

RESPONSE

Dan –

Thanks for your questions. Our responses are underlined in italics and follow your questions. Please let me know any questions and that you received this information.

Amy J. Loiselle and Mike Peloquin, September 16, 2009

From: <DKEinMN@aol.com>
To: <amy.loiselle@dnr.state.mn.us>
CC: <mark.holsten@state.mn.us>, <bob.meier@state.mn.us>, <rep.david.dill@hou...>
Date: 7/27/2009 8:21 PM
Subject: Pelican Lake outlet Dam

Amy:

Thanks for your inquiry about our Association's meeting on Sunday, July 19, 2009. We had an excellent turnout, with approximately half of the 120+ members represented in person and by proxies. We had lots of good questions and interest about several topics, including the Dam. You can also look at the website we have put together for more information- [_www.pelicanlakeshoreowners.org_](http://www.pelicanlakeshoreowners.org) (<http://www.pelicanlakeshoreowners.org>).

While people were encouraged to know the hole in the Dam would be closed, there was disappointment expressed by our directors and the membership at large with the remaining details of the recent letter/press release regarding remedies for the Dam. Based upon our previous meetings, we had hoped that there would be more movement on the part of the DNR regarding our questions/requests. More specifically, we would appreciate you addressing the following issues:

1) What happened to the DNR's original alternatives A & B which were proposed at the August 2007 meeting and reiterated at our February 12, 2009 meeting? These alternatives/suggestions seemed reasonable and provided some relief, albeit temporary. Have they been dismissed? Why?

If the height of the weir is raised, the higher water level rise will result in a loss of wild rice; therefore, options to raise the runout, i.e., the height of the weir, , such as "Alternatives A and B" are not allowed. Any proposal to increase height of weir above the design elevation must comply with MN Statute 103G.407 and MN Rules 6115, as we outlined during our February 12, 2009 meeting. The Alternatives A & B outlined in the "Hydrologic Evaluation of the Pelican Lake (69-841) Dam, Feb. 10, 2009" report involve raising the elevation of the top of the dam above the design, i.e., authorized, elevation.

2) We repeatedly raised the issue of water leaking through and/or under the Dam at the February 12, 2009 meeting with you. What are the plans to address this issue? Perhaps there is a cost efficient, reasonable method to determine whether there is leakage under and through the structure.

In September, 2006 repair on upstream side of dam included excavation and then installing clay fill that was compacted, enveloped with fabric and seated with an excavator, and then grout installed over rock riprap. Also, lifting holes were plugged and patched with hydraulic cement and the joints between the barrels and corners of the weirs were filled to the high water mark with hydraulic cement. Leakage due to design and construction is not occurring at this time.

3) What ever happened to the suggestion by Mike Peloquin to temporarily raise the Dam as an experiment at the August 2007 meeting in Orr? Our membership was highly interested in this avenue being pursued and that was reiterated at our Association's meeting on July 19.

See response to "#1" above. Any proposal to increase height of weir above the design elevation must

comply with MN Statute 103G.407 and MN Rules 6115, even a proposal that involves a temporary or experimental change. A temporary or experimental increase in water level will result in a loss of wild rice as well as a permanent increase.

4) How can we be certain that the old dam was at the authorized level, as suggested in the recent release? Based upon our members' experience and observations (which we acknowledge are not scientific in an "engineering" sense), it seems the dam was generally at a significantly higher runout level prior to reconstruction - not just for a few years, but for decades. Shouldn't that be factored into any of the analysis?

Yes. We re-reviewed the historic correspondence files and past surveys and found no evidence that the previous dam was at a significantly higher runout. Since we met on February 12, 2009, Jim Solstad, MNDNR Waters, compiled information from the Pelican Lake files; see "Appendix D: Excerpts from DNR Waters St. Paul file ..." and especially note the discussion in the last four paragraphs on page 26. In addition, Jim S. included the data from the three surveys that MNDNR Waters Division completed in 1989, 1998, and 2003 in "Appendix E: DNR Waters' surveys ...". While it may seem to some that the dam was at a significantly higher elevation prior to reconstruction, we have no data to document that condition. We base our work on the available data and the science behind a lake water budget and how water moves downstream. The "Hydrologic Evaluation of the Pelican Lake (69-841) Dam, February 10, 2009 with Appendices D, E, & F added February 23, 2009" is attached.

5) Following up on items 3 and 4, is there a regulatory or legislative mechanism to temporarily grant a "variance" - on an experimental basis in light of our members' experience and observations - to raise the runout level say 6" and then monitor conditions for a year or two? One of our members stated this has been done in recent years with at least one other dam. If the current proposed fix is going to utilize plates to achieve the corrective height, can those be made adjustable so that the County and/or DNR can easily make changes during an experimental period?

The negative impact of increased water levels on wild rice needs to be addressed in regulatory, legislative, or other mechanisms that are permanent, temporary, or experimental, as stated in the responses above. In recent years, portions of the dam, but not the entire dam, were raised at the outlet of Esquagamah Lake; and a portion of the dam, but not the entire dam, at the outlet of the Sturgeon 'chain of lakes', is proposed to be raised when lake levels allow. However, on both of those systems, there was no concern regarding negative impact to wild rice; wild rice vegetation was not involved in either of those two systems. As we have discussed, the proposed 'fix' is permanent and will not be capable of being easily adjusted. Even so, after the proposed fix is constructed, MNDNR and St. Louis County will continue to monitor the dam and, hopefully with the assistance of volunteer gage reader(s), lake levels.

We feel these issues are reasonable; in fact, many of these points were made by the DNR. Given the near term nature of the construction remedies, we wanted to pass along our concerns quickly and would like a response from you as soon as possible.

Once again, thank you for your assistance and we look forward to your reply.

Sincerely,
Dan Donovan, President, Pelican Lakeshore Owners Association