



Dakota County, Minnesota Work Plan

January 28, 2020

Prepared by:

Downs Government Affairs, LLC (DGA)
Aurora Strategic Advisors, Inc. (ASA)

- Tom Downs
tcdowns@downsgovaffairs.com
- Dawn Erlandson
dawnerlandson@gmail.com
- Mike Erlandson
mikeerlandson@gmail.com

TABLE OF CONTENTS

Approach to this Work Plan.....	1
Dakota County Priority Projects.....	2
I. Capacity and safety improvements to the I-35/CSAH 50 federal highway/county road interchange and corridor.....	2
A. Key Work Plan Components for the I-35/CSAH 50 project.....	2
1. Review engineering and environmental reports.....	2
2. Coalition building.....	2
3. Congressional delegation notifications/updates.....	2
4. Anticipated federal funding opportunities.....	3
a. U.S. Department of Transportation Grant Programs: BUILD and INFRA.....	3
b. FAST Act reauthorization.....	3
c. Transportation, Housing and Urban Development and Related Agencies Appropriations.....	4
5. Coordination with federal and state agencies.....	4
6. Support from Dakota County Commissioners.....	4
II. Veterans Memorial Greenway project connecting the Mississippi River and the Lebanon Hills Regional Park.....	5
A. Key Work Plan Components for the Veterans Memorial Greenway project.....	5
1. Coalition building.....	5
2. Congressional delegation notifications/updates.....	5
3. Targeting most likely sources of funding and support.....	5
a. U.S. Department of Transportation.....	6
b. U.S. Department of the Interior.....	6
c. U.S. Department of Veterans Affairs.....	6
d. Possible legislative provision to advance the Veterans Memorial Greenway project.....	6
1. Relevant legislative precedent.....	7
2. Possible free-standing legislation to advance the Veterans Memorial Greenway project.....	7
3. Advocacy for a broader legislative vehicle to advance the Veterans Memorial Greenway project.....	7
4. Support from Dakota County Commissioners.....	7
III. The GREEN Act.....	8
A. Overview of the GREEN Act.....	8
B. Recommended outreach.....	8
C. Enactment of tax extenders legislation in December 2019.....	8
D. Opportunities in 2020 and beyond.....	9
E. Other potential avenues of support.....	9
Support from Dakota County Commissioners.....	9

Approach to this Work Plan

This Work Plan prepared by Downs Government Affairs (DGA) and Aurora Strategic Advisors (ASA) for Dakota County, Minnesota is based on our current knowledge of Dakota County's goals and objectives as we get started with representation of the County at the federal level.

We anticipate that this Work Plan will evolve, and require periodic updates based on Dakota County's progress with key initiatives and based on our work in promoting your federal agenda. The Work Plan will require proactive engagement by Dakota County Commissioners and staff.

Once this Work Plan has been approved by Dakota County, our team intends to work closely with Dakota County Commissioners and staff and with members of the Minnesota delegation – Senators Amy Klobuchar (DFL-MN) and Tina Smith (DFL-MN), Congresswoman Betty McCollum (DFL-MN), Congresswoman Angie Craig (DFL-MN), and their staff members. We also recommend coordinating on behalf of Dakota County Commissioners and staff with Governor Tim Walz (DFL-MN) and his staff.

We look forward to working with Commissioners and staff to move forward with priority initiatives to benefit Dakota County.

Dakota County Priority Projects

I. Capacity and safety improvements to the I-35/CSAH 50 federal highway/county road interchange and corridor

We know that promoting capacity and safety improvements to the I-35/CSAH 50 federal highway/county road interchange and corridor (the “I-35/CSAH 50” project) is a top priority for Dakota County, and one of two priorities that are part of our scope of work for the County. We view this as a long-term project that is likely to take time before it is in line for construction funds.

We plan to assist in exploring opportunities to leverage funding in preparation for significant federal I-35/CSAH 50 project funding over time.

A. Key Work Plan Components for the I-35/CSAH 50 project

1. Review engineering and environmental reports

We will monitor Dakota County development of engineering and environmental reports for the I-35/CSAH 50 project. These developments are important in preparing for long-term funding.

