

PART VII

APPENDICES

PART VII

APPENDIX A

Acronyms and Glossary

APPENDIX A LIST OF ACRONYMS

ACP	Agricultural Conservation Program
AOC	Area of Concern
APC	Area of Particular Concern
ARDC	Arrowhead Regional Development Commission
ASCS	Agricultural Stabilization and Conservation Service
ATB	America The Beautiful
ATON	Aids to Navigation
ATV	All Terrain Vehicles
AUAR	Alternative Urban Areawide Review
BMP	Best Management Practices
BWCAW	Boundary Waters Canoe Area Wilderness
BWSR	Board of Water and Soil Resources
CAA	Clean Air Act
CAC	Citizens Advisory Committee
CBRS	Coastal Barrier Resources System
CDF	Confined Disposal Facility
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
CLG	Certified Local Government
CMP	Coastal Management Program
CNPC	Coastal Nonpoint Pollution Control Program
COE	U.S. Army Corps of Engineers
CRP	Conservation Reserve Program
CWA	Clean Water Act
CWP	Clean Water Partnership
CZARA	Coastal Zone Act Reauthorization Amendments of 1990
CZMA	Coastal Zone Management Act
DEIS	Draft Environmental Impact Statement
DDT	Dichlorodiphenyltrichloroethane

DFW	Division of Fish and Wildlife
DM&IR	Duluth, Mesabi and Iron Range
DMMP	Dredged Material Management Plan
DNR	Department of Natural Resources
DOF	Department of Forestry
DTED	Department of Trade and Economic Development
EAW	Environmental Assessment Worksheet
EHA	Erosion Hazard Areas
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
EQB	Environmental Quality Board
ERR	Environmental Review Rules
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FHA	Federal Highway Administration
FHWA	Federal Highway Administration
FIP	Forestry Incentives Program
FIS	Forest Information Systems
GEIS	Generic Environmental Impact Statement
GIS	Geographic Information System
GLWQA	Great Lakes Water Quality Agreement
GPD	Gallons Per Day
HABS	Historic American Buildings Survey
HAER	Historic American Engineering Record
HoDag	Housing Development Grants
HPC	Heritage Protection Commission
HTAC	Harbor Technical Advisory Committee
IFIM	Instream Flow Incremental Methodology
IGLD	International Great Lakes Datum
IJC	International Joint Commission
IRMP	Integrated Resource Management Plans

ISTEA	Intermodal Surface Transportation and Efficiency Act
ISTS	Individual Sewage Treatment Systems
LAC	Legislative Advisory Commission
LCMR	Legislative Commission on Minnesota's Resources
LGU	Local Government Unit
LMIC	Land Management Information Center
LSA	Lead State Agency
LSASWCD	Lake Superior Association of Soil and Water Conservation Districts
LTED	Long Term Deterioration
MCBS	Minnesota County Biological Survey
MDA	Minnesota Department of Agriculture
MDH	Minnesota Department of Health
MEA	Minnesota Energy Agency
MEPA	Minnesota Environmental Policy Act
MEPA	Minnesota Environmental Protection Act
MEQB	Minnesota Environmental Quality Board
MERA	Minnesota Environmental Rights Act
MERLA	Minnesota Environmental Response and Liability Act
MFRC	Minnesota Forest Resources Council
MGS	Minnesota Geological Society
MHD	Minnesota Health Department
MIC	Metropolitan Interstate Committee
MLSCP	Minnesota's Lake Superior Coastal Program
MLT	Minnesota Land Trust
MNDOT	Minnesota Department of Transportation
MOA	Memorandum of Agreement
MOD	Minnesota Department of Direction
MOU	Memorandum of Understanding
MPCA	Minnesota Pollution Control Agency
MWP	Minnesota Water Plan
NEPA	National Environmental Policy Act

NFIP	National Flood Insurance Program
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NPS	Nonpoint Source Pollution or National Park Service
NPSA	Northern Pike Spawning Area
NRCS	Natural Resources Conservation Service
NRRI	Natural Resources Research Institute
NRRI-CWE	Natural Resources Research Institute-Center for Water and the Environment
NSMB	North Shore Management Board
NSMP	North Shore Management Plan
NSST	North Shore State Trail
NWRPC	Northwest Regional Planning Commission
OCRM	Office of Ocean and Coastal Resource Management
OEA	Office of Environmental Assistance
OHW	Ordinary High Water Mark
OHWL	Ordinary High Water Level
ONRV	Outstanding Natural Resources Value
ORA	Outdoor Recreation Act
PCA	Pollution Control Agency
PCB	Polychlorinated biphenyl
PFM	Private Forest Management
PUC	Public Utilities Commission
PUD	Planned Unit Development
RAP	Remedial Action Plan
RBC	Reservation Business Committee
RCRA	Resources Conservation and Recovery Act
RDC	Regional Development Commission
RGU	Responsible Government Unit
RIM	Reinvest In Minnesota
RNA	Research Natural Areas
RTC	Reservation Tribal Council

SCORE	Select Committee On Recycling and the Environment
SCORP	Statewide Comprehensive Outdoor Recreation Plan
SDWA	Safe Drinking Water Act
SHPO	State Historic Preservation Office
SHTA	Superior Hiking Trail Association
SIA	Special Interest Areas
SITE	Superfund Innovative Technology Evaluation
SLR	Streambank, Lakeshore, and Roadside
SLRB	St. Louis River Board
SMA	Special Management Areas
SNA	Scientific and Natural Area
SSED	Sudden and Severe Economic Dislocation
SWCD	Soil and Water Conservation District
TAC	Technical Advisory Committee
TMPIS	Timber Management Planning Information System
TPL	Trust for Public Land
USC	United States Code
USCOE	U.S. Army Corps of Engineers
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
UST	Underground Storage Tank
WCA	Wetland Conservation Act
WHPA	Well Head Protection Act
WQD	Water Quality Division
WLSSD	Western Lake Superior Sanitary District
WMA	Wildlife Management Area

Glossary

Act - Coastal Zone Management Act

Bluff - Land that slopes toward a waterbody and rises at least 25 feet above the waterbody at an average slope of 30 percent or greater.

CMP - State's Coastal Management Program as outlined in the CZMA and approved by NOAA. In Minnesota the program is titled: "Minnesota's Lake Superior Coastal Program".

Coastal Area - The area defined by Minnesota's Lake Superior Coastal Program as lying within the Program's coastal boundary - See Part V, Chapter 1.

Coastal Boundary - The boundary as defined in Minnesota's Lake Superior Coastal Program.

Coastal Waters - The waters within the territorial jurisdiction of the U.S. consisting of the Great Lakes, their connecting waters, harbors, roadsteads and estuary-type areas such as bays, shallows and marshes.

Coastal Zone - The coastal waters (including lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the U.S. and Canada, in other areas, seaward to the outer limit of the U.S. territorial sea (CZMA §304.(1).

Corps - United States Army Corps of Engineers

Dam - Any artificial barrier, together with appurtenant works, which does or may impound water and/or waste materials containing water with some exceptions.

Erosion hazard areas - Areas of Lake Superior's North Shore where the long term average annual rate of recession is 1 foot or greater per year.

Exotic Species - Species not native to Minnesota.

Intensive vegetation clearing - Complete removal of trees and shrubs from a contiguous patch, strip or block.

LGU - Local governmental unit; all counties, cities, municipalities, and townships.

MN Coastal Waters - Waters of Lake Superior within the territorial jurisdiction of Minnesota.

OCRM - Office of Ocean and Coastal Resource Management. OCRM is an office of the National Ocean Service, National Oceanic and Atmospheric Administration, the U.S. Department of Commerce.

OHWL - Ordinary High Water Level; boundary of water basins, watercourses, public waters and wetlands as defined by statute.

Pipelines - Any pipe with a nominal diameter of 6 inches or more that is designed to transport hazardous liquids, but does not include pipe designed to transport a hazardous liquid by gravity, and pipe designed to transport or store a hazardous liquid within a refining, storage or manufacturing facility; or pipe designed to be operated at a pressure of more than 275 pounds per square inch and to carry gas as defined.

