DNR, homeowners settle suit over White Bear Lake water levels

Docks extend into White Bear Lake, where water levels have steadily decreased over the last decade, in White Bear Lake, Minn. September, 2011. Jeffrey Thompson / MPR News 2011

The Minnesota Department of Natural Resources has agreed to support efforts to restore water levels in White Bear Lake to settle a lawsuit, attorneys for a group of homeowners announced Monday.

The two-year-old lawsuit from the White Bear Lake Restoration Association and White Bear Lake Homeowners Association claimed the DNR allowed nearby cities to pump too much groundwater from the aquifer connected to the lake.

As part of the settlement, the DNR will support legislative proposals to fund the feasibility, design and construction of a system connecting six nearby cities to surface water to relieve pressure on the Prairie du Chien-Jordan Aquifer. The lawsuit will not be dismissed until such a system is in place, attorneys said in a statement.

"This settlement is the first step in restoring White Bear Lake's invaluable ecosystem and its natural, recreational, scenic and aesthetic value," attorney Michael Ciresi, whose firm represented the plaintiffs, said in the statement.

DNR Assistant Commissioner Barb Naramore said the settlement will help advance "long-term water sustainability" in the north and east metro suburbs, but she said agency officials continue to disagree with the plaintiffs on what led to the lake's decline.

"DNR does not share the plaintiff's theory of the case," Naramore said in a written statement. "We believe there are other causes for the low lake levels in recent years, and would note that those levels are within the historic range of variation recorded at White Bear Lake."
The agreement would still need to be approved by Ramsey County Judge Margaret Marrinan. If approved, the case would be stayed for 36 months while several conditions are being met, said Katie Crosby Lehmann, an attorney for the plaintiffs.

"This is really just the beginning of our effort," she said in an interview. "We're hopeful the state will invest in water and supplying a sustainable water source."

Under the agreement, the cities of Vadnais Heights, White Bear Lake, White Bear Township, Mahtomedi, Shoreview and North St. Paul would be connected to St. Paul's water system, which draws its water from the Mississippi River through a chain of lakes. According to a Metropolitan Council study, that project would cost an estimated $155 million.

If the Legislature funds a feasibility and design study by August 2016 and funds construction of the project by August 2017, the lawsuit would go away, Lehmann said.