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February 22, 2010

BY U.S. MAIL

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Jyneen Thatcher
Washington Conservation District
1380 West Frontage Road, Hwy 36
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Mayor David Beaudet
City of Oak Park Heights
14168 Oak Park Boulevard No.
P.O. Box 2007
Oak Park Heights, MN 55082-2007

Amy Carolan
Middle St. Croix Watershed Management
Organization
1380 West Frontage Road, Highway 36
Stillwater, MN 55082

BY FAX AND U.S. MAIL

Mark Holsten, Commissioner
Minnesota Department of Natural Resources
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St. Paul, MN 55155-4040
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Molly Shodeen
Minnesota Department of Natural Resources
1200 Warner Road
St. Paul, MN 55106
Fax: (651) 772-7977

Re: **Sierra Club/ St. Croix River Crossing, DNR Permit No. 2110-0117**

Ladies and Gentlemen:

Enclosed and served on you please find Intervention by Sierra Club North Star Chapter Under the Minnesota Environmental Rights Act.

Best regards,

Elizabeth H. Schmiesing

SCHEM:malmt/fb.us.4887146.02
Enclosures

**STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES**

In the matter of the application of MnDOT)
for a permit under Minn. Stat. chapter)
103G to conduct load testing for the St.) **Intervention By Sierra Club North**
Croix River Crossing) **Star Chapter Under The Minnesota**
) **Environmental Rights Act**
)
_____)

Sierra Club intervenes in the proceeding initiated by the February 8, 2010, hearing request under Minn. Stat. § 103G.311, subd. 5, by the City of Oak Park Heights. This intervention is filed with the Department of Natural Resources (“DNR”) under Minn. Stat. § 116B.09. Sierra Club intends to present evidence and argument showing that the load testing project that is authorized by Permit No. 2110-0117, issued by the DNR to the Minnesota Department of Transportation (“MnDOT”) on January 22, 2010, will likely result in pollution, impairment, or destruction of the Lower St. Croix National Scenic Riverway and that there are feasible and prudent alternatives that would result in less environmental harm than the project as proposed.

The Sierra Club North Star Chapter, a chapter of the nation’s oldest grass-roots environmental organization, is dedicated to the protection of America’s natural resources and wildlife, including rivers and their associated shoreline and habitat. Sierra Club has more than 620,000 members nationwide, including more than 15,000 members in Minnesota. Sierra Club and its members are deeply concerned with our country’s water resources, including wild and scenic rivers. Sierra Club’s official Water Policy favors “[e]ffective wild, scenic, and recreational river protection programs.” Sierra Club

regularly submits comments to government agencies concerning proposed actions that would affect rivers and other water resources. Sierra Club also publishes a magazine and maintains a website for its members and the general public, and it regularly disseminates information concerning environmental issues, including government decisions that affect water resources. Sierra Club has long advocated for the protection of the Lower St. Croix River and has submitted numerous comments on proposals to construct a bridge over the Lower St. Croix. Sierra Club's members have both professional and avocational interests in our nation's wild and scenic rivers, including the Lower St. Croix. Members of the Sierra Club use and enjoy the portion of the Lower St. Croix National Scenic Riverway where the proposed project would occur and would be injured if the Riverway's scenic, recreational, wildlife, and habitat values are impaired or destroyed by MnDOT's project.

As a party to the administrative proceeding upon the filing of this verified pleading, Sierra Club requests that the Minnesota Department of Natural Resources provide Sierra Club with notice of any and all proceedings, meetings, hearings or other events in this matter.

Sierra Club North Star Chapter
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The Sierra Club North Star Chapter, by its representative, Elizabeth H.

Schmiesing, being sworn, states that the allegations of the pleading are true and correct.

Dated: February 22, 2010



Elizabeth H. Schmiesing, MN Bar # 229258

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90 South Seventh Street

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Subscribed and sworn to me this 22d day of February, 2010.



Notary