2. Coalition building

We recommend close coordination with elected officials and staff in Dakota County cities that stand to benefit from the I-35/CSAH 50 project. Our team can assist with coalition building.

Along these lines, we would like to be advised of advocacy by the I-35W Solutions Alliance. We should consider coordinating efforts where the Alliance’s initiatives are in sync with Dakota County’s goals and objectives.

3. Congressional delegation notifications/updates

We will work with Dakota County to educate the Minnesota Congressional delegation concerning the I-35/CSAH 50 project’s importance to the state of Minnesota. We anticipate providing periodic update reports to the Minnesota delegation. We will also need proactive engagement by Dakota County Commissioners and staff.

4. Anticipated federal funding opportunities

We will keep Dakota County apprised of funding opportunities from the U.S. Department of Transportation and the Federal Highway Administration – both on the grants side and on the legislative side.

a. U.S. Department of Transportation Grant Programs: BUILD and INFRA

BUILD – The U.S. Department of Transportation’s (USDOT’s) Better Utilizing Investments to Leverage Development, (BUILD Grant program), provides an annual opportunity for surface transportation projects. Our team has been successful in obtaining \$33 million for local government clients under the BUILD program.

The eligibility requirements of the BUILD program allow sponsors to obtain funding for projects that are more difficult to support through traditional DOT programs. BUILD can provide capital funding directly to any public entity, including counties, in contrast to traditional federal programs which mostly provide funding to the Minnesota Department of Transportation (MNDOT) and other state departments of transportation.

INFRA – USDOT’s Infrastructure for Rebuilding America (INFRA) discretionary grant program, also known as the Nationally Significant Freight and Highway Projects program, supports repairing and upgrading infrastructure by creating opportunities for all levels of government and the private sector to fund infrastructure, using innovative approaches to improve the processes for building significant projects, and increasing accountability for the projects that are built. In addition to providing direct federal funding, the INFRA discretionary grant program aims to increase the total investment by state, local, and private partners. Additionally, the program promotes the incorporation of innovative technology that will improve the transportation system.

U.S. DOT makes awards under the INFRA discretionary grant program to both large and small projects. For a large project, the INFRA grant must be at least \$25 million. For a small project, the grant must be at least \$5 million.

As we have advised Dakota County, USDOT has just released an invitation for FY 2020 INFRA proposals, with over \$900 million available for allocation nationwide.

b. FAST Act reauthorization

The Fixing America’s Surface Transportation (FAST) Act of 2015 expires at the end of FY 2020; i.e., it requires reauthorization by September 30, 2020. We would like to pursue potential funding for the I-35/CSAH 50 project under FAST Act reauthorization. This will require engagement by Dakota County Commissioners and staff.

c. Transportation, Housing and Urban Development and Related Agencies Appropriations

The Transportation, Housing and Urban Development and Related Agencies (THUD) Appropriations Bill provides an opportunity every year for transportation project funding. We would like to pursue potential funding for the I-35/CSAH 50 project under THUD Appropriations. These efforts will require close engagement by County Commissioners and staff.

5. Coordination with federal and state agencies

We will maintain communication concerning the I-35/CSAH 50 project with U.S. Secretary of Transportation Elaine Chao's senior staff and with Federal Highway Administration (FHWA) headquarters.

In coordination with Dakota County staff, we will also will monitor coordination with MNDOT and with FHWA regional staff concerning the I-35/CSAH 50 project.

6. Support from Dakota County Commissioners

Dakota County Commissioners can provide support to advance this project through the following efforts:

- Include the I-35/CSAH 50 project on the agenda at Board of Commissioners' meetings.
- Support development of engineering and environmental reports for the I-35/CSAH 50 project.
- Collaborate with the I-35W Solutions Alliance and other regional stakeholders.
- Attend meetings with the Minnesota Congressional delegation offices to provide updates on the I-35/CSAH 50 project.
- Follow our team's updates on U.S. Department of Transportation grants and appropriations.