Program Coordinator - The program coordinator is the lead staff person for Minnesota's Lake Superior Coastal Program and the direct contact to OCRM in Washington DC.

Protected Waters - Include all Types 3, 4, and 5 wetlands (USFWS Circular 39) 10 acres or larger in unincorporated areas and 2.5 acres or larger in municipalities, and all protected

watercourses and lakes that have been inventoried in the protected waters inventory for each county of the state. Also defined as public waters.

Public waters - Surface waters that generally meet certain minimum basin or drainage size requirements. Also defined as protected waters.

Solid waste - Garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludge, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and other community activities.

State - State of Minnesota

PART VII

APPENDIX B

List of Preparers

APPENDIX B LIST OF PREPARERS

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Photo Credits

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NOAA, National Ocean Service, Office of Ocean and Coastal Resource Management

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PART VII

APPENDIX C

List of Agencies, Organizations, and Individuals Receiving Copies of FEIS

APPENDIX C
LIST OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS
RECEIVING COPIES OF FEIS

Federal Agencies

Department of Agriculture

- Farm Service Agency
- Animal and Plant Health Inspection Service
- Rural Development
- Federal Grain Inspection Service
- Forest Service
- Extension Service - University of Minnesota
- Natural Resource Conservation Service
- Soil and Water Conservation Service

Department of Commerce

- Economic Development Administration
- National Oceanic and Atmospheric Administration
 - National Marine Fisheries Service
 - National Weather Service
- Office of Ocean and Coastal Resources Management

Department of Defense

- Air Force
 - Civil Air Patrol
- Army
 - Corps of Engineers
 - Reserve
- Marine Corps
- Navy
 - Naval Reserve

Department of Education

Department of Energy

Department of Health/Human Service

Department of Housing and Urban Development

Department of Interior

- Bureau of Indian Affairs
- Bureau of Land Management
- Fish and Wildlife Service
- Geological Survey
- Minerals Management Service
- National Biological Service
- National Park Service

Department of Justice

- Environment and Natural Resource Division
- Immigration and Naturalization Service
- Marshals Office

Department of Labor

- Employment and Training Administration

Mine Safety and Health Administration
Veterans Employment and Training Service
Department of State
Office of Oceans and International Environmental and Scientific Affairs
Department of Transportation
U.S. Coast Guard
Federal Aviation Administration
Federal Highway Administration
Federal Railroad Administration
Federal Transit Administration
Maritime Administration
U.S. Customs Service
Internal Revenue Service
Department of Veterans Affairs
Environmental Protection Agency
Federal Communications Commission
Federal Emergency Management Agency
Federal Energy Regulatory Commission
Federal Trade Commission
Federal Transit Administration
General Services Administration
Interstate Commerce Commission
Nuclear Regulatory Commission
Small Business Administration
U.S. Courts
U.S. Postal Inspection Service
U.S. Postal Service

National or Regional Organizations

Coastal States Organization
Isaak Walton League of America
National Audubon Society
Great Lakes Commission
The Nature Conservancy

State Agency Offices

Board of Water and Soil Resources
Department of Agriculture
Department of Trade and Economic Development
Department of Natural Resources
Division of Fish and Wildlife
Section of Wildlife
Section of Fisheries
Ecological Services
Division of Enforcement
Division of Forestry

Division of Waters
Division of Trails and Waterways
Division of Parks and Recreation
Division of Minerals
Office of Planning
Office of Environmental Assistance
Pollution Control Agency

Local Units of Government

Beaver Bay Township Board of Supervisors
Beaver Bay City Council and Planning Commission
Canosia Township Board of Supervisors and Planning Commission
Carlton County Board and Planning Commission
Carlton City Council and Planning Commission
Cloquet City Council and Planning Commission
Cook County Board and Planning Commission
Crystal Bay Township Board of Supervisors
Duluth Township Board of Supervisors and Planning Commission
Duluth City Council and Planning Commission
Grand Marais City Council and Planning Commission
Grand Lake Township Board of Supervisors and Planning Commission
Hermantown City Council and Planning Commission
Lake County Board and Planning Commission
Lakewood Township Board of Supervisors and Planning Commission
Lutsen Township Board of Supervisors
Midway Township Board of Supervisors and Planning Commission
Proctor City Council and Planning Commission
Rice Lake Township Board of Supervisors and Planning Commission
Scanlon City Council and Planning Commission
Schroeder Township Board of Supervisors
Silver Creek Township Board of Supervisors
Silver Brook Township Board of Supervisors
Silver Bay City Council and Planning Commission
St. Louis County Board and Planning Commission
Thomson City Council and Planning Commission
Thomson Township Board of Supervisors and Planning Commission
Tofte Township Board of Supervisors
Twin Lakes Township Board of Supervisors and Planning Commission
Two Harbors City Council and Planning Commission
Wrenshall City Council and Planning Commission

Organizations

Arrowhead Regional Libraries
Duluth
Two Harbors
Silver Bay
Grand Marais

Minnesota Forest Industries
Minnesota Forest Resources Council

Individuals

Legislators

Representative James Oberstar
Senator Paul Wellstone
Senator Rod Grams
Senator Doug Johnson
Senator Sam Solon
Senator Becky Lourey
Representative Tom Bakk
Representative Tom Huntley
Representative Willard Munger
Representative Mike Jaros
Representative Mary Murphy

In addition, Minnesota has provided the program document to individuals and organizations on their mailing list, made it available at public meetings, provided it upon request, and have published it on the program's web page.

PART VII

APPENDIX D

Comments on DEIS and Response to Comments

INDEX TO WRITTEN COMMENTS

<u>No.</u>	<u>Commentor</u>	<u>Date</u>
1.	United States Coast Guard	September 18, 1998
2.	St. Louis County Board of Commissioners	September 8, 1998
3.	St. Louis County Planning Department	October 8, 1998
4.	Mike Forsman & Dennis Fink, St. Louis County Commissioners	October 21, 1998
5.	Minnesota Pollution Control Agency	October 2, 1998
6.	John Green - geologist	September 22, 1998
7.	Nuclear Regulatory Commission	September 21, 1998
8.	Canosia Township	August 28, 1998
9.	John Kessler - citizen	September 8, 1998
10.	Lake County Board of Commissioners	September 17, 1998
11.	USDA Natural Resources Conservation Service	October 7, 1998
12.	United States Department of the Interior	October 27, 1998
13.	Unsigned "fill out and return" card from DEIS	September 8, 1998

INDEX TO ORAL COMMENTS

<u>No.</u>	<u>Commentor</u>	<u>Date</u>
1.	Mr. Dennis Fink, St. Louis County Commissioner DEIS Public Hearing, Duluth, MN	September 1, 1998
2.	Ms. Sharon Hahn, Lake County Commissioner DEIS Public Hearing, Duluth, MN	September 1, 1998
3.	Ms. Debra Taylor, South St. Louis County Soil and Water Conservation District DEIS Public Hearing, Duluth, MN	September 1, 1998
4.	Mr. Brian Fredrickson, Lake Superior Basin Coordinator MN Pollution Control Agency DEIS Public Hearing, Duluth, MN	September 1, 1998
5.	Mr. Paul Iverson, City of Two Harbors City Councilor DEIS Public Hearing, Duluth, MN	September 1, 1998
6.	Mr. Arnold Overby, resident of Beaver Bay, MN DEIS Public Hearing, Silver Bay, MN	September 2, 1998
7.	Mr. Jim Allert, resident of Knife River, MN DEIS Public Hearing, Silver Bay, MN	September 2, 1998
8.	Mr. Joel Peterson, MN Pollution Control Agency DEIS Public Hearing, Silver Bay, MN	September 2, 1998
9.	Mr. Tom Peterson, Silver Creek Township Supervisor DEIS Public Hearing, Silver Bay, MN	September 2, 1998
10.	Mr. Steve Mueller, MN DNR-Trails and Waterways phone conversation	September 30, 1998

U.S. Department
of Transportation

United States
Coast Guard



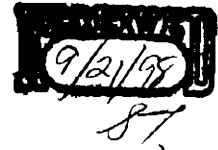
Commandant (G-LEL)
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-LEL
Phone: (202) 267-6003
FAX: (202) 267-4958

5892

18 September 1998

Joseph A. Uravitch
Chief, Coastal Programs Division
SSMC4, Room 11537
1305 East-West Highway
Silver Spring, MD 20910



Re: Minnesota Lake Superior Coastal Program
Draft Environmental Impact Statement (DEIS)

Dear Mr. Uravitch:

This letter provides comments of the U.S. Coast Guard on the referenced DEIS, pursuant to Ms. Fruchter's letter of July 24, 1998.

