

Island Park Dam Group
c/o Robert Williams
805 Des Moines Drive
Windom MN 56101

December 7, 2009

State Senator Jim Vickerman
2252 221st Street
Tracy MN 56175

State Representative Rod Hamilton
1717 Second Ave.,
Mt. Lake MN 56159

RE: Windom Island Park Dam

Dear Sirs:

We are writing this letter as concerned citizens of Windom. As you may be aware, there is an ongoing situation with the Windom Dam for several years now. A major reason for the lack of maintenance or repairs to the existing structure is the continuing intransigence of the DNR in pretending the dam has "already been removed" in their words and forcing the city to take steps associated with new dam construction. A licensed engineer has previously determined the existing dam is sound, in a report paid for with public funds.

We have posted some of the documentation obtained under the state version of the Freedom of Information Act (FOIA) that documents DNR staff willingness to ignore the negative consequences of dam removal, subvert legislative intent, and attack stakeholders who take issue with their preconceived agendas. I refer you to the "CORRESPONDENCE" section at www.windomdam.com for further background on these concerns as well as our longer-term efforts to achieve action on this subject. A paper from the University of North Dakota "Low Head Dams Help to Minimize Erosion" is also posted on this website – experience from the Red River Valley should certainly count for something in Windom's urban river environment.

Most disturbing is the DNR's attitude that any damage public and private property may suffer due to a flooding, scouring, meandering river (as opposed to the more stable reservoir environment Windom has enjoyed for about a century) would be because of defective construction. The DNR's attitude is that any property owner who suffers damage during a flood may then apply to the DNR which may or may not grant a permit to try and take steps to mitigate the damage during a flood. Besides being physically impossible in some cases, this contempt for the property rights of others that are the most affected by their actions speaks for itself. In any other circumstance, the party forcing a major change to the environment is liable for the consequences and is required to provide mitigation. The DNR is apparently willing to impose this burden even on unsuspecting homeowners as they are now doing to some extent.

As part of an engineering study, a poll paid for with public funds revealed almost 2/3 of Windom residents would prefer to maintain a reservoir environment. If it wasn't for some last minute "biased voting", this percentage would have closer to 80% to maintain a reservoir.

We ask that you compel the DNR to stop making up policies apparently not based on law and rules, specifically making the city go through an application process associated with new dam construction. The DNR has also indicated they would only fund dam removal with "dam safety" funds. The DNR should stop using public funding provided by the legislature in a coercive manner to achieve their pre-determined objectives. We ask that the DNR stop marginalizing and attacking the stakeholders most affected by their actions, who may have different opinions about appropriate outcomes. FOIA documents demonstrate this is the strategy of DNR staff. To the extent that evidence shows they are trying to "marginalize" about 3/4 of Windom residents they will never succeed in this effort.

Sincerely,

/s/ John Galle, Jack Kelly, Bob Williams