II. Veterans Memorial Greenway project connecting the Mississippi River and the Lebanon Hills Regional Park

We know that promoting the Veterans Memorial Greenway project connecting the Mississippi River and the Lebanon Hills Regional Park (“Veterans Memorial Greenway project”) is a top priority for Dakota County and the second of two priorities that are part of our scope of work for the County. We will work to support funding for this priority project.

A. Key Work Plan Components for the Veterans Memorial Greenway project

1. Coalition building

We recommend close coordination with elected officials and staff in Dakota County cities and nonprofit advocates to support the Veterans Memorial Greenway project. This may include such Minnesota trail enthusiasts as the Bicycle Alliance of Minnesota, Minnesota Cycling Federation, Minnesota High School Cycling League, Minnesota Off-Road Cyclists, and the Parks & Trails Council of Minnesota and Friends of the Mississippi River. We can assist with coalition building.

The project may also be of interest to Minnesota veterans service organizations, such as Disabled American Veterans of Minnesota (DAV MN), the Minnesota Assistance Council for Veterans, Minnesota Veterans 4 Veterans (V4V) Trust Fund, among others.

This project also may be of interest more broadly to regional and national advocates of parks, trails and veterans assistance.

2. Congressional delegation notifications/updates

We will work with Dakota County to educate the Minnesota Congressional delegation concerning the Veterans Memorial Greenway project’s importance to the state of Minnesota. We anticipate providing periodic update reports to the delegation. These efforts will require close engagement by County Commissioners and staff.

3. Targeting most likely sources of funding and support

We believe that the most likely sources of funding and support will come from the U.S. Department of Transportation and the U.S. Department of the Interior. We are also planning to pursue funding from the U.S. Department of Veterans Affairs.

a. U.S. Department of Transportation

U.S. DOT has a number of programs that fund trail projects. Those programs will be updated during reauthorization of the FAST Act in 2020. We will investigate, track, and advise Dakota County of the most promising funding opportunities from U.S. DOT for the Veterans Memorial Greenway project under the FAST Act reauthorization and available grant programs.

b. U.S. Department of the Interior

The National Park Service (NPS), within the U.S. Department of the Interior, is responsible for administration of the Mississippi National River and Recreation Area.

We are prepared to consult with NPS – both regional staff and headquarters leadership – concerning the goal of preserving the Veterans Memorial Greenway project.

We recommend that Dakota County consult with the Minnesota Department of Natural Resources concerning the project, as the DNR has delegated duties for certain federal natural resources programs (e.g., Land and Water Conservation Fund grants). If you need assistance with this, please let us know.

c. U.S. Department of Veterans Affairs

We will investigate funding by the U.S. Department of Veterans Affairs (DVA) for the Veterans Memorial Greenway project. This may include funding by DVA and the Department of Defense under Morale, Welfare and Recreation (MWR) programs, among other programs to benefit servicemembers, veterans and military families.

d. Possible legislative provision to advance the Veterans Memorial Greenway project

We recommend consideration of possible legislation to amend the statute that authorized creation of the Mississippi National River and Recreation Area in 1988 (Public Law 100-696, Title VII) in order to authorize a boundary adjustment study for the Veterans Memorial Greenway project. A boundary adjustment study would enable NPS to evaluate the feasibility of adding the Veterans Memorial Greenway as a side and connecting trail, to become part of the Mississippi National River and Recreation Area, and funded by NPS.

1. Relevant legislative precedent

Current legislation worth reviewing is H.R. 1487, Santa Monica Mountains National Recreation Area Boundary Adjustment Study Act – (<https://www.congress.gov/bill/116th-congress/house-bill/1487>)

H.R. 1487 was introduced by Rep. Ted Lieu (D-CA) and passed by the U.S. House of Representatives in November 2019. Our team consulted with Rep Lieu’s office in the development of this legislation. We believe it may provide a precedent for action on the Veterans Memorial Greenway project.

2. Possible free-standing legislation to advance the Veterans Memorial Greenway project

We could prepare a free-standing bill (possible title, “Mississippi National River and Recreation Area Boundary Adjustment Study Act”) to be introduced by the Minnesota Congressional delegation to advance the Veterans Memorial Greenway project.

