DEPARTMENT: NATURAL RESOURCES STATE OF MINNESOTA Office Memorandum

DATE: February 25, 2009

TO: file

FROM: Amy J. Loiselle, Eveleth Area Hydrologist, 218-744-7450

SUBJECT: Summary of PLOA and DNR meeting February 12, 2009, PELICAN LAKE #69-

0841P, DAM, ST. LOUIS COUNTY.

Attendees: Dan Donovan, President, Pelican Lakeshore Owners Association (PLOA), Grover Gillespie (N. Country Inn), John Matthews (Island View Resort), Len Zabrocki, and Ray Ingebretsen (Aspen Resort and President, Pelican Lake Resort Assoc.), all members of board of directors of PLOA; Frank Swendsen, Penny Backman, MN DNR Wildlife, and Jim Solstad, Mike Peloquin, and Amy Loiselle, DNR Waters. At Iron Range OHV Recreation Area training room about 9:45am to 1pm.

The following is a rough list of topics.

- DNR Fish. & Wildlife & Waters roles and background about the dam.
- Jim Solstad reviewed "Hydrologic Evaluation of the Pelican Lake (69-841) Dam" report. Precipitation data, both annual and summer (June-August).
- Discussed flooding related to raising runout (RO) elevation and damages to property, flowage easements, etc.
- Why is center weir lower than the outer two weirs in 'new' dam? Two-thirds of this dam, (i.e., design elevation of outer 2 weirs), are 1287.4-ft, which is 0.1-ft above authorized RO; and design elevation of the center weir is 1287.3-ft., which is equal to RO; authorized RO is 1287.3-ft.
- MN Statute 103G.407. Water Level Controls for Public Waters with an Outlet. See copy below.
- Modeling: HEC-RAS and WAT-BUD.
- Evaporation is primary driver of this system.
- CONCERN: Water level experience of landowners is different than the data.

For example, Len Z. said that on Aug. 2, 2007 he noted that there was water flowing over the dam and then went and measured top of a specific rock (near his home) to be above water about 12 to 18-inches, and that previous to the new dam, this rock was never exposed. If water was flowing out of the dam, the lake level had to be above 1287.2-ft (NGVD-1929). Len Z. is saying that lake level was much lower than that because he had never seen this rock exposed prior to construction of the new dam.

Jim Solstad will summarize benchmark information and provide to group.

- Penny Backman, MN DNR Wildlife, provided general background information about wild rice and specific to Pelican Lake. Grover G. noted that wild rice was did not occur for a while and asked what year(s) did it return. 1.2 inches of water level rise can impact wild rice, therefore, options to raise RO could likely be inconsistent with MN Rules.

-Integrity of the dam. PLOA indicate that the dam is still leaking.

NEXT STEPS:

- 1. Benchmarks, Jim Solstad will verify. DNR will distribute this information to PLOA and others.
- 2. DNR and SLC develop will design and set up work plan to remove existing opening in center weir and to install modification that will provide alternative fish passage route.

Will this action permanently eliminate surface flow over the dam during dry conditions and thus eliminate flow downstream when levels are below the top of the weir/ dam?

- 3. During winter-spring 2009 SLC to inspect and repair any leaks in dam; DNR can assist in stream flow measurements, if needed. SLC will continue to maintain this dam with assistance from DNR as needed.
- 4. DNR and SLC will design and set up work plan to raise elevation of the weir to the design elevation, i.e., authorized height, 1287.3-feet (NGVD-1929). DNR and SLC want to complete construction in early spring/summer 2009.
- 5. Any proposal to increase height of weir above the design elevation must comply with MN Statute 103G.407 and MN Rules 6115. DNR and PLOA agreed to continue discussions on levels of the lake and outlet.
- 6. DNR will continue to communicate with PLOA and other affected interests via notices, news releases, and public meetings as needed.

NOTE. Here is link to MN Statute 103G.407: https://www.revisor.leg.state.mn.us/statutes/?id=103G.407
The general web site to obtain any state statute or rule is: https://www.revisor.leg.state.mn.us/pubs/
MN Statute 103G.407 is copied below.

103G.407 WATER LEVEL CONTROLS FOR PUBLIC WATERS WITH AN OUTLET.

- (a) The commissioner, upon due consideration of recommendations and objections as provided in paragraph (c), may issue a public waters work permit to establish a control elevation for a public water with an outlet that is different than any previously existing or established control level when:
 - (1) all of the property abutting the ordinary high-water mark of the public water is in public ownership or the public entity has obtained permanent flowage easements; and
 - (2) the commissioner finds that the proposed change in the control level is in the public interest and causes minimal adverse environmental impact.
- (b) In addition to the requirements in section 103G.301, subdivision 6, if the proposed control elevation differs from any historical control level, the permit applicant shall serve a copy of the application on each county and municipality within which any portion of the lake is located and on the lake improvement district, if one exists.
- (c) A county, municipality, watershed district, watershed management organization, or lake improvement district required to be served under paragraph (b) or section 103G.301, subdivision 6, may file a written recommendation for the issuance of the permit or an objection to the issuance of the permit with the commissioner within 30 days after receiving a copy of the application.