As an initial matter, please note for the record that, to the best of my knowledge, the Coast Guard has had no previous opportunity for input to or comment on the proposed Minnesota Coastal Program ("the Program"). I have been listed with your agency as the Coast Guard's Federal consistency liaison since August, 1996. Any prior correspondence concerning this matter should have been addressed to me, as was Ms. Fruchter's letter; however, I am unaware of any such correspondence.

Further, Ms. Fruchter's letter was received in my office on September 3, 1998. Solicitation of written comments on a DEIS, allowing only two weeks for review and comment prior to the announced deadline of September 21, can hardly be viewed as constituting an "opportunity for full [Federal agency] participation" in the development of the Program. See 16 U.S.C. § 1455(d)(1); 15 C.F.R. § 923.51.

My comments therefore focus on the proposed Program.

The Coast Guard's main concern is that the Program does not provide a workable means for accommodating the needs of (1) Federal oil or hazardous substance response activities under the National Contingency Plan (NCP), or (2) Federal participation in contingency planning. "Response planning" and "response activities" are listed together in the Program as a direct Federal activity subject to consistency requirements.

With respect to response activities, the Program should state that Federal response activities undertaken in accordance with the NCP do not require consistency determinations. This is so because the regulatory time frames for submittal and review of consistency determinations cannot be satisfied in emergency response situations. Additionally, such activities are only taken in conformance with contingency plans created with the full participation of the State. Finally,

the Coastal Zone Management Act itself precludes interfering with the directives of the Federal On Scene Coordinator when undertaking a spill response pursuant to the Clean Water Act. *See* 16 U.S.C. § 1456(f).

If pollution response activities remain listed as Federal actions requiring consistency determinations, *then the DEIS must include discussion of the environmental damage which will occur when future oil spills are ignored by the responsible Federal cleanup authority pending the State's concurrence in the consistency determination.*

With respect to contingency planning, Federal agencies and the interested States participate in various ways at the national, area, regional, state and local levels. *See* 40 C.F.R. Part 300, Subpart C. We hope and expect that, to the extent Minnesota may feel a need to conduct consistency review of contingency plans, such review can be incorporated into the State's participation in the contingency planning process conducted under section 311(j) of the Clean Water Act. In our view, the appropriate time for consistency review is when a contingency plan is initially being prepared or subsequently renewed. Concurrent State participation/consistency review would streamline the process of assuring State concurrence with contingency plans and their consistency with the Program. It would be most helpful if the Program included a clear State commitment to coordinate its review in this manner.

As a final matter, marine event permits are listed under Federal licenses and permits as requiring consistency certifications. This is not particularly troublesome to the Coast Guard, as the burden is on the permit applicants to satisfy the consistency requirements. The State should take note, however, of the significant burden and time delay it is imposing on its own citizens attempting to organize marine events which may be small and have negligible impacts on coastal resources. The State may be well advised to limit this consistency requirement to larger events, and/or those contemplated within particularly sensitive areas.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. E. Kilroy', with a stylized flourish extending from the end.

R. E. KILROY
Commander, U.S. Coast Guard
Acting Chief, Office of Environmental Law
By direction of the Commandant

Copy: Susan B. Fruchter
Director, Office of Policy and Strategic Planning
Room 5805, PSP
U.S. Department of Commerce
Washington, DC 20230

RESPONSES TO COMMENTS

WRITTEN COMMENT NO. 1: UNITED STATES COAST GUARD
September 18, 1998

Responses to Comments:

1. Comment (previous opportunity to comment on the proposed Minnesota Coastal Management Program) noted. No change required. The Minnesota Coastal Management Program has provided the Coast Guard with numerous opportunities to participate in program development. On February 26, 1996, a notice of intent to develop a program was sent to Ms. Janice Jackson, G-MEP-3, Coast Guard, Washington, D.C. and to the Captain of the Port in Duluth, Minnesota. On April 5, 1996, Minnesota sent a federal activity questionnaire to the Chief, Port and Environmental Management Branch, and Chief, Environmental Law Division of the Coast Guard in Washington, D.C. This questionnaire was also sent to the Coast Guard office in Duluth and to the Coast Guard's Ninth District in Cleveland, Ohio. The Duluth office and the Ninth District replied to the questionnaire. A federal agency meeting was held in Duluth on April 29, 1996. In December 1997, a draft Program Document was sent to the Coast Guard's Washington D.C. offices. No comments on the draft Program Document were submitted by the Coast Guard. In August 1998 a revised draft Program Document and DEIS was sent to all Coast Guard local, district and headquarter offices.
2. Comment (short DEIS review time) noted. No change required. The DEIS printing company experienced delays in the printing and shipping of the DEIS. While this was unfortunate, the Coast Guard did not request an extension of time in which to respond.
3. Comment (listing oil and hazardous contingency planning) noted. No change required. The State of Minnesota has participated and will continue to participate in spill contingency planning and response with all appropriate federal, state and local agencies. As indicated in the DEIS, Part V, pages 6-7 through 6-11, a goal of the program is to develop (or use existing) formal and informal agreements with federal agencies in order to address consistency issues. The State, through coordination with NOAA's Hazardous Materials Response Assessment Division, the U.S. Coast Guard Ninth District, and the U.S. Corps of Engineers, has developed an Environmental Sensitivity Index for Lake Superior. Contingency planning is retained as a listed activity since response actions can affect coastal uses or resources. However, the State will continue to coordinate contingency planning, as well as federal consistency reviews, through the existing contingency planning mechanism.
4. Comment (listing oil and hazardous spill response actions) noted. No change required. Response actions are retained as a listed activity. However, as noted in the response to comment No. 3, above, the Minnesota Coastal Management Program will develop (or use existing) formal and informal agreements and mechanisms. Minnesota does not intend to require consistency determinations for spill response actions taken pursuant to existing oil and hazardous substance contingency plans, but will conduct consistency reviews of contingency plans.

Response activities are subject to federal consistency review (whether listed or not) if coastal effects are reasonably foreseeable. Federal consistency should not, however, impede emergency response actions. Federal agencies may deviate from consistency due to unforeseen circumstances (like an emergency). 15 C.F.R. § 930.32 (b). Federal agencies may also proceed with an activity, including an emergency activity, if federal law prohibits the federal agency from being fully consistent. 15 C.F.R. § 930.32 (a). If a federal agency must respond within a certain time to a hazardous substance spill, then the federal agency should attempt to coordinate with the state coastal management program to the extent that exigent circumstances allow. Moreover, a federal agency would not have to address consistency requirements for emergency response actions if the response actions were covered under a contingency plan, the federal agency provided a consistency determination for the contingency plan and the state coastal management program agreed with the consistency determination and that actions taken under the contingency plan would be deemed consistent.

5. Comment (marine events permits) noted. No change required. There is no indication that reviewing marine event permits for consistency will impose a “significant burden and time delay.” Minnesota expects to complete its consistency review well within the allowed six month time frame. Also, as Minnesota gains experience reviewing marine event activities, Minnesota may amend its Coastal Management Program to exclude certain types of marine events which have little or no coastal effect.



*Resolution
of the
Board of County Commissioners
St. Louis County, Minnesota*

Adopted on: September 8, 1998

Resolution No. 710

Offered by Commissioner: Sweeney

WHEREAS, Minnesota's Lake Superior Coastal Program / Draft Environmental Impact Statement has been prepared to assess the environmental impact of policies and actions taken affecting natural resources in St. Louis County and the rest of the Lake Superior Basin; and

WHEREAS, the Minnesota's Lake Superior Coastal Program / Draft Environmental Impact Statement was received by members of the St. Louis County Board after August 25, 1998; and

WHEREAS, the St. Louis County Board has not had adequate time for review and analysis of the statement.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners goes on record objecting to the short time period available for review of the plan.

