



May 9, 2022

Dear Chair Ingebrigtsen, Chair Hansen and Members of the Conference Committee of SF 4062,

Please support the language related to White Bear Lake water appropriations found in Article 2 of the Senate bill. While you may have heard recently that Judge Marrinan clarified her order did not include a 55 gallon per person limit, it is important to let you know the legislation introduced by Sen. Housley was drafted months before the DNR's February announcement. The legislation was drafted because the court order IS already limiting water appropriations to growing communities like Lake Elmo. Ten communities in the east metro had their permits amended because of the court order including Lake Elmo, Stillwater, Oakdale, North St. Paul, Mahtomedi, Vadnais Heights, White Bear Lake, White Bear Township, Hugo and Lino Lakes. In May of 2021, Lake Elmo asked to have their water appropriations increased. Citing the Ramsey District Court ruling, the DNR denied the much needed requested increase.

The most crucial section of the legislation would require the DNR to approve a permit amendment to allow a new well or increased appropriation submitted by a municipality within 5 miles of White Bear Lake provided that request was consistent with a DNR approved water supply plan adopted prior to 2021. The legislation does not have statewide impact but is vital to growing communities in the east metro. This provision would sunset on January 1, 2041. That date was not chosen arbitrarily. It coincides with the community planning state law requires municipalities to do when developing and adopting their Comprehensive Plans. Lake Elmo, like many other metro communities began working on their 2040 Comprehensive Plans in 2018 while the district court order was being challenged. In fact, in early 2019 the Court of Appeals overturned the district order. Lake Elmo submitted a water supply plan to the DNR as required with the update of a comprehensive plan, it was approved, and after numerous community meetings, review by our adjacent jurisdictions, and input and approval from our state agency partners including the Met Council and DNR, Lake Elmo's 2040 Comprehensive Plan was approved in November 2019. It was not until nine months later in July 2020 that the Supreme Court upheld the district court ruling. Cities are unable to change their water supply plan with a flip of a switch, which is why it is wise look ahead 20 years and plan for appropriate public infrastructure to serve the planned community growth. We are asking to let us continue with the approved plans until an alternative is identified, designed, funded, built and operational. In the best-case scenario, surface water is at least a decade away from reaching Lake Elmo. If not this language, then how are we able to provide for new homes and businesses?

Another key piece of the legislation would create a work group comprised of the DNR, Met Council, MN Dept. of Health and representatives of the east metro communities to explore options for providing safe drinking water in these communities while allowing for growth and ensuring the sustainability and quality of the State's water resources. We have seen this model work well in east metro communities when it came to developing a regional plan for addressing PFAS. All of the stakeholders need to be allowed a seat at the table to discuss options and work toward a collective goal in order to have any solution be successful.

Thank you for your time in considering this request. While Lake Elmo is the first to be negatively impacted by the court ruling, we certainly will not be the last as there are a number of growing communities within 5 miles of White Bear Lake. The City of Lake Elmo would appreciate the opportunity to continue to provide much needed housing in the metro area and grow the businesses and services needed by those households.

Sincerely,

Charles Cadenhead

Charles Cadenhead
Mayor, Lake Elmo

cc: Sen. Karin Housley
Sen. Jeremy Miller
Rep. Shelley Christensen
Rep. Ryan Winkler
Rep. Melissa Hortman