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Protective lake level: Lawns could bear brunt

BY DEBRA NEUTKENS
 EDITOR

An important number is expected mid-December from the Department of Natural Resources (DNR).

That inkling from DNR Water Resources Section Manager Julie Ekman concerns a protective elevation figure for White Bear Lake.

Why is the number important? Because maintaining the protective level involves water appropriation permits.

If lake elevation falls below the number, measures would be taken to remedy the problem. That could lead to long-term bans on

nonessential water uses like lawn irrigation.

"If we set a protective elevation and it's shown that a groundwater withdrawal is negatively impacting the lake, then this number would apply to those permits," explained the DNR manager. "We would have to make some adjustments to permits, perhaps through a condition."

Ekman has been meeting with communities within 2 miles of the lake to discuss what the protective level means and a municipality's ability to enforce a ban if it comes to that.

"We still have to flesh out nonessential water uses," she said. "The low-hanging fruit,

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PROTECTIVE ELEVATION: Vegetation, habitat and lake shape considered

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of course, is lawn irrigation."

Dellwood is last on her list of meetings, even though the city has no municipal water supply.

"If there is a ban on nonessential water uses, it would most likely apply to everyone, even those that don't have groundwater permits," she noted.

Setting a protective elevation has been a long, complicated process.

The mandate was originally part of the settlement agreement that stayed litigation between the DNR and the plaintiff, the White Bear Lake Restoration Association. A deadline of Nov. 1, 2016 to set a number was stated in the agreement, but since the stay was lifted due to lack of legislative action regarding a move to surface water, the agency did not feel compelled to rush the process.

"We didn't take it to mean the entire settlement agreement was voided (when the stay was lifted)," Ekman said. "We were already well down the road on this; it's our responsibility and we have the expertise."

An attorney for the restoration association, Dick Allyn, said the plaintiffs are waiting to see what the DNR says about the protective elevation.

"It is a precursor," said Allyn, with the Minneapolis firm of Robins Kaplan LLP. "There will likely be a range, maybe 6 inches on either side of a number, before they say the lake is no longer at the protected elevation and we need to take action. Factors in the statute are supposed to guide them as to how they arrive at the number. The lake will benefit once it has a protective elevation because it will make folks focus better on all the competing interests."

Ekman said the agency applied the law when it

looked at three factors in the level-setting process: vegetation, habitat and shape of the lake and impact of those factors on recreational uses.

"What we found is the lake benefits from a variable water elevation," she noted. "It helps the noninvasive plants regenerate to have lake bed exposed. So low water levels are not harming the lake. It is a beneficial cycle that the lake naturally goes through. Recreational uses are impacted in different ways depending on what that use is. Sailboats need deeper water, for instance; yet boat launches remained open."

The DNR commissioner will be the individual to officially announce the protective elevation.

Ekman said the agency "has a range and a reasoning," but her boss will be the one to identify the number. "By mid-December, we should have it ready to go."