RESOLVED FURTHER, that the St. Louis County Board of Commissioners requests an extension of thirty days to submit written comments.

Commissioner Sweeney moved the adoption of the Resolution and it was declared adopted upon the following vote:

Yeas - Commissioners Kron, Sweeney, Prebich, Raukar, and Chair Forsman - 5

Nays - None

Absent - Commissioners Fink and Krueger - 2

STATE OF MINNESOTA
Office of County Auditor, as.
County of St. Louis

I, GORDON D. MCFAUL, Auditor of the County of St. Louis, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 8th day of September, A.D. 1998, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Duluth, Minnesota, this 8th day of September, A.D., 1998

GORDON D. MCFAUL, COUNTY AUDITOR

By

Clerk of County Board/Deputy Auditor



*Resolution
of the
Board of County Commissioners
St. Louis County, Minnesota*

Adopted on: September 1, 1998

Resolution No. 701

Offered by Commissioner: Prebich

WHEREAS, Minnesota's Lake Superior Coastal Program / Draft Environmental Impact Statement has been prepared to assess the environmental impact of policies and actions taken affecting natural resources in St. Louis County and the rest of the Lake Superior Basin; and

WHEREAS, the Minnesota's Lake Superior Coastal Program / Draft Environmental Impact Statement was received by members of the St. Louis County Board after August 25, 1998; and

WHEREAS, the St. Louis County Board has not had adequate time for review and analysis of the statement.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners goes on record objecting to the short time period available for review of the plan.

Commissioner Prebich moved the adoption of the Resolution and it was declared adopted upon the following vote:

Yeas - Commissioners Fink, Kron, Sweeney, Prebich, Raukar, and Chair Forsman - 6

Nays - None

Absent - Commissioner Krueger - 1

STATE OF MINNESOTA
Office of County Auditor, ss.
County of St. Louis

I, GORDON D. MCFAUL, Auditor of the County of St. Louis, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 1st day of September, A.D. 1998, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Duluth, Minnesota, this 1st day of September, A.D., 1998

GORDON D. MCFAUL, COUNTY AUDITOR

By:

Paul Krueger
Clerk of County Board/Deputy Auditor



STATE OF
MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

DEPARTMENT OF NATURAL RESOURCES

PHONE NO.

FILE NO.

DNR WATERS

"Helping people ensure the future of our water resources"

1568 Highway 2, Two Harbors MN 55616
218/834-6625

September 29, 1998

St. Louis County Board of Commissioners
208 Courthouse
100 North 5th Ave West
Duluth, MN 55802

Dear Commissioners:

This letter is to acknowledge Resolution No. 710, adopted on September 8, 1998. Minnesota's Lake Superior Coastal Program will be happy to fulfill your request of an extension of 30 days to submit written comments. The new date is October 8, 1998. We look forward to receiving your comments at this time and apologize for any problems the delayed delivery of the document caused. Any further questions, please don't hesitate to call me at 723-4971 ext. 6625. Thank you

Sincerely,

Tricia Ryan
Program Coordinator
Minnesota's Lake Superior Coastal Program

WRITTEN COMMENT NO. 2: ST. LOUIS COUNTY BOARD OF COMMISSIONERS
September 1, 1998 and September 8, 1998

Responses to comments:

1. Comment (resolution objecting to the short time period available for review of the plan) noted. No change required. See other explanations for document delay (response to written comment no. 1, response 2).
2. Comment (resolution requesting an extension of thirty days to submit written comments) accepted. Requested extension granted through October 8, 1998. (See letter to Board of Commissioners dated September 29, 1998).



Saint Louis County

Planning Department • 901 Missabe Building • 227 West First Street • Duluth, MN 55802
Phone: (218) 725-5000 • Fax: (218) 725-5029

Mark Flaherty
Director

October 8, 1998

Tricia Ryan
Minnesota Coastal Zone
120 State Road
Two Harbors, MN 55616

Re: Comments 6-30-98 draft EIS

Dear Ms. Ryan:

The following comments are, hereby, submitted relative to the draft Environmental Impact Statement on the proposed "Minnesota's Lake Superior Coastal Program," dated June 30, 1998.

1. The document, as a whole, is comprehensive and well prepared. Certainly, the existing policies and authorities, upon which the proposed Minnesota program is based, are in complete harmony with the objectives and policies of the national coastal zone legislation.
2. The organizational mechanism outlined to implement the program is most thoughtful. It not only meets the federal requirements for participation, but also meets the needs for local ownership in the implementation process.
3. It is suggested that consideration be given to one minor adjustment to the "coastal boundary" in St. Louis County, by moving said boundary one mile northward as it crosses Rice Lake Township between the Rice Lake Road and the Jean Duluth Road. This places the boundary along a more natural elevation of land. To make this adjustment would require that the last three lines on page "Part V 1-5" be changed to read as follows:

"thence north on Rice Lake Road to West Beyer Road
(County Road 259), thence east on West Beyer Road and
West Beyer Road extended to Jean Duluth Road (County
Road 37), the western boundary of Lakewood Township
(see Figure 6).

Ms. Tricia Ryan

2

October 8, 1998

Attached is a map showing the suggested boundary change.

I wish to thank you for the opportunity to make these comments.

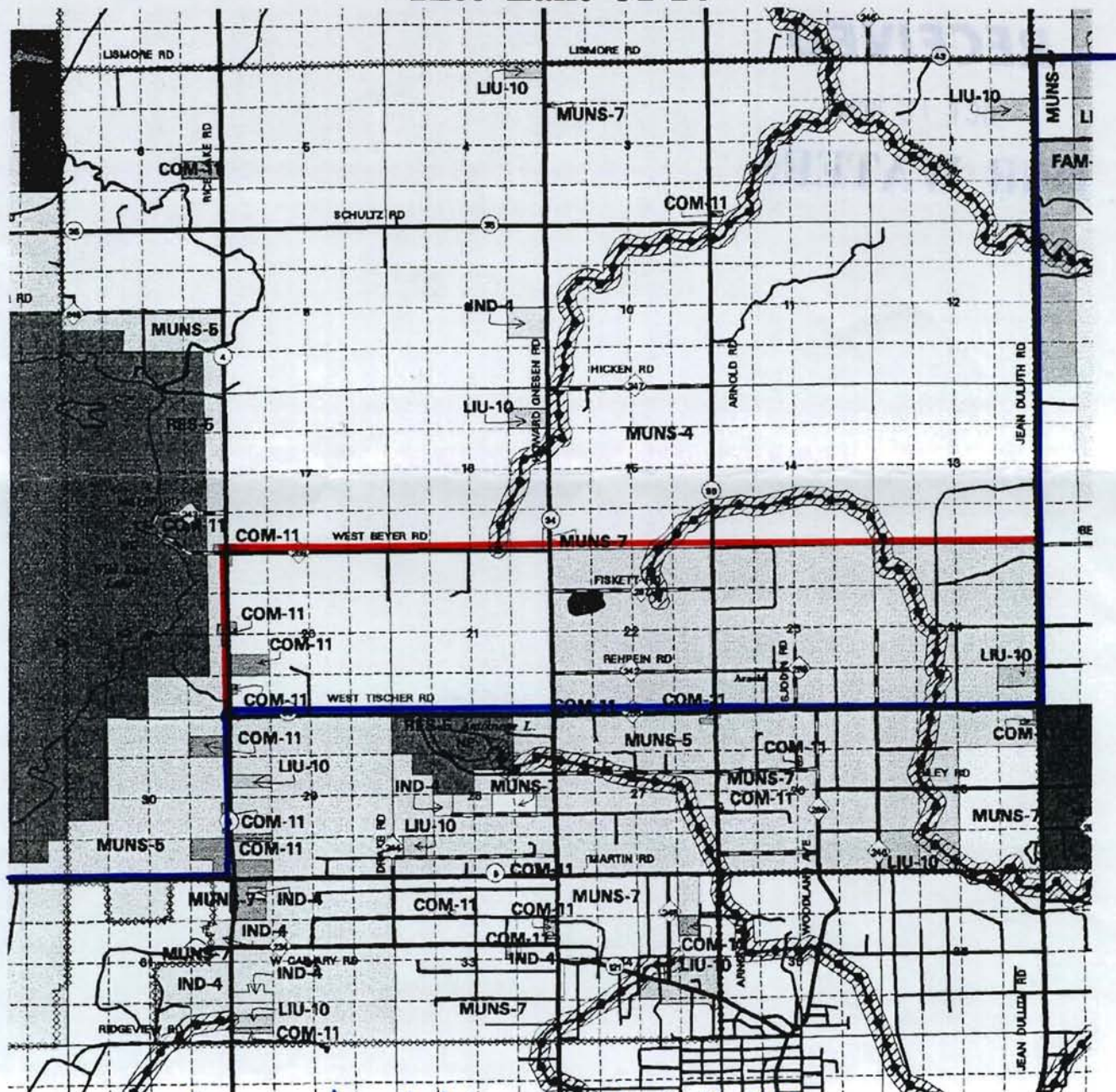
Sincerely,

A handwritten signature in black ink, appearing to read "Mark C. Flaherty", with a long, sweeping horizontal line extending to the right.

