

The following E-mail was received by SaveHiawatha18 from DNR Assistant Commissioner Barb Naramore on September 6th, 2018 in response to questions posed to her by SaveHiawatha18 regarding the pumping issue at Lake Hiawatha. We asked her to clarify the DNR's stance on issues regarding the pumping of water from Hiawatha Golf Course due to statements made by the Minneapolis Parks and Recreation Board.

SaveHiawatha18's questions are in black and Commissioner Naramore's responses are in red.

-----Original Message-----

From: Naramore, Barb (DNR) (DNR) <barb.naramore@state.mn.us>

To: Charles Rodgers

Cc: Colvin, Steve E (DNR) (DNR) <steve.colvin@state.mn.us>; Lais, Dan R (DNR) (DNR) <dan.lais@state.mn.us>

Sent: Thu, Sep 6, 2018 12:56 am

Subject: RE: Questions from Save Hiawatha 18

Charles:

My apologies for not responding to your email more promptly. DNR conveyed the following key points to the MPRB in July. These points are germane to your questions and thus may be of interest:

1. DNR will not make any hypothetical permitting decisions. We can only properly evaluate a proposed appropriation when we have a complete permit application in front of us. We do not currently have an application from the MPRB.
2. We encourage MPRB to submit an application to amend its current permit to increase the allowable volume temporarily, so that we can bring MPRB into compliance with state water appropriation law while you determine a longer term plan for the area surrounding Lake Hiawatha.
3. Based on the information currently available, we have not seen evidence of an aquifer level sustainability issue with current pumping volumes. But we may need additional information to fully assess the implications of pumping on aquifer levels. In addition, we must consider many factors beyond pumping's implications for aquifer levels before making a permitting decision. Therefore, a statement that we have not yet seen evidence of an aquifer level sustainability issue with current pumping must not be taken as an indication that we would grant a permit for any particular volume.
4. DNR encourages the MPRB to go through its process of determining its preferred future for the area. Once that preferred plan is identified, we will then consider an application for any groundwater pumping needed to support that plan.

In addition, please see your email below for specific answers to your questions in red.

Barb

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Title: Minnesota Department of Natural Resources - Description: Minnesota Department of Natural Resources
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From: Charles Rodgers
Sent: Thursday, August 2, 2018 9:53 AM
To: Naramore, Barb (DNR) <barb.naramore@state.mn.us>
Subject: Questions from Save Hiawatha 18

Hello Barb,

Thank you for meeting with me. As requested here are the questions we would like you to answer. We appreciate your willingness to provide this information.

1. Does the DNR have a position regarding the volume of water pumped at Hiawatha Golf Course?
2. Beyond the current volume of water authorized under the MPRB's existing permit, DNR has not made any determinations regarding a permissible volume of water for the Hiawatha Golf Course.
3.
 - a. If not, there is inaccurate information being provided to the MPRB and general public that a position has been taken. We have been clear on this point (i.e., that we have not made any determination regarding a maximum permissible volume) with the MPRB and others, including golf course supporters, who have inquired about this question.
 - b. IF not, are you in the process of creating such a statement and if so, when will it be released? No, we are not in the process of developing a statement.
 - c. If there is such a statement, please attach a copy of it in your response.
1. Has the DNR recommended to the Minneapolis Park Board a reduced pumping scenario at Hiawatha?
2. DNR understands the MPRB is evaluating several possible pumping scenarios, including a reduction in the volume currently pumped. We have not recommended any specific scenario to the MPRB. We have encouraged the MPRB to do two things: 1) Apply for a limited term permit

to increase the volume on its current permit temporarily so it can come into compliance with state law while it conducts its planning process and 2) Complete a planning process to determine how it wishes to manage its land surrounding Lake Hiawatha and what level of groundwater pumping is needed long-term to support that proposed management regime. When that information is known, the MPRB can submit the necessary water appropriation permit application to DNR. Once we have received an application, we will evaluate it and determine whether the requested volume is permissible and what conditions may be needed to meet state standards.

3.

