

Overview of Mississippi River Corridor Critical Area Program and Upcoming Rulemaking

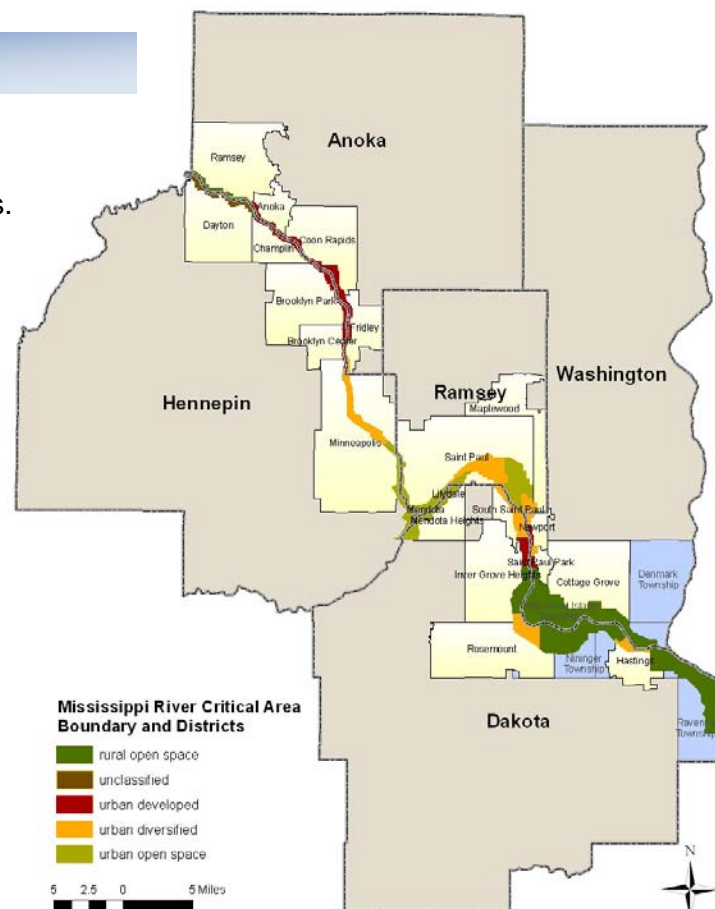
History of the Mississippi River Corridor Critical Area

- 1973** Minnesota passes Critical Areas Act of 1973 (MN Statutes, Chapter 116G)
EQB adopts rules to implement Act (MN Rules, parts 4410.8100 – 4410.9910)
- 1976** Mississippi River and adjacent corridor designated a state critical area by Governor Wendell Anderson (Executive Order No. 130)
- 1979** Designation continued by Governor Albert Quie (Executive Order 79-19)
Metropolitan Council acts to make designation permanent (Resolution 79-48)
- 1988** Mississippi National River and Recreational Area (MNRRA) established by Congress as unit of NPS (MNRRA shares same boundary as Mississippi River Corridor Critical Area)
- 1991** MNRRA designated a state critical area per Critical Areas Act (MN Statutes, section 116G.15)
- 1995** Responsibility shifts from EQB to DNR by Governor Arne Carlson (Reorganization Order 170)
- 2007** Legislature directs DNR to prepare report on the Mississippi River Corridor Critical Area (Completed January 2008)
- 2009** Legislature amends MN Statutes, section 116G.15 and directs DNR to conduct rulemaking for the Mississippi River Corridor Critical Area (MN Laws 2009, Chapter 172, Article 2, Section 5.e.)

Current Status

- 30 communities along corridor (21 cities, 5 counties, 4 townships) + several quasi-governmental entities. Most have adopted critical area plans and ordinances.
- EO 79-19 establishes four land use districts:
 - Rural Open Space
 - Urban Open Space
 - Urban Developed
 - Urban Diversified
- EO 79-19 establishes performance standards and guidelines for each land use district.
- Local government units (LGUs) administer and enforce a variety of regulations to meet the performance standards, which has led to general concern regarding consistency and sufficiency to protect key resources and features.
- Critical area is cooperatively managed:

DNR Role: Adopts rules; reviews/approves plans, ordinances and amendments thereto; and reviews development proposals requiring a hearing for consistency with EO 79-19.



NPS Role: Has provided funding assistance to local, regional, and state agencies; encourages LGUs to meet critical area standards and incorporate voluntary MNRRA policies into plans; and provides stewardship, education, interpretation, and historical and cultural resource protection.

Met Council Role: Reviews plans for consistency with regional policies, EO 79-19, and MNRRA policies and submit recommendation to DNR; and provides technical assistance to LGUs adopting or amending plans.