Mark C. Flaherty
Planning Director

MCF:dlb
Enclosure: map

Rice Lake 51-14



Coastal Boundary as described in 6-30-98 draft EIS.

Suggested change in Coastal Boundary.

Saint Louis County Planning Division Zoning Map

Zone Districts

- Forest Agricultural Management
 - Fam-1, 2, 3
- Residential
 - Res-3, 4, 5, 6, 7, 8, 9, 10, 11, 12
- Shoreland Mixed Use
 - Smm-1, 3, 4, 5, 6, 7, 8, 9, 10, 11
- Multiple Use Non-Shoreland
 - Muns-2, 3, 4, 5, 7
- Sensitive Areas
 - Sens-2, 3
- Industrial
 - Ind-4
- Limited Industrial
 - Lin-10
- Non-Shoreland Commercial
 - Com-7, 11

River Classification

- SLC Remote 200 ft
- Rural/Agricultural 200 ft
- Tributary's 150 ft
- DNR Forested 150 ft
- DNR Remote 200 ft
- Recreational 150 ft
- Primitive 300 ft
- Urban 100 ft

Setbacks

- 200 ft
- 200 ft
- 150 ft
- 150 ft
- 200 ft
- 150 ft
- 300 ft
- 100 ft

Functional Classification

- Principal and Minor Arterial 110 ft
- Major Collectors 85 ft
- Minor Collectors 68 ft

Lake Classification

- Shoreline Setbacks
 - Natural Environment NE 150 ft
 - Recreational Development RD 180 ft
 - General Development GD 75 ft

Road Setbacks

- 110 ft
- 85 ft
- 68 ft

1 Inch = 1 Mile

June 14, 1996

This zoning map was prepared on November 16, 1995. It is effective on January 29, 1996. For any subsequent changes contact the St. Louis County Planning & Zoning Department.

St. Louis County Board Resolution No. 961
Adopted December 19, 1995

WRITTEN COMMENT NO. 3: ST. LOUIS COUNTY PLANNING DEPARTMENT
October 8, 1998

Responses to comments:

3. Comment (document is comprehensive and well prepared) noted. No change required. Thank you.
4. Comment (organization mechanism) noted. No change required. Thank you.
5. Comment (minor adjustment to coastal boundary) accepted. The program's coastal boundary will be adjusted in St. Louis County by moving said boundary one mile northward to the West Beyer Road as it crosses Rice Lake Township between Rice Lake Road and the Jean Duluth Road. Maps (Figure 6) and descriptions in the document will reflect this change.



Saint Louis County

100 North 5th Avenue West, Rm. 202, Duluth, Minnesota 55802-1287 (218) 726-2562

October 21, 1998

Tricia Ryan
DNR Waters
1568 Highway 2
Two Harbors, MN 55616

RE: Public Comments on Minnesota's Lake Superior Coastal Program

Dear Ms. Ryan:

Over twenty years ago, the Minnesota counties designated to be part of the coastal zone management program said, "No thanks". Using the national objectives, local governments clearly proclaimed that we'd rather have local management, local policies, and local control. To demonstrate our commitment to watershed protection, the North Shore Management group was formed. Today this group actively pursues preservation and conservation projects, prioritizes them, solicits funds, and implements the projects.

Local management of Minnesota's coastal zone is based on federal guidelines. This is a voluntary process and local leaders have made a commitment to the region and their communities. Each cooperative effort utilizes local and state ordinances. The question then is, what does coastal zone management bring to the table? Certainly \$600,000 of matching funds and a process for distributing them cannot be the answer. Do we really need another layer of government just to distribute funds? Attached is what I believe to be a fair representation of the framework for nationwide program implementation. Notice that the federal role is to set national policy and advocate program goals, while the county role is to try to influence state and national agendas. It is hard to imagine local governments successfully influencing state and national agendas when this program has moved forward without regard to the opposition presented by the counties involved. In a presentation to the St. Louis County Board in May of 1997, representatives of the Coastal Zone Management Planning staff did not ask if there was a need for the plan and impact statement, nor were we asked if the process should move forward. Instead we were told that the program would be completed shortly, that we did not need to sign on, and that the program would be ready to submit to the Governor early in 1998. When does this program begin to become voluntary? There is little doubt that the Minnesota Lake Superior Coastal Program (MLSCP) has been well written and documented based on the existing statutes, ordinances, acts and regulations of the local governments impacted, and I believe that the MLSCP addresses all of the federal thresholds. I have found nothing objectionable in either the MLSCP or the draft environmental statement insofar as legal adequacy is concerned.

What is objectionable is the fact that countless CZM staff and volunteer hours were consumed creating a document which effected counties have continually rejected since the Coastal Zone Management Act was enacted in 1972. Then CZM and the DNR staff act surprised. Your actions lead us to believe that you could care less about our opinion and that our actions and those of the North Shore Management Group are viewed as meaningless. After showing so little regard for local government and its efforts, is it any wonder that we view this document with skepticism?

A handwritten signature in black ink, reading "Michael D. Forsman". The script is fluid and cursive, with the first name "Michael" being more prominent than the last name "Forsman".

Michael D. Forsman, Chair
St. Louis County Board

A handwritten signature in black ink, reading "Dennis Fink". The script is cursive, with the first name "Dennis" and the last name "Fink" clearly legible.

Dennis Fink, Chair
St. Louis County Environment & Natural Resources Committee

Attachment

THE FRAMEWORK FOR NATIONWIDE PROGRAM IMPLEMENTATION

Federal Role

- Set national policy and advocate program goals
- Review, approve, and evaluate state coastal management programs
- Develop CZMA regulations and legislative proposals
- Review/approve legal changes to federally-approved CZM programs
- Coordinate national interagency policies & activities
- Ensure adequate consideration of national interests
- Provide "federal consistency" technical assistance & mediation services
- Ensure public participation in national CZM activities
- Provide technical assistance and information transfer
- Provide federal funding

State, Territorial, and Commonwealth Role

- Represent state interest in the coast and shape national agenda
- Develop and implement comprehensive coastal management programs
- Prepare state regulations and statutory change proposals for CZM issues
- Update/improve resource management capabilities
- Coordinate state interagency policies and activities
- Provide state funding, and manage federal funds
- Ensure state and federal consistency with state enforceable policies
- Provide technical assistance to local governments
- Ensure public participation
- Advocate program goals

Local Role

- Influence state and national agenda and goals
- Develop and implement delegated authorities, including permitting
- Develop local ordinances and regulations for land and water uses
- Update/improve delegated local coastal authorities
- Coordinate local interagency policies and activities
- Provide local funding
- Represent local interests in the coast
- Provide a forum for citizen participation
- Encourage public education and outreach
- Develop and implement local coastal land and water use plans

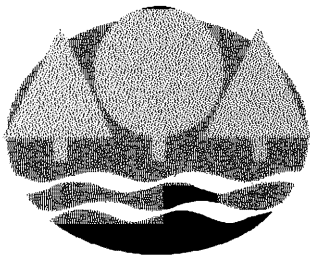
WRITTEN COMMENT NO. 4: MICHAEL FORSMAN & DENNIS FINK, ST. LOUIS
COUNTY COMMISSIONERS
October 21, 1998

