



Minnesota Department of Transportation

Metropolitan District Office
1500 West County Road B-2
Roseville, MN 55113

February 16, 2010

Mayor David Beaudet,
City of Oak Park Heights
14168 Oak Park Boulevard North
PO Box 2007
Oak Park Heights, MN 55082

RE: DNR Permit #2010-0117, St. Croix Load Test Project

Dear Mr. Beaudet:

We are in receipt of the City of Oak Park Heights (City) letter dated February 8, 2010. We understand the City is demanding a hearing regarding the Department of Natural Resources (DNR) Permit #2010-0117, issued to the Minnesota Department of Transportation (Mn/DOT) on January 22, 2010. Mn/DOT requests that the city withdraw its hearing demand and allow the \$3.7M Load Test project to move forward without needless delay.

Although we understand that the city's request for a contested case hearing is automatically granted under the DNR rules, the city has not raised any substantive environmental issues related to the permit application. We believe that Mn/DOT and/or the DNR have timely and responsively addressed all the city's comments and requests for information. A contested case hearing on the permit will needlessly delay the load test project for 4-6 months and force Mn/DOT to re-advertise the Load Test project.

During the development of the load test project Mn/DOT worked with permitting agencies and received approval/concurrence from the National Park Service, US Fish and Wildlife Service, Corps of Engineers, Wisconsin DNR and the Minnesota DNR. The Mn/DNR also submitted the application to the Middle St. Croix WMO and the Washington Conservation District for review and comment, neither submitted comments.

The city was provided with a copy of Mn/DOT's permit application by the DNR on November 24, 2009 and provided with 30 days to review and comment on the application. All city comments received had been discussed or addressed. We are unclear what specific concerns you have when you state "I have reviewed the Permit 2010-0117 and find many requirements to protect the Wild and Scenic St. Croix River lacking in the permit." We believe all issues related to the load test project have already been responsibly addressed in this permitting process.

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In developing the Load Test project, Mn/DOT identified and included specific measures to protect the environment and the St. Croix River. Among these measures is a written plan to be prepared and submitted by the contractor to Mn/DOT. Included in the plan are Best Management Practices for managing all expected chemicals and potential pollution generating activities, including but not limited to the following items:

1. Refueling Management Plan, both on shore and on barge;
2. Spill Response Management Plan, for all activities on shore and on barge;
3. Concrete Management Plan, that describes all operations for all scoped work to prevent discharge or loss of cementitious liquid and solid materials to the river;
4. Dewatering Management Plan - that describes measures for discharging visibly clean water at neutral pH;
5. Barge Decontamination and Clean Equipment Management Plan; and
6. Developing a daily Environmental Quality Assurance Program to ensure that chemical management is incorporated into the work.

The written plan by the contractor addressing the above items must be accepted by Mn/DOT (and approved by the DNR, per the issued permit) before any work can commence. The Load Test project has been developed to insure that all potential construction concerns have been addressed for protection of the St. Croix River.

Mn/DOT and our contractor (Bolander Construction, St. Paul, MN) are ready to responsibly move forward with meeting the permit requirements, constructing the project, conducting the load testing and restoring the site as prescribed in the contract documents and permits. Therefore, Mn/DOT requests that the city withdraw its hearing demand from the DNR and allow Mn/DOT's Load Test project and our contractor Bolander to move forward without delay.

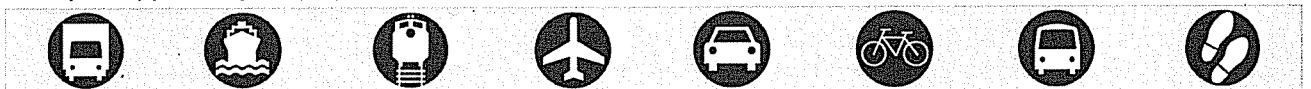
Please reply in writing to the DNR and Mn/DOT by February 24, 2010 so that we can continue with the contracting process.

Sincerely,



Adam Josephson
East Area Manager
Mn/DOT Metro District

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cc: Oak Park Heights

- Councilmember Les Abrahamson
- Councilmember Mary McComber
- Councilmember Mike Runk
- Councilmember Mark Swenson
- City Administrator Eric Johnson

MnDNR Commissioner Mark Holsten

Mn/DOT Commissioner Tom Sorel

Senator: Chaudhary

Senator: Anderson

Senator: Saltzman

Representative: Eken

Representative: Wagenius

Representative: Bunn

Wis/DNR Nick Schaff

Washington Conservation District, Jyneen Thatcher

MSCWMO: Amy Carolan

USCOE: Dan Seemon

Mn/DOT Rich Lamb

Sierra Club

DNR Fisheries, Brad Johnson

DNR Hydrologist, Molly Shodeen

DNR Central Office Permits Unit, John Fax

LMC: Craig Johnson

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