

Mission remains to restore lake; proponents say legislation shortsighted

BY DEBRA NEUTKENS
EDITOR

Members of the White Bear Lake Restoration Association (WBLRA) and the Intervening Lake Homeowners Association (WBLHOA) wish area legislators would work to fix the problem of a shrinking lake instead of going around it.

Manitou Island resident Jim Markoe, WBLHOA president, was referring to recent bills in the House and Senate that would postpone Department of Natural Resources (DNR) enforcement of the district court order issued last August. Included in that order is a ban on residential irrigation and a 75-gallon cap on per capita water use within 5 miles of White Bear Lake.

When the plaintiff in the lake level lawsuit, the WBLRA, sued the DNR five-plus years ago, they had no idea the case would drag on this long. With appeals pending, it's far from over.

Markoe and WBLRA members Greg McNeely and Brian McGoldrick sat down with the Press recently to discuss fallout from the court order. Markoe indicated they became aware some time ago that the city was contemplating legislation to work around the judge's decision. "That was impetus for us to talk to several city managers with the idea that it was time to collaborate and solve the (lake) problem," he said.

The group involved in the lawsuit say evidence showing the close connection between groundwater pumping from the aquifer and lake level is irrefutable. "The science is well understood; the problem is undeniable," Markoe said. "The sooner we start working on solving it, the further along we'll be when the lake goes down again after a couple dry years."

By further along, he is referring to a full or partial switch to surface water by municipalities near the lake; something Markoe and the WBLRA have been promoting since the lawsuit began.

A second component is augmentation. "Water from the river will serve both purposes," noted Markoe.

"Without augmentation, the lake will do exactly what it did in '08, '09 and 2010 after a couple dry years. Only it



A small group of lake residents first sounded the alarm on the health of White Bear Lake in 2012. This 2015 photo by Ramsey County beach includes leaders in that effort, Greg McNeely, left, Shannon Whitaker and Jim Markoe.

will keep getting worse, lower levels for longer periods of time."

The three men agreed that augmentation is the only way in the interim to get the lake above 924 feet, the level at which lawn watering will be allowed per the judge.

"Irrigation is important to us," Markoe said. "We all want nice shrubs and green grass; the point is if we keep going lower and lower, there are large areas of the lake that will become permanent land mass."

Markoe, who traces his local roots back five generations, spent much of his childhood on the lake, returning permanently in 1999. The same for McNeely, whose family also owned a home on the island. "We know the lake and there are trees in places that weren't there before," said McNeely. "That is unprecedented and it will continue. I'd guess we've lost 30 to 40 acres of lake from 2006 to 2016."

The lake advocates "know people are angry and frustrated about the judge's ruling," Markoe said. "Part of what came out of our meetings with city administrators was obvious frustration

and reports of complaints from residents. I know we disagree but we need to start working on the problem."

It was never their intention to create or enforce water policy, added McNeely. "That is not what the WBLRA is about. We are just trying to protect our natural resource."

When they filed suit, did they think it would go this far? "I knew we were taking steps to call attention to a big problem," McNeely replied. "I knew we would follow it through; not knowing how it would end. Mike Ciresi (the attorney who took the case pro bono) told us, 'when you create change, you create conflict.' I think we're experiencing that."

Claims that the court order targeting municipalities with a 5-mile radius is arbitrary is not something to which the plaintiffs agree. "(Hydrologist) Stu Grubbs at EOR will tell you that not only is it not arbitrary, but there is a hydrogeological basis for the 5-mile radius," Markoe said. "In his extensive nine-month study, he stated in court and the judge found it credible based on the evidence, that the hydrogeological

area of influence is 5 miles."

Mandatory planning for surface water conversion was a significant part of the court order and among the conditions added to DNR-issued appropriation permits.

"Cities need to start working on a plan for a supplemental water supply," emphasized Markoe. "Otherwise no one will get to water their lawn. It's all the more reason why we have to get on the same page and figure a collaborative process to solve the problem. We don't have the luxury of waiting 50 years. I truly believe that White Bear Lake will be dramatically diminished in my lifetime if we don't resolve this issue. That is why we're doing this."

The lake is the economic engine of the White Bear area, continued Markoe. "If the city's namesake continues to decline, it will have a tremendous economic impact. That is worrisome. The judge has said you can't keep ignoring this."

The DNR, he added, has shown a marked lack of leadership in the whole process.

They also find it frustrating that city leaders don't seem to recognize the problem, Markoe said. "People still don't get it. They say the lake is back; it's just rain. At every level of leadership there is a certain degree of denial or misunderstanding that has pervaded the process the last five years."

"We have a problem for which we know the solution," stated Markoe. "Businesses and residents have to come together with leadership from the cities to get state funding for a regional solution."

Did the order surprise them? "What surprised me is that she granted all the things we asked for in our pleadings," Markoe said. "The judge listened to the science, the testimony and wrote a 140-page tour de force decision that will change water policy in the state of Minnesota; if we don't try to make an end run and go around it."

"We are going on year six," McNeely pointed out. "It's time to do something. What we have now is not working. When it gets dry again the lake will drop to a severe level and people will say, 'oh, I guess they were right.'"