

**Notes about the below 4/18/2008 DNR e-mail indicating willingness by DNR to malign citizen(s) based on completely false assumptions.**

(1) The e-mail below is directly related to the 1/7/08 correspondence (also posted on this website) regarding state concerns with a highway bridge upstream of dam and how it would be adversely affected by dam removal.

(2) This e-mail and others imply my concern in this issue is because I am a riverfront homeowner directly affected by a proposed dam removal. Leaving aside what this says about viewing affected citizens with suspicion, I note that we paid *less* for our current home than the lower quality home we sold when moving here from out of state. We paid no premium for our current home; in fact without a reservoir legal opinion indicates our legal landholdings have dramatically increased (albeit riverbottom land).

(3) The DNR e-mail insinuates I have successfully engaged other MnDOT staff in different cities in a conspiracy to engage in very unethical conduct to leave my property unaffected. This certainly did not happen anymore than President Bush masterminded 9/11.

(4) The DOT expressing concerns about dramatic changes in the river environment affecting the stability of a key bridge in Windom is perceived by the DNR as a "threat". Calculations show significant scour would occur under this bridge during floods. Ignoring this concern would be reckless and a potential threat to public safety.

(5) Other DNR correspondence notes that MnDOT did not express similar concerns about the Jackson Dam removal project. The DNR erroneously concluded therefore that the Windom Dam concerns expressed in the 1/7/08 letter must therefore be of very dubious legitimacy. I note the following:

(a) At the time the 1/7/08 letter was written I had no knowledge of the Jackson Dam removal project. When I did learn of it, the information was in the context of learning a rock dam replacement was the likely project and a reservoir water level would be maintained within a foot of the pre-existing reservoir level.

(b) I had knowledge that the state highway bridge upstream of the Jackson Dam was programmed for replacement in the next few years. The Windom bridge is relatively young and has no such plans for replacement.

(c) I recently confirmed (in light of the imminent Jackson dam removal) that the current Jackson bridge is not threatened by a dam-out condition and would remain stable.

(6) The DNR's position is that it is the fault of others if anything was not designed in the context of a faster flowing naturally meandering river instead of a relatively stable reservoir. This logic means they can through their direct or indirect actions impose any increased risk anywhere and it would be up to others to recognize the risks and bear the financial consequences. This opinion was also implied in 11/18/2008 DNR correspondence posted on this website. This is the opposite of what the DNR expects of others and shows a peculiar contempt for property rights, be they private or public. Using the DNR logic, people of limited means who start seeing their long stable shorelines erode because of the DNR actions would be at the complete mercy of the state.

**From:** Dave Leuthe  
**To:** Kresko, Tom  
**Date:** 4/18/2008 8:13 AM  
**Subject:** Re: Another Windom letter - bridge concern

What is the status of DOT challenging the City about needing to protect their bridge piers? I am prepared to call the District 7 Engineer in Mankato unless DOT backs off. Kent and Matuska have given me the green light to engage [REDACTED].

Let me know if Williams and [REDACTED] continue to use DOT as a threat to what the City does.

>>> Tom Kresko 4/1/2008 4:29 PM >>>  
Thank you.

>>> Dave Leuthe 4/1/2008 4:00 PM >>>  
It is interesting how DOT has chosen to engage in this issue here but not in other locations. If DOT has concerns about any project in the river, we have a permit process that they can comment on. We will require the City to apply for a permit for dam modifications and if DOT desires to provide us input during that review, we can consider its validity.

I don't think they have considered the implications of their taking this type of position on another government's project when their own bridge and culvert projects alter channel stability and bank erosion problems in so many cases already. If we start requiring DOT to address these very issues they are raising for this project on every project they do, I think they might see things differently. I believe they have an obligation to design their bridges to address pier scour (which could occur in any location) and it is not the responsibility of others if they have not properly designed their bridges.

Further, I would assume that the Hwy 62 bridge has had significant sedimentation around it since the bridge was constructed based on the sediment load being delivered by the Des Moines River. Should the dam be lowered, which may not actually happen, I would question the notion that the channel would be scouring anything more than depositional materials.

Mr. Williams and DOT seem to have large fears of channel movement and scour. The basis for their speculations are very unclear. Pier and channel bank erosion protection permits could be easily applied for and likely granted if any channel migration begins to become an unforeseen threat to any of their structures. DOT needs to maintain their bridges regardless the change being caused under current conditions or if the dam is removed returning the river to its natural conditions.

All these arguments only make sense if you do not want the reservoir to be affected in front of a particular property. There is pre-emptive time to solve any concern that DOT (Mr. Williams) raises from a bridge safety standpoint or channel bank stability

standpoint.

>>> Jason Boyle 3/31/2008 3:57 PM >>>

FYI - This letter was copied to Commissioner Holsten.

Jason