

Minnesota Department of Natural Resources

Division of Waters

REQUEST FOR COMMENTS

Possible Amendment to Rules Governing Shoreland Management, *Minnesota Rules*, parts 6120.2500 to 6120.3900, 6105.0010 to 6105.0250 and 6105.0600 to 6105.1700

Subject of Rules. The Minnesota Department of Natural Resources (DNR) requests comments on expanding the scope of possible shoreland rule revisions to include incorporation of the rules governing state-designated wild, scenic, and recreational rivers.

The DNR published a Request for Comments on possible amendments to the shoreland rules on January 22, 2008. Over the past year, the DNR has engaged in an extensive public participation process involving a number of advisory committees representing state and local governmental agencies, interested stakeholder groups, and others across Minnesota to consider revising the shoreland rules to address emerging shoreland issues and changes in development patterns. For more information on the Shoreland Rules Update Project, visit the web link provided below under "Rules Draft".

Since the initial Request for Comments was published, the DNR has decided to consider incorporating the rules governing Minnesota's wild, scenic, and recreational rivers into the shoreland rules. This would entail moving and renumbering the statewide wild, scenic, and recreational river rules, as well as the individual rules for each of the six state-designated rivers, which include portions of the Kettle, Mississippi, North Fork of the Crow, Minnesota, Rum, and Cannon rivers. This merger would NOT include rules pertaining to the Lower St. Croix National Scenic Riverway. The primary purpose for integrating the two sets of rules is to simplify administration by eliminating inconsistencies and reducing duplication. However, commenters are advised that several material changes to the wild, scenic, and recreational river rules could result from the merger, including: greater flexibility in ordinance administration, imposition of impervious surface limits, and guidance for planned unit developments and conservation subdivisions. The DNR is also considering administrative changes regarding the review and certification of local land use decisions.

The DNR will continue working with local governments, state agencies, and other stakeholders concerned with land use practices that may affect the quality of Minnesota's public waters to ensure that the end product would be a unified set of rules that simplifies management while enhancing resource protection.

Persons Affected. The proposed amendments, including integration of the rules governing state-designated wild, scenic, and recreational rivers, have the potential to affect any local government with shoreland and Wild and Scenic river jurisdiction, as well as property owners, developers and others involved in the development of these areas. While the primary focus is on new development, land use practices affecting the quality of Minnesota's waters will also be addressed that could affect shoreland property owners and users.

Statutory Authority. *Minnesota Statutes*, section 103F.211 authorizes the DNR to adopt rules for the subdivision, use and development of shoreland areas. *Minnesota Statutes*, section 103F.321 authorizes the DNR to manage and administer the Wild and Scenic rivers system and to adopt statewide minimum standards and criteria for the preservation and protection of shorelands within state-designated wild, scenic, and recreational river districts.

Public Comment. Interested persons or groups may submit comments or information on the proposed rulemaking in writing or orally until 4:30 p.m. on April 17, 2009.

Rules Drafts. The DNR will post drafts of the proposed rule amendments as they become available on the project website:
http://www.dnr.state.mn.us/waters/watermgmt_section/shoreland/shoreland_rules_update_project.html

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to:

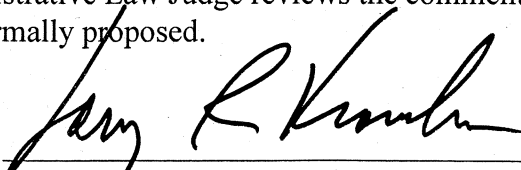
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TTY users may call the Department at (651) 296-5484 or 1-800-657-3929.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The DNR is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: February 18, 2009


Larry Kramka, Assistant Commissioner
Department of Natural Resources