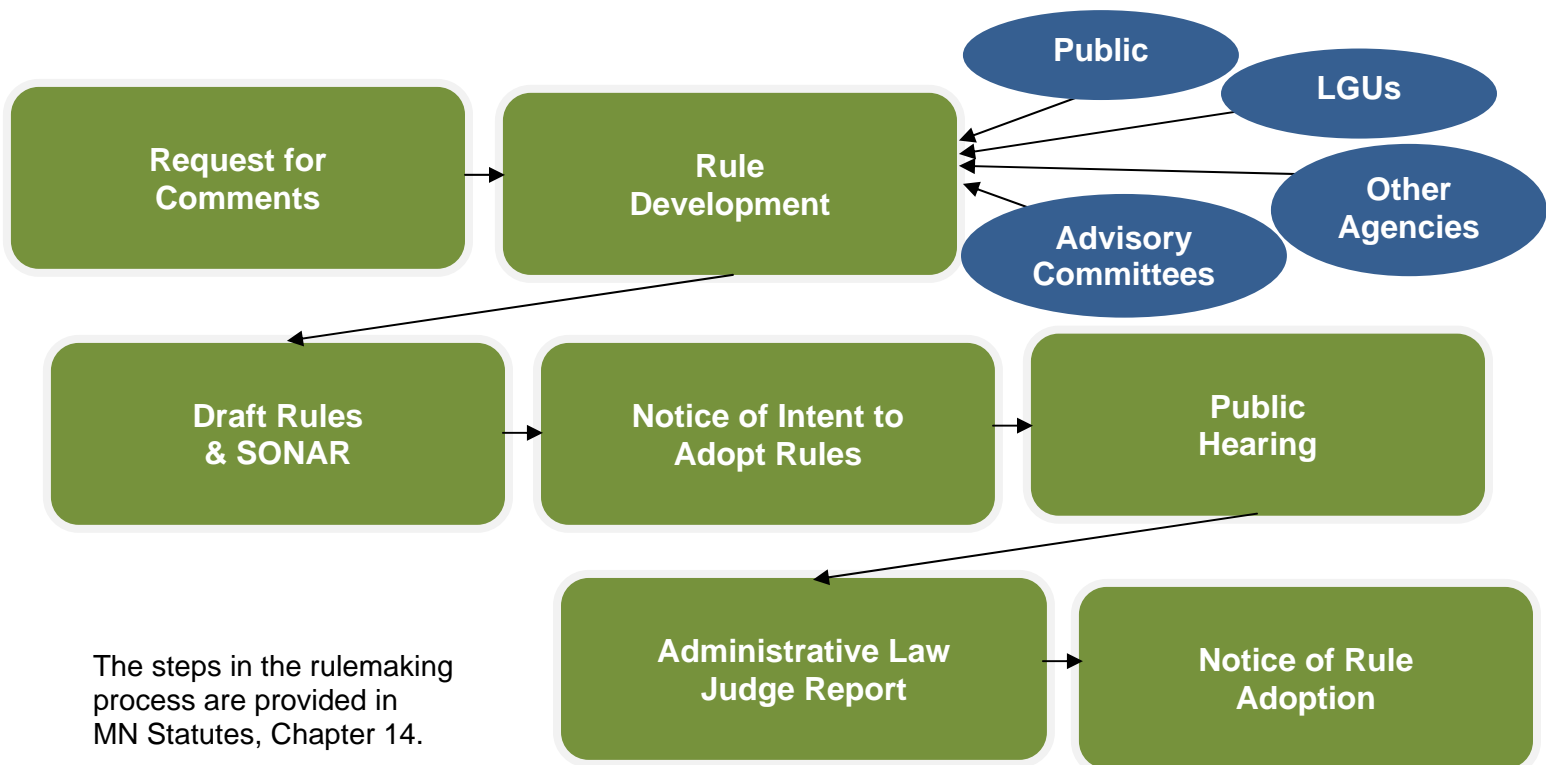
LGU Roles: Adopt approved plans and ordinances, and administer and enforce them in accordance with EO 79-19.

Key Points of 2009 Legislation

The legislation authorizes the DNR to adopt rules and requires the DNR to:

- establish, by rule, districts within the Mississippi River Corridor Critical Area. The DNR must:
 - determine appropriate number of districts within each municipality,
 - take into account municipal plans and policies, and existing ordinances and conditions, and
 - consider protection of key, identified resources and features.
- establish, by rule, minimum guidelines and standards for the districts to protect key resources and features and use them when approving plans and regulations and reviewing development permit applications. (LGUs are also required to use them when preparing plans and regulations.)
- create a preliminary bluff map at the outset of the rulemaking process, refine it as part of the process, and adopt a final bluff map at the end of the rulemaking process.
- begin rulemaking by January 15, 2010 and notify LGUs of rulemaking 30 days prior to beginning.

General Overview of Rulemaking Process



The DNR will involve the public, LGUs, and other agencies and stakeholders in the rulemaking process. For more information, visit the project website: http://mndnr.gov/waters/watermgmt_section/critical_area/rulemaking.html