Comments to written testimony:

Response to Comment:

1. Comment (program of twenty years ago) noted. This commentor refers to a program that was designed and perceived 20 years ago. In 1978, the residents who testified overwhelmingly opposed the program. Today that sentiment has reversed and the majority of residents who have commented, in the enclosed written and oral testimony, support the approval of the coastal program.
2. Comment (another layer of government) noted. Once a state submits a coastal program for federal approval and it is determined that the program fulfills the requirements of the CZMA, the program becomes the responsibility of the state to implement. The Minnesota coastal program is comprised solely of existing state authorities and programs. The process for coordination of state and local government is unchanged except for the benefit that the coastal program will enhance the coordination between state agencies and local units of government. This is not an additional layer of government but rather a tool to help bridge the existing government entities. The coastal program will have no regulating authority. It is a grant program to provide additional resources to the coastal area.
3. Comment (voluntary aspect of program) noted. The Coastal Zone Management Program is a voluntary partnership between the federal government and a state. The voluntary nature of the program means that the state has the option of participating or not in the coastal program. There is no federal mandate for participation. The state must represent the wishes of the group of people in the coastal area when making this decision. The fact that the program in Minnesota was developed in the local area by residents indicates that the program has much support at the grass roots level and was designed to meet the needs at the local level. Residents of St. Louis County will benefit from projects if the county or a local unit of government within St. Louis County receives CZM funding for a local project. The county, or any LGU may choose to participate or not, by submitting nominations to the Coastal Council and by applying for grants.
4. Comment (time it took to create a document which affected counties have defeated) noted. After the program was rejected in 1978, by an overwhelming opposition, some analysis was done based upon several comments that the program was defeated based upon certain perceptions and understandings, which may or may not have accurately reflected the intent and purpose of the program. Many concerns were raised, some relevant to the development of a coastal program, some more relevant to the separate actions of the federal government. Those concerns that dealt with the program were brought to workgroups, made up of a cross-section of residents. These formal work groups were set up to develop a proposed boundary and a proposed organization and implementation strategy. Their discussion, debate and the consensus decisions are presented in this document. The coastal program in Minnesota has

been designed to address the concerns held by St. Louis County residents and all the residents along the Lake Superior shore, to enhance the already careful and conscientious manner in which the shore is currently being managed. It is important to note that Minnesota's Lake Superior Coastal Program has at its foundation, the culture of the shoreline area and its residents, and it was formed and written almost entirely by Lake Superior shoreline residents. A significant part of the time spent on development of the coastal program was devoted to making the public aware of the program over the past four years, through fifteen open houses, two federal public hearings and nearly 100 meetings with local units of government including counties, townships, towns, cities and regional groups or individuals that expressed interest in knowing more about the program. Throughout this process, comments on the developing program were actively solicited and changes to the program were made to reflect those comments. The North Shore Management Board, its members, and members of the associated Citizens Advisory Committee were both recipients of briefings on the program and several provided comments on the program document. In addition, a member of the St. Louis County Planning Department played an active role in setting up this program, and supports the program as shown in comment No. 3 of the written testimony. As a result of these numerous activities, the present document reflects many of the thoughts, ideas, and concerns of a large cross-section of the residents of the Lake Superior Coastal area. This program is an opportunity to enhance the already valuable and dedicated work that is happening on Minnesota's Lake Superior shoreline, through the actions of the state and local units of government.



Minnesota Pollution Control Agency

October 2, 1998

Tricia Ryan
Minnesota Department of Natural Resources
120 State Road
Two Harbors, MN 55616

Re: Comments on the Draft Environmental Impact Statement for Minnesota's Lake Superior Coastal Program (dated 6/30/98)

Dear Ms. Ryan

Thank you for the opportunity to review and comment on the draft Lake Superior Coastal Program Environmental Impact Statement (EIS). This document is very comprehensive and well done. We commend your staff on the organization of the document, and the considerable effort that obviously went into its creation.

As might be expected, we have a number of comments that should be useful in clarifying the objectives of the program, and our responsibilities in particular. These comments are identified in the following section by Part, Chapter (where appropriate), page, and paragraph. Our suggestions are in bold letters.

These comments are in chronological order. However, we would like to draw your attention to comments numbered 6 and 7, which are of particular interest to us.

COMMENTS:

1. Part I-3, the last two paragraphs: It mentions the Governor's Council will be 15 members and when it becomes the Coastal Council through legislation it will be 15-17 members. The final paragraph mentions that 12 positions will come, 3 each, from the four counties. **It does not mention where the remaining 3-5 members will come from. Identifying how these remaining members will be placed is important for those interested in becoming council members.**
2. Part V 2-16 paragraph 6 states: "Agencies listed previously as "networked agencies" administer one or more of the policies, authorities, or programs included within this document. It is proposed that Memorandums of Understanding (MOU) will be developed between these agencies and the DNR which acknowledge the agency's

Duluth Government Center, Suite 704; 320 West Second St.; Duluth, Minnesota 55802; (218) 723-4660, FAX (218) 723-4727

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understanding of state consistency with Minnesota's Lake Superior Coastal Program and an agreement to be consistent to the maximum extent practicable with the state's Coastal Program." We would suggest that you add to the end of the paragraph the sentence: **The DNR will review these MOUs with other agencies that share jurisdiction of issues in these documents.** This language would assure the public and the other agencies that all the professionals with jurisdictional interests have a say in the development of the MOUs.

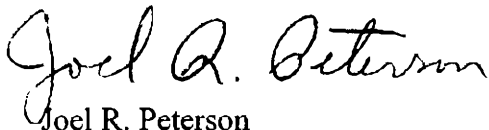
3. Part V 2-16 paragraph 7 states: "Conflicts between state agencies, regarding state consistency with Minnesota's Lake Superior Coastal Program will be addressed by the Commissioner of the DNR at the request of Coastal Program staff or of the Coastal Council." **If there is a conflict between another state agency and the DNR it would be inappropriate for the DNR Commissioner to resolve the issue. In this case it should be mediated by a neutral party such as OCRM, EPA, or a group with representation from the OCRM, EPA, DNR, PCA, and Coastal Council.**
4. Part V 2-17 last paragraph, second from the last sentence reads: "The DNR will administer funding, including coordination of pass-through grants." **Section 319 grants for non-point source pollution have been administered by the MPCA in the past. If 319 funding is secured for the Coastal Program it is more appropriately handled by the MPCA in coordination with the DNR Coastal Program staff.**
5. Part V 6-2 last paragraph states: "The MN Coastal Management Program will review existing and proposed federal actions at the time of federal program approval to determine if those activities are consistent with the state's enforceable policies." **Many of the controls for our future non-point portion of the Coastal Program are voluntary BMPs for various sources. If federal agencies decline to adhere to the voluntary programs others have agreed too, it could undermine the Lake Superior Coastal Program. It would seem appropriate to suggest that MOU's be developed with federal agencies to follow the voluntary programs that apply to the Lake Superior Coastal Program like all the other parties involved.**
6. Part V 6-8 paragraph 3 reads: "Likewise, if an activity that impacts the coastal area is required to comply with an existing process or procedure in order to obtain a state permit, license, or approval, after receiving the necessary permit, license or approval, the activity is deemed approved." **The language in this paragraph is particularly problematic, since it infers that the approval of one state permit, threshold, or procedure is sufficient to meet the threshold for federal consistency approval. This procedure is not sufficient because it does not acknowledge that projects typically have cumulative and multiple impacts. Since cumulative impacts may ultimately have the greatest effect on coastal waters, we believe it to be in our collective interests to strike this paragraph from the final EIS.**

7. Part V 6-9 the first paragraph discusses: Using our state environmental review process to determine if there are potential environmental impacts from a federal action. This process, of course, already applies to state and local jurisdictions. **This is adequate in most circumstances, however, this process has a category of “exempt from review” that applies to the entire state. The very fact that there is a Coastal Program shows this resource is different from the rest of the state. Most of the Coastal Program area has steep slopes, highly erodible clay soils and is dissected by numerous designated trout streams, all of which are also classified as Outstanding International Resource Waters. These waters flow into Lake Superior which the State has designated an Outstanding Resource Value Water and the International Joint Commission has proposed as a demonstration area for zero discharge of toxic chemicals. Therefore, the sensitive nature of this area dictates that we need to look at the environmental review exemption categories and determine which thresholds are appropriate for the coastal environment of the Lake Superior Basin. We would be more than willing to help with this process.**

The other weak point in the present environmental review process is that EAWs are reviewed by the Responsible Governmental Unit (RGU) which is often a local or county governmental unit. If they decide an EIS is not needed, that ends the process. Sometimes the issues impact more than the RGU’s jurisdictional area. Additionally, the RGU may not have staff trained at evaluating potential environmental impacts. In order to have a fair environmental review of the future projects, we think the Coastal Council should be able to request, of the Environmental Quality Board, that they be the RGU for a project within the coastal watershed.

