



# CITY OF OAK PARK HEIGHTS

February 8, 2010  
14168 Oak Park Boulevard No. • P.O. Box 2007 • Oak Park Heights, MN 55082-2007 • Phone: 651/439-4439 • Fax: 651/439-0574

Ms. Molly Shodeen  
Area Hydrologist  
Minnesota DNR- DNR Central Waters  
1200 Warner Road  
St Paul, MN 55106

Re: Permit No.: 2010-0117, Structural Loading Testing, Lake St. Croix (82-1P)  
City of Oak Park Heights, Washington County

Dear Ms. Shodeen:

I have reviewed the Permit 2110-0117 and find many requirements to protect the Wild and Scenic St. Croix River lacking in the Permit.

Of note, one of the DNR requirements is to protect the fishing resources of Wild and Scenic St. Croix River. The Permit grants a waiver of this requirement with little rationale or explanation. Last year the Middle St. Croix WMO placed a diversion pipe from Perro Creek to the Protected St. Croix River. This work was done in the side of the river bank above the ordinary water level. The WMO's contractor was denied permission to place the pipe in the river bank until the St. Croix River had dropped to the ordinary level, thus requiring the contractor to pull off the job. We cannot understand the Department's inconsistency in positions on these matters as the Perro Creek project appeared far less intrusive to the fisheries issues than the current project under consideration.

The Minnesota Department of Natural Resources must provide to the City of Oak Park Heights the opportunity to provide comments to Permit 2110-0117 within the time frames of Minnesota Statute 15.99. The DNR permit was issued 12 days after the City of Oak Park Heights acknowledged that it had received a complete permit application. The City of Oak Park Heights's request to have their comments incorporated into the final permit by the Minnesota Department of Natural Resources was effectively denied.

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**DNR  
Waters**

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Based on the information requested, the public record and reasonable reading of the concerns brought up by the public record, I hereby certify the final action on the application directed to me as Mayor of the City and object to permit 2110-0117 dated January 22, 2010 and demand a hearing on the application pursuant to section Minnesota Statute 103G.311 Subdivision 5.

Sincerely,



David Beaudet  
Mayor City of Oak Park Heights

cc: DNR: Commissioner Mark Holsten  
Senator: Chaudhary  
Senator: Anderson  
Senator: Saltzman  
Representative: Eken  
Representative: Wagenius  
Representative: Bunn  
Washington Conservation District, Jyneen Thatcher  
MSCWMO: Amy Carolan  
USCOE Dan Seemon  
MNDOT Rich Lamb  
Sierra Club  
DNR Fisheries, Brad Johnson  
DNR Central Office Permits Unit, John Fax  
LMC: Craig Johnson