



HF 1733, 2nd Engrossment (Westrom) Pasture Redefined to Allow Winter Feedlots

MCEA opposes SF 1733, Sections 40 through 42 because they roll back protections for Minnesota's water by limiting the Minnesota Pollution Control Agency's ability to ensure that a pasture remains a pasture.

The legislation will:

- Open the door for winter feedlots on cropland by removing limits to over-concentration of livestock on fields.
- Removes manure as a water pollutant
- Removes flexibility beneficial to producers

SECTION 40

Changes in Section 40 of the bill go beyond consolidating existing language. It also removes critical language that would significantly redefine pasture in a way that could harm rural communities and water quality by:

- **Removing language that requires an appropriate concentration of livestock to maintain pasture cover.** This could allow pastured cropland to be over-grazed, become a feedlot, and skirt feedlot regulations. Over-grazing will result in excessive deposition of manure on frozen fields, which will simply run off into the waterways in the spring (Line 21.22-21.24)
- **Creating a new exemption for land to qualify as pasture.** Vague language would allow a 'sacrificial area' to become a feedlot with a high concentration of animals during the winter months without assurances of no water contamination and without feedlot regulation from the MPCA. (Lines 21.31-22.3)

SECTION 41

Changes in Section 41 could strip the authority of the MPCA to protect rural communities, water quality, and public health by:

- **Removing MPCA's ability to work with a producer.** Section 41 forces MPCA to make the "binary choice" between feedlot and pasture. MCEA supports providing the agricultural community and MPCA with the tools necessary to resolve regulatory issues. (Lines 23.14-23.16)
- **Allowing uncontrolled discharges of manure into water.** Exempting 'naturally deposited' manure opens the door for uncontrolled discharge of manure from winter feedlots into water. A combination of unrestricted animal concentrations, poor management, and the natural tendency of livestock to congregate can lead to large discharges of manure to water. (Lines 24.17-24.18)

In The Courts

In 2015, a cattle operator who fed cattle on cropland in the winter was required to get a permit after MPCA documented manure-contaminated runoff and water pollution from his operation. They challenged the MPCA's application of this definition to require him to get a permit.

In re Reichmann Land & Cattle, LLP, 867 N.W.2d 502, 511 (Minn. 2015). The Minnesota Supreme Court ruled that if too many cattle destroyed the vegetative cover such that none remained in the spring, the operation was a "feedlot" not a "pasture."

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