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DNR Petitioned in District Court to Explain Damages to Public Water Wetland and Agricultural Land

St Paul, Ramsey County October 10, 2014

PERM (Proper Economic Resource Management), and eight other individuals and businesses who own or rent land directly below Curran Lake in Sibley County, filed a petition yesterday for a writ of mandamus in Ramsey County district court against the Minnesota Department of Natural Resources.

The Petition is a result of this year's 2014 spring-time flooding that caused damage to valuable agricultural land after the collapse of a flood-control culvert that was under the DNR's control and responsibility to maintain. The Petitioners had repeatedly warned the DNR since 2011 of the poor condition of the culvert but were ignored.

Curran Lake is over 500 acres of public waters that had been a favorite waterfowl hunting lake with significant wildlife and waterfowl habitat until recent years due to adverse actions by the DNR as alleged in the Petition.

The Petition reveals the systematic illegalities of the DNR since the Department's ownership of the culvert since 1975. The petition alleges the DNR violated Minnesota environmental protection laws and statutes and Minnesota's Constitution under the Hunting and Fishing Heritage preservation amendment. In 1995, the DNR excavated Curran Lake's shoreline causing it to drain well below the lakes historic levels and destroying wildlife and waterfowl habitat. The same DNR's actions ultimately caused the Petitioners' damages to valuable agricultural land. Ironically, it also reflects the causation of the agency's failure to adhere to environmental and wildlife habitat protections and resultant economic harm to productive agricultural lands.

The writ of mandamus, which the Petitioners seek, demands the DNR to explain the alleged illegalities, why it should not commence eminent domain proceedings to compensate the Petitioners for damages, and why the DNR should not be required to bring Curran Lake and the surrounding landscape back to its pre-1975 conditions. If those historical conditions existed in 2014, and the DNR had maintained the culvert as it was required to do so, the Petitioners assert that their damages would not have occurred.

Proper Economic Resource Management (PERM) is a non-partisan watchdog group helping ensure equal protection of the law for all citizens' sustainable access to Minnesota's natural resource.

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