8. Part VI - 7 the last paragraph: **The contact for the agency should read “Lake Superior Coastal Zone Management & Non-point Coordinator, North District Duluth Office, MPCA, 320 West Second Street, Duluth, MN 55802, (218) 723-4898.**

Sincerely,



Joel R. Peterson
Pollution Control Specialist Senior
North District Duluth Office
Minnesota Pollution Control Office

cc: Neil K. Christerson, Office of Ocean and Coastal Resource Management

WRITTEN COMMENT NO. 5: MINNESOTA POLLUTION CONTROL AGENCY
October 2, 1998

Responses to comments:

1. Comment (where the 3-5 at-large Coastal Council members will come from) accepted. Part I-3 last paragraph now clarifies that the remaining 3-5 at-large members of the Coastal Council will be chosen from a pool of names submitted to the Governor.
2. Comment (addition of sentence) accepted. Part V 2-16 paragraph 6 has been revised to include the sentence: "The DNR will review these MOUs with other agencies that share jurisdiction of issues in these documents."
3. Comment (conflict between other state agencies and the DNR) accepted. Part V 2-16 paragraph 7 has been revised to read as follows: "Conflicts between Divisions within the DNR regarding state consistency with Minnesota's Lake Superior Coastal Program will be addressed by the Commissioner of the DNR at the request of Coastal Program staff. Conflicts between state agencies regarding consistency with Minnesota's Lake Superior Coastal Program will be addressed through the Commissioners of each agency using the appropriate and existing mechanisms for conflict resolution. Parties to the conflict will resolve the issues at the appropriate level." In addition to this process, the Board of Soil and Water Resources has a role when there is a question of water policy with the process under Minn. Stat. Ch. 103A Water Policy and Information that contains procedures for conflict resolution, if that is the appropriate mechanism to consider. To further clarify, it is intended that the Coastal Council will have no role in state or federal consistency issues. The role of the Coastal Council will primarily be to set priorities and make funding decisions for the pass-through grant (306A) component of the program. The Coastal Council will also participate in program evaluations and review procedures for grant making operations.
4. Comment (Section 319 funding) noted. No change required. This program and document addresses Section 306 and 306A grants only. Section 319 grants are currently being handled by MPCA. This program does not suggest or recommend any changes to this procedure.
5. Comment (use of voluntary measures in MOUs) accepted. Part V 6-2 paragraph 6, second to last sentence, the following additions to the last paragraph have been made: "The MOUs or partnership agreements will identify the process for coordination and a tiered approach to decision making. Whenever possible, review and inclusion of voluntary Best Management Practices (BMP) will be considered when developing MOUs with federal agencies. Existing MOUs and partnership agreements are identified in Part VII, Appendix G." It should be noted that federal activities are required to be consistent with the states enforceable policies.
6. Comment (cumulative and multiple impacts) noted. Revision to Part V 6-8 paragraph three now include the following: "Likewise, if an activity that impacts the coastal area is required to comply with an existing process or procedure in order to obtain a state permit, license, or approval, after receiving all of the necessary permits, licenses or approvals, the activity will be considered consistent with the Coastal Program and deemed approved."

7. Comment (environmental review exemption categories) noted. No change required. Minnesota's Lake Superior Coastal Program is based upon existing policies and authorities, including Minnesota's Environmental Review Program, its mandatory EAW and EIS categories and those activities that are exempt. MLSCP is using the existing mandatory EAW and exemption categories as benchmarks to assess the effects of activities within the coastal region. This is consistent with the intent to use existing mechanisms where possible and further using existing policies and authorities in the management of the coastal area. It is also our intention to work with the federal agencies in the development of MOUs to identify proactively, areas of particular concern that may not be listed for review through Minnesota's Environmental Review Program. Any changes to the Environmental Review Process with mandatory EAW or exemption categories must be done at the EQB level. We hope to continue to work closely with the MPCA in identifying problems within this established process as they relate to the particular concerns of the coastal environment of the Lake Superior Basin and would work to provide solutions during program implementation.

Comment (suggestion that the Coastal Council be able to request of the EQB that they be the RGU) noted. No change required. The Coastal Council does not have the legal authority to be considered an RGU for the purposes of environmental review. To address the concern about the process being more fair, the EQB rules do allow any governmental unit with approval authority to order a discretionary EAW if it determines that the project may have the potential for significant environmental effects, unless the project is exempt. The DNR or MPCA could take the role of RGU if necessary. In addition, citizens can prepare a petition to bring attention to projects which may have the potential for significant environmental effects. This includes the projects that do not fall into any mandatory category or are below the EAW thresholds.

8. Comment (contact for agency) accepted. Change made to document for agency contact to read MPCA Lake Superior Coastal Management and Non-point Coordinator, North District Duluth Office, 320 West Second Street, Duluth, MN 55802, (218) 723-4898. (Slight alteration based upon phone conversation with Joel Peterson on 10/15/98). WRITTEN

WRITTEN COMMENT NO. 6: J.C. GREEN - PROFESSOR OF GEOLOGY,
UNIVERSITY OF MINNESOTA - DULUTH
September 22, 1998

Responses to comments:

1. Comments (received was a manually edited copy of pages of the DEIS containing twenty three minor corrections of spelling, clarifications with word insertions and phrases and technical corrections to Part II sections on geology, physical shoreline, forestry, aquatic nuisance species and minerals) accepted. Changes made to the document.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 21, 1998

Mr. Joseph A. Uravitch, Chief
Coastal Programs Division
SSMC4, Room 11537
1305 East-West Highway
Silver Spring, MD 20910

Dear Mr. Uravitch:

The Nuclear Regulatory Commission (NRC) received a copy of the draft Environmental Impact Statement for Minnesota's Lake Superior Coastal Program. The NRC has reviewed the document and determined the closest nuclear power plant is the Monticello site located on the south bank of Mississippi River in Wright County, Minnesota, which is southwest of the program boundary. We do not believe the program boundary will impact the plant, nor do we believe, based on the licensing environmental impact statement, that the plant will effect the program boundary. Thank you for the opportunity to comment on your document.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas H. Essig".

Thomas H. Essig, Acting Chief
Generic Issues and Environmental Projects
Branch
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

cc: Ms. Susan B. Fruchter, Director
Office of Policy and Strategic Planning
U.S. Department of Commerce
Room 5805, PSP
Washington, D.C. 20230

9/25
ST.

WRITTEN COMMENT NO. 7: NUCLEAR REGULATORY COMMISSION
September 21, 1998

Responses to comments:

Comment (impact of program boundary on Monticello nuclear power plant) noted. No change required.

From: <RGEORGESEN@aol.com>
To: DNR-GrandRapids.GrandRap(TRRYAN)
Date: 8/28/98 5:45AM
Subject: MN Costal Program EIS

Trica

I reviewed the Draft EIS. The basic document is very good. I can see a lot of work has gone into this. There are a few additions relative to Canosia Township and St. Louis County. They are as follows

Page: Part V 3-25

Chapter 3
4 County, Municipal and Township Planning and Development

Add the fact that Canosia Township has adopted and administers it own Planning and Zoning. Has Ordinance Number 98-1 Adopted January 7, 1998 and a 1995 Updated Comprehensive Plan adopted February 1996

Part V 3-42

Minnesota Wetlands Conservation Act

St. Louis County is in the process of adopting a new Wetland Plan specific to areas in St. Louis County. You can contact Mark Johnson about this. His Phone number is 218-725-5000

Thanks for the work on this project. Canosia is looking forward to the benefits of this process.

