Water Act's anti-degradation requirements must be strictly observed.

Fourth, it is obvious to any casual observer that, because of industry influence, the state and the MPCA have resisted enforcing the Wild Rice Rule for its entire existence. Now with pressure to enforce it, the MPCA wants to weaken it. This was entirely predictable. Lamentable, but predictable.