



Rule Making Nears Important Milepost

Draft rules and SONAR up next

MRCCA rulemaking project activities in 2010 have aimed at fulfilling [MN Statutes, Chapter 116G.15](#), which directs the MN DNR to adopt rules for the administration of the MRCCA, including the establishment of districts and minimum guidelines and standards for the districts. The DNR has been working to complete the draft rule in accordance with the rulemaking timeframes provided in the Administrative Planning Act, MN Statutes, Chapter 14. Toward this end, the MRCCA work groups finished their fourth and final work group meeting series in early December. DNR project staff Jeff Berg and Jenny Shillcox led the four geographically-based meetings with recording assistance provided by Rebecca Wooden and Craig Wills. A total of 50 work group members attended the meetings.



Jeff Berg & Jenny Shillcox facilitate a work group in the Southeast

Work group members were asked to provide input on preliminary draft administrative provisions to ensure that the draft rule implementation is workable and effective, and addresses a broad array of issues and concerns across the corridor.

The information and expertise provided by work groups, as well as the public interested generated by their involvement, has been invaluable to the DNR as it works to complete draft rules to move forward through the formal rulemaking process. At the conclusion of the fourth and final work group meetings, the DNR presented work group members with certificates of appreciation for the hard work, time, effort, and expertise they provided over the last year. A summary report of the final meeting is available on the project website.

Looking Back – Process Highlights

In an effort to develop comprehensive draft rules, the DNR sought input from a variety of stakeholders early on in the process. At the outset of rulemaking in 2009, the DNR established a project website, notified all 30 local government units (LGUs) with jurisdiction in the MRCCA of the rulemaking and asked for their assistance in notifying residents and identifying stakeholders, and published the Request for Comments. In January and February of 2010, project staff visited with staff and officials from each LGU to learn from their experience in administering MRCCA plans and regulations for the past 30 years. During this time, the DNR accepted nominations for work groups to advise the rulemaking process. In March 2010, the DNR convened four geographically-focused work groups to provide input during rule development based on a wide array of interests and perspectives.

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New Information on Web Site

"[The MRCCA]...With Coordinated Planning would achieve development as a multi-purpose resource, resolve the conflicts of use of land and water, preserve and enhance its natural, aesthetic, cultural and historical value for the public use, and protect its environmentally sensitive areas..."

*Gov. Albert H. Quie
Executive Order 79-19*

The DNR convened four work group meetings from March through late November/early December 2010. Meetings focused on issue and resource identification along each stretch of the corridor, as well as getting feedback on preliminary draft districts, standards, and administrative provisions. Additional highlights on the districts, standards, and administrative provisions are provided below.

While the DNR was meeting with work group members, it also met and corresponded with other state, federal, and regional agencies to gain input on the draft rules; met with numerous LGUs and interest groups at their request; and hosted two public open houses as awareness of and interest in the rulemaking grew.

Districts

The legislature authorized the DNR to adopt rules and requires the DNR to establish, by rule, districts within the Mississippi River Corridor Critical Area. In response to the legislative directive, the DNR has developed draft districts that:

- establishes appropriate number of districts within each municipality,
- takes into account municipal plans and policies, and existing ordinances and conditions, and
- considers protection of key, identified resources and features.

The proposed districts and maps of their boundaries were first presented to work groups in June. They were revised in August and again in October based on input from work groups, LGUs, agencies, and the public. The most recent version of draft districts is available on the project web site.

Draft Standards

The legislature also authorized DNR to establish, by rule, minimum guidelines and standards for the districts to protect key resources and features to be used when approving plans and regulations and reviewing development permit applications. LGUs are also required to incorporate standards into their MRCCA plans and regulations. The DNR first presented preliminary draft standards to work groups in August (along with revised draft districts). Based on feedback from the work groups, the DNR prepared comparisons of the preliminary draft standards and standards currently in Executive Order 79-19, and revised the preliminary draft standards. The revised draft standards (and the latest revisions to draft districts) were presented to work groups in November

and December. The most recent version of the draft standards is also found on the project web site.

Administrative Guidelines

The focus of the final round of work group meetings described above was the preliminary draft administrative provisions that will guide the implementation and administration of the MRCCA rules. DNR project staff provided work group members with an overview of the following provisions:

- Purpose & Scope
- Adoption Schedule
- Duties
- Preparation, Review, Approval, and Adoption of Local Plans & Controls
- Site Plans
- Variances, CUPs & IUPs
- Nonconformities
- Mitigation
- Definitions

Work group members provided feedback on the provisions, suggesting changes and noting inconsistencies, lack of clarity, or potential problems. A complete description of the administrative provisions and summary of all work group meetings are found on the project web site.

Looking Ahead – Next Steps

Draft Rule

DNR project staff continues to receive and consider comments on the draft districts, standards, and administrative provisions, and is working to complete a draft rule.

Statement Of Need and Reasonableness - SONAR

The rulemaking processes requires an evaluation of the need for the rules as well as documentation of the reasonableness of the draft rules. This is presently being developed by project staff, and will be part of the draft rule package.

Formal Rulemaking

Upon completion, the MRCCA draft rule and SONAR will be submitted to the Office of Administrative Hearings (OAH), followed by publication of a Notice of Intent/Notice of Hearing to initiate the formal rulemaking and public hearing process. Advice received from work groups, LGUs, agencies, and the public to date

have helped to inform the draft rule, however, are not a part of the public record. Anyone may submit official comments to the Administrative Law Judge (ALJ) during the public hearing process. Under MN Statutes, Chapter 14, the ALJ will set the public hearing schedule and determine when comments are officially "on the record".

Below is the general overview for the MRCCA rulemaking process as provided to work groups at the outset of the rulemaking process. The draft rule and SONAR are currently being developed.

New Information On Web Site

Those who have not accessed the project web site lately will find a great deal more information, including: rulemaking background, FAQs, revised draft districts and standards, and preliminary draft administrative provisions.

Find this and more information on the MRCCA rulemaking project web site:
http://www.dnr.state.mn.us/waters/watermgmt_section/critical_area/rulemaking.html

Questions? Contact:
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