3. Advocacy for a broader legislative vehicle to advance the Veterans Memorial Greenway project

We also believe it would be wise to consider advocating for a larger legislative vehicle to authorize multiple NPS boundary adjustment studies. This could be a package that would include a study of adjusting the statutory boundary of the Mississippi National River and Recreation Area to include the Veterans Memorial Greenway.

4. Support from Dakota County Commissioners

Dakota County Commissioners can provide support to advance this project through the following efforts:

- Include the Veterans Memorial Greenway project on the agenda at Board of Commissioners’ meetings.
- Support development of engineering and environmental reports (if required) for the Veterans Memorial Greenway project.
- Collaborate with elected officials in Dakota County cities as well as nonprofit advocates to support the Veterans Memorial Greenway project.
- Attend meetings with Minnesota Congressional delegation offices to provide updates on the Veterans Memorial Greenway project.

- Follow our team’s updates on possible funding from the U.S. Departments of the Interior, Transportation, and Veterans Affairs, and possible appropriations opportunities.

III. The GREEN Act

While this is outside our current scope of work for Dakota County, we know that the proposed GREEN Act is of interest. As such, we will consider the viability and timing of the GREEN Act, as well as recommendations, if any, for further action.

A. Overview of the GREEN Act

The GREEN Act proposes to extend current renewable energy tax incentives and create new models to increase the use of green energy while reducing greenhouse gas emissions. The bill proposes to:

- Promote the use of green energy technologies and incentivize the reduction of greenhouse gas emissions through new and existing tax benefits;
- Increase energy efficiency and green energy use in both residential and commercial buildings;
- Support use of zero-emission transportation and supporting infrastructure;
- Invest in a green workforce through energy credits for manufacturers,
- Advance environmental justice through tax credits for research and academic programs; and
- Require the Treasury Department to analyze the feasibility of a price on greenhouse gas emissions, using EPA’s Greenhouse Gas Reporting Program.

Important for Dakota County, the GREEN Act is intended to provide reimbursement to governmental entities in lieu of a tax credit for non-taxpaying entities.

B. Recommended outreach

We propose to seek information from the following: National Hydropower Association, principal Congressional sponsor Rep. Mike Thompson (D-CA), NACo and others. A number of environmental and renewable energy organizations support the legislation.

C. Enactment of tax extenders legislation in December 2019

Tax extender provisions were enacted as part of Fiscal Year 2020 omnibus appropriations signed into law in December 2019. The FY 2020 appropriations act reinstated many previously expired tax incentives that were not addressed under the Bipartisan Budget Act of 2018 or the Tax Cuts and Jobs Act of 2017.

The FY 2020 appropriations act extended a number of tax provisions for a three-year duration, making them retroactively effective for 2018 and 2019 while prospectively extending them through the end of 2020.

An array of energy tax incentives were retroactively reinstated and prospectively extended under the FY 2020 appropriations act. For instance, the FY 2020 appropriations act extended tax credits for nonbusiness energy property, qualified fuel cell vehicles, alternative fuel vehicle refueling property, and energy-efficient commercial buildings, through 2020. The FY 2020 appropriations act also extended energy tax incentives for biodiesel and renewable diesel through 2022. All are retroactively reinstated back to 2018.

D. Opportunities in 2020 and beyond

With enactment of a comprehensive tax extenders package under the FY 2020 appropriations act, continuing many provisions through calendar 2020 (and in some cases through 2022), we have time to consider enactment of new initiatives, such as benefits for hydropower facilities, during the second session of the 116th Congress. The component of the GREEN Act that would provide reimbursement to governmental entities in lieu of a tax credit for non-taxpaying entities appears to still require passage, based on a preliminary review of the tax package enacted in December 2019.

E. Other potential avenues of support

We also could examine other potential sources of federal government support and funding for improvement of Dakota County hydropower facilities, from such agencies as the U.S. Department of Energy, U.S. Department of the Interior, U.S. Army Corps of Engineers, and other potential sources of assistance.

F. Support from Dakota County Commissioners

Since this item is not a part of our scope of work for Dakota County, we do not currently have specific recommendations for County Commissioners.

We look forward to working with you to refine and implement this Work Plan for Dakota County.