- a. If so, can you please attach the statement to your response?
- b. If not, can you please clarify the information provided to the MPRB? Provided above.

3. Will the DNR permit pumping at Hiawatha Golf Course at the current level? **We do not know. We have not received and evaluated an application for a permit at that volume and thus we cannot make that determination.**

4. Is the DNR concerned that the current level of pumping at Hiawatha Golf Course is environmentally or ecologically unsustainable?

5. **Based on the information currently available, DNR has not seen evidence of an aquifer level sustainability issue with current pumping volumes. However, we have not conducted a permitting analysis and may need additional information to fully assess the implications of pumping on aquifer levels. In addition, we must consider many factors beyond pumping's implications for aquifer levels before making a permitting decision. This includes water quality and biological impacts, as well as impacts to nearby surface waters. Therefore, a statement that we have not yet seen evidence of an aquifer level sustainability issue with current pumping must not be taken as an indication that we would grant a permit for any particular volume.**

6.

a. Does the current level of pumping at Hiawatha cause subsidence of the golf course property? **The DNR has not evaluated subsidence of the golf course property.**

4. What responsibility does DNR have to the homeowners that would be affected by changes in the golf course and/or pumping?

5. **We understand the future land use and groundwater pumping at Lake Hiawatha present challenging questions, on which there are many stakeholder perspectives, including those of nearby homeowners. DNR's responsibility in this instance is to regulate the MPRB's water appropriation and administer applicable state statutes and rules pertaining to this water use. It should be noted that the MPRB's current water appropriation permit is for irrigation of the Hiawatha Golf Course, not the protection of adjacent homes. This is not to say that the MPRB's pumping does not benefit nearby homeowners, but simply to clarify that this is not the intended purpose under the permit.**

a. It's been said that if changes are initiated, they cannot guarantee surrounding homes will stay dry. What is your position on this? **DNR certainly anticipates that the MPRB will thoroughly**

evaluate and consider the implications for nearby property owners as it develops its management plan, including the potential impacts of any change in groundwater pumping.

6. False and inaccurate information was provided by a DNR staff member at a previous meeting regarding the position of the DNR on the volume of water pumped at Hiawatha Golf Course.

7. On several occasions, DNR has addressed misunderstandings regarding informal, preliminary information provided by DNR staff early in the MPRB's discussions about the future of the golf course. Our clarifications include a July 2017 email from Water Regulations Unit Supervisor Tom Hovey and multiple conversations with elected officials, the MPRB, and stakeholders. On June 26, 2018, DNR leadership met with representatives of the MPRB to revisit these clarifications. To summarize, early staff conversations did include discussion about water conservation and possible reductions in water use. Such discussions are not uncommon with applicants, but do not represent regulatory determinations. DNR's authority through water appropriations permitting is limited to factors germane to the sustainability of the proposed water use. In addition to aquifer levels, these factors include considerations such as water quality and impacts to surface waters and biological resources. Issues without a direct nexus to water sustainability, such as site safety and energy costs, are not within our purview under water appropriations regulation.

8.

a. This information has done significant damage. We ask the DNR to make a public retraction of the information. When will this be done? Please see above. Any initial statements made by DNR staff were made in the spirit of good faith while attempting to understand and discuss a complex and unique pumping situation associated with the Hiawatha Golf Course. We have taken the appropriate steps to clarify our position on multiple occasions and plan no further action at this point.

b. What will you do to control the volume of inaccurate and damaging information that is being provided by MPRB staff and other officials? We recognize that contested decisions such as the future of the Hiawatha Golf Course present challenges around information sharing and interpretation. People of good will often hear and apply information selectively. We have clearly stated our role in this ongoing matter on multiple occasions with multiple parties. However, DNR has statewide responsibility for regulating water appropriations. We are not in a position to monitor, much less seek to manage other parties' participation in discussions regarding individual permitting matters in the way that you suggest.

c. What is our recourse when we hear this inaccurate information given? We suggest you continue to work cooperatively with local officials and the MPRB to address your concerns regarding the accuracy of information being provided.

Let me know if you need any clarification. Thanks again,

Charles