Russ Georgesen
Supervisor, Canosia Township
4977 E. Pike Lake Road
Duluth, MN 55811

Phone Home: 218-729-8108
Work 218-725-5250

WRITTEN COMMENT NO. 8: CANOSIA TOWNSHIP SUPERVISOR
August 28, 1998

Responses to comments:

1. Comment (additions to Planning and Zoning ordinances) accepted. Additions of Canosia Townships Planning and Zoning Ordinance No. 98-1 and Updated Comprehensive Plan will be included on Part V 3-25. Thank you for the clarifications.
2. Comment (MN Wetland Conservation Act) noted. No change required. Thank you for the resource.
3. Comment (about work on project) noted. No change required. The Coastal Program also looks forward to working with Canosia Township.

JOHN E. KESSLER
5290 PINE TREE ROAD
DULUTH, MN 55804

September 8, 1998

Tricia Ryan, Program Coordinator
MN Lake Superior Coastal Program
MN DNR
1568 Highway 2
Two Harbors, MN 55616

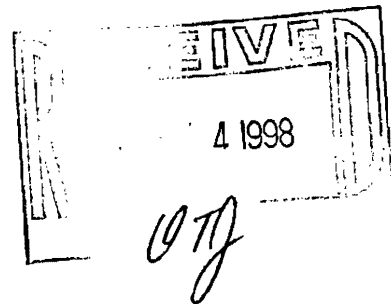
Dear Tricia,

The June 30, 1998, Draft Environmental Impact Statement applicable to the Minnesota Lake Superior Coastal Resource Management Program, as developed and documented to date, is completely acceptable to me. It is a most comprehensive plan, and document, and deserves universal acceptance and adoption. It certainly has been developed by a wide diversity of minds, and a full spectrum of concerns for the North Shore of Lake Superior. It should contribute to the benefit of all of the elements and factors on the North Shore, in ways not now in place. I look forward to its adoption.

Thank you for the opportunity to be involved with the plan development.

Sincerely,

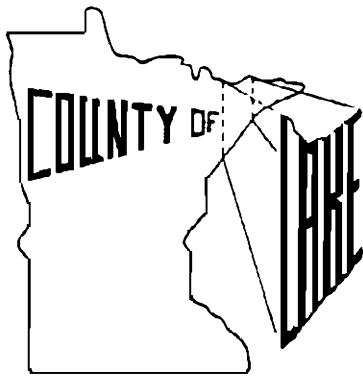
John E. Kessler
John E. Kessler



WRITTEN COMMENT NO. 9: JOHN KESSLER - CITIZEN
September 8, 1998

Responses to comments:

1. Comment (adoption of Coastal Management Program) noted. No change required. Thank you for your support.



COMMISSIONERS' OFFICE
County of Lake

Courthouse
601 Third Avenue
Two Harbors, MN 55616
(218) 834-8320 FAX (218) 834-8360

FIRST DISTRICT
CLAIR A. NELSON, FINLAND
SECOND DISTRICT
DERRICK L. GOUTERMONT, SILVER BAY
THIRD DISTRICT
SHARON HAHN, TWO HARBORS
FOURTH DISTRICT
WILLARD M. CLARK, TWO HARBORS
FIFTH DISTRICT
STANLEY A. NELSON, TWO HARBORS

September 17, 1998

Mr. Rodney W. Sando, Commissioner
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4037

Dear Mr. Sando:

This letter is in response to your letter of August 7, 1998, regarding the Federal Coastal Zone Management Program. You note you are very aware of Lake County's objection to participation in the program but seem to lack any understanding of the reasons for our objections. I hope this letter will help you come to a greater understanding of our way of thinking.

Please let me attempt to explain some customs, traditions and values cherished by Lake County residents. Lake County was founded by independent people suspicious of and far from the control of central governments. Many of these people rode the surf of the frontier, as new states developed following the Northwest Ordinance and were involved in the logging. As time progressed along the North Shore, Swedes and Norwegians set up their independent fisheries, developed communities and took care of themselves. As the iron industry began its boom and Minnesota's first iron mining railroad connected Two Harbors with the East Range, central European miners from Austria and Hungary arrived after supporting and following the reports of missionary fathers, Baraga and Alineau. Whole villages moved to the Range nearly intact, population wise. They too brought deep suspicions of central authority and their descendants demonstrate that in their independent Range Spirit.

In more recent times, the Federal Government set up the Boundary Waters Canoe Area and were instrumental in closing Reserve Mining Company. Governmental interference has not been accepted by our constituents and as Lake County Commissioners, we reaffirmed their position by passing a resolution stating the County's opposition to Coastal Zone Management.

The last attempt at Coastal Zone Management was accompanied by a significant amount of federal dollars and promises of a lion's share of off-shore oil leasing monies. Once the promises were made, the funds dried up and the participating states were left to bear the majority of program costs while being controlled by Federal Government regulations.

Mr. Rodney W. Sando
September 17, 1998
Page Two

As elected officials, we find ourselves tempted by the promise of the return of portions of our tax dollars in exchange for carrying out Federal edicts and adopting Federal priorities. If we were able to retain those dollars and still address our own priorities and issues without bureaucratic interference, we would do a better job of serving the public.

When Coastal Zone Management was first introduced, our constituents let us know that they were opposed to the program. As a result, we all worked with the State to set up the North Shore Management Board. The abolishment of the North Shore Management Board to make way for Coastal Zone Management would not be in keeping with the wishes of the community.

You asked that we "be specific in identifying program deficiencies so a final decision can be made based on the facts." In the Program Overview Part I - 5, #6. Based on Existing Policies and Authorities, it states, "The state and its people, do reserve the right to, in the future, add new programs, policies or authorities following a formal public review to ensure resource protection of the coastal area. The state maintains the position that existing regulatory and voluntary mechanisms exist in Minnesota to adequately meet the intent of the Coastal Nonpoint Program (Section 6217 of CZARA, 1990). This quote is the basic reason why we will continue to fight CZM.

In closing, I would like to re-state that the position of this Board is to act as the voice for the people and develop our policies and priorities based on their wishes, when they represent the majority of our constituents and the well-being of the County as a whole. Please remember that the best government is the least government and the best government is the government closest to the people.

Sincerely,



Willard M. Clark, Chairman
Lake County Board of Commissioners

WMC/wk

cc: Lake County Board of Commissioners
Richard Sigel, Land Use Administrator

WRITTEN COMMENT NO. 10: WILLARD CLARK, CHAIR, LAKE COUNTY
BOARD OF COMMISSIONER
September 17, 1998

Responses to comments:

Willard M. Clark, Lake County Board of Commissioners (9/17/98)

1. Comment (regarding MN DNR's lack of understanding Lake County objections and the Lake County customs, traditions, and values) noted. No change required. [The August 7, 1998, letter was a response from DNR Commissioner Rod Sando to a previously written letter from Lake County Board of Commissioners] The Lake County Board of Commissioners has historically and repeatedly objected to adoption of a coastal program by Minnesota. Many of Lake County's objections are to a program that was designed and perceived 20 years ago and not to the program that exists today. Many of the objections are vague statements of dissatisfaction with the existing system of government (international, national, state, and local), objections which do not apply directly to the proposed coastal program. Relevant objections which Lake County has repeatedly raised are either positively addressed in the coastal program document or have been addressed directly to Lake County by the staff guiding the coastal program development. The coastal program in Minnesota has been designed to address the concerns held by Lake County and all the residents along the Lake Superior shore. It is important to note that Minnesota's Lake Superior Coastal Program has as its foundation the culture of the shoreline area and its residents and it was almost entirely formed and written by Lake Superior shoreline residents.
2. Comment (regarding governmental interference) noted. No change required. As noted above, many of Lake County's objections are to a program that was designed and perceived 20 years ago and not to the program that exists today. Those federal and state government activities which occurred 20 years ago are separate and different actions than the adