

Parties meet over protective elevation appeal; stay tuned

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EDITOR

WHITE BEAR LAKE — Something is cooking regarding an appeal filed in appellate court by the White Bear Lake Conservation District (WBLCD) against the Department of Natural Resources (DNR).

The WBLCD attorney, Alan Kantrud, has called a special meeting with the board for Thursday, April 27 after he and Chair Bryan DeSmet met with the attorney general's office April 21 to discuss a resolution to the matter.

The case, which Kantrud said is not technically a lawsuit, involves the protective elevation set by the DNR last December. The conservation district objected to the 922 foot figure, claiming the DNR made the

order without public input, and requested a public hearing. The DNR said a hearing was not required and denied the request. The district filed an appeal.

At this point, the agency has until May 4 to provide an administrative record on how it arrived at the protective elevation. The lake conservation district would then have 30 days to craft an argument about how the DNR did not follow due process for the appeals court.

When asked how much time he has spent so far on the appeal, Kantrud estimated 45 to 50 hours, billed at \$100 per hour, or \$4,500 to \$5,000.

Board member Scott Costello said he's received pushback about the case. "City leaders are sensitive about lawsuits with the DNR," he said. "They were surprised we would sue the DNR when the city is involved in a bigger lawsuit."

Kantrud reminded the board he was directed to pursue a court case. "I wasn't looking to entertain myself at the Court of Appeals," he said, adding the WBLCD lawsuit is completely different than the one involving lake level with the DNR. "This is an appeal of an administrative order, not a lawsuit."

It was Kantrud who reached out to the DNR to hold the meeting last Friday in an effort to save dollars. The agency is represented by the attorney general's office.

The board will know by its May 16 meeting if the DNR will provide a public hearing. "If that goes well, our work here is done," DeSmet noted.

Added Kantrud: "Hopefully we'll be booking this room for a hearing sometime in May," referring to the council chambers at City Hall.