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Protective elevation set for White Bear Lake

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EDITOR

ST. PAUL — Even though the lake level lawsuit is still headed for a March trial, the Department of Natural Resources (DNR) has fulfilled a condition set in the defunct settlement agreement: to set a protective elevation for White Bear Lake.

That level: 922 feet above sea level.

The lake is currently at 922.9 feet.

The agency announced the number at a "courtesy briefing" Dec. 21 for area legislators, surrounding community leaders and parties involved in the lawsuit.

As explained at the briefing, a protective elevation is a regulatory measure used to trigger changes in water appropriations to prevent "undue harm" to a lake.

"The protective elevation is designed to protect and maintain fish and wildlife habitat and support recreational uses of the lake," noted DNR Assistant Commissioner Barb Naramore. "However, people should understand that a protective elevation is not a fixed level that is maintained or a minimum level that is guaranteed. Lake levels fluctuate."

In fact, the lake's long-term ecological health depends upon variation in water level within its historic range, she said.

The DNR considered many factors in the months leading up to the announcement.

Jason Moeckel, manager with the division of ecological and water resources, described the process, noting that statutes direct the agency to consider historic record, aquatic vegetation, water quality and recreational uses as part of the decision-making.

"We concluded through extensive review of fish and plant surveys that there is no evidence of any biological harm or any negative impact from the lake going down the way it has and coming back up," Moeckel said.

There are impacts to some recreational uses when water levels are low, but the DNR did not find evidence that periods of low water harm the lake's biology or ecology, he added. On the contrary, Moeckel said certain plants, like bull rushes, require dry soil to regenerate.

"Periodic low water levels renew aquatic vegetation, providing important habitat for fish and wildlife. Robust native vegetation also protects shorelines from erosion due to waves and ice heaving," he noted.

"We also concluded that fish habitat has benefited by low water levels."

Protective elevations are generally set for lakes that are subject to direct surface water

PROTECTIVE ELEVATION: New threshold could impact water usage

FROM PAGE 1A

withdrawals, Naramore said. This is the first time the DNR has set a protective elevation for a lake to assist in managing the potential impacts of nearby groundwater appropriations.

It is permitted groundwater pumping by municipal wells that the plaintiffs in the lawsuit contend are harming White Bear Lake.

The DNR now will consider how to apply the protective elevation to existing and new groundwater appropriation permits in the area, Naramore said.

Appropriations shown to have an impact on lake levels could be modified. Those modifications might include implementing use restrictions, such as non-essential use, to help support the protective elevation.

Lawn watering would be an example of a non-essential use. Water used for drinking, cooking and cleaning would not be restricted.

A DNR review of the lake's water levels shows large swings, more than 5 feet, since 1924, on four separate occasions.

Two of those instances involved large, multiyear declines in water elevation and two involved large, multiyear increases. The recorded variation is 7.86 feet, ranging from a low of 918.84 feet to 926.7 feet. The long-term average water level is 923.1 feet.

In a Findings of Fact document, DNR managers noted that large swings in lake levels are not unique to White Bear Lake.

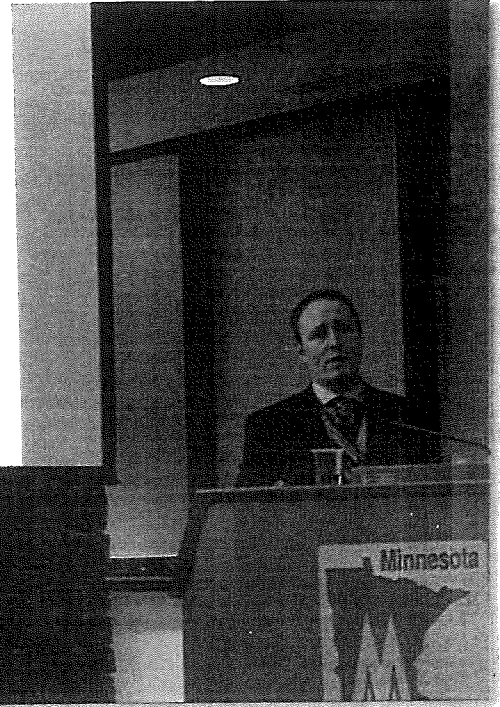
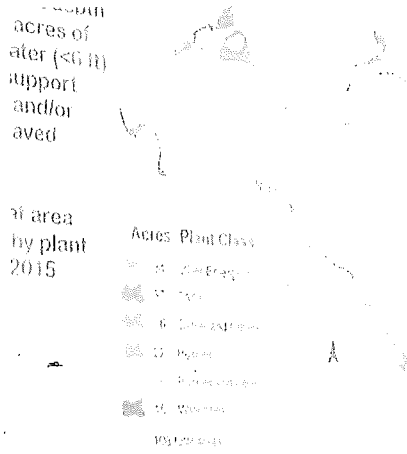
It was noted at the briefing that water levels have been above an elevation of 924.0 feet only 28 percent of the time from 1924 to 2016; above 923.0 feet about 58 percent of the time; above 922.0 feet 73 percent of the time and above 921.0 feet 90 percent of the time.

The DNR concluded from that analysis that it would not be reasonable to set a protective elevation at a high water level that has occurred infrequently in the lake's history; particularly when the lake has regularly dropped below this level even prior to extensive development and groundwater appropriations.

Greg McNeely, chair of the White Bear Lake Restoration Association, said he was "disappointed" in the number.

"The lake is still compromised," he said. "We've had three years of record rain and it's still in trouble. If it stops raining, the lake will continue to drop and the DNR won't be able to maintain 922 feet. The number is too low."

The Restoration Association is the nonprofit entity that brought the lawsuit against the DNR in 2012. The group was joined by the White Bear Lake Homeowners Association, an intervenor in the case against the



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DNR Section Manager Jason Moeckel describes aquatic vegetation around White Bear Lake and its importance to habitat.

DNR and its intervening parties: White Bear Township and the city of White Bear Lake.

If specific circumstances warrant, groundwater appropriations could be restricted prior to the point at which the protective elevation is reached. In making and implementing any such adjustments, the DNR will seek input from the affected groundwater users.

"Communication with permit holders will be very important," noted Julie Ekman, conservation assistance and regulation section manager for the DNR. Ekman has already met with the five communities surrounding the lake to discuss what changes to permits might mean.

Ekman iterated a point Naramore made regarding the protective elevation number: "No action taken on

permits will guarantee a lake elevation. We don't have control over all factors that go into how lakes fluctuate."

She added that the DNR anticipates the forthcoming USGS groundwater flow model will aid the agency in evaluating the impacts permits have on lake levels.

Protective elevation should not be confused with ordinary high water level (OHW). The OHW is a regulatory term and is defined as the elevation where vegetation transitions from primarily aquatic to upland. Water levels may rise above the OHW for brief periods but are normally below that number.

The OHW for White Bear Lake is 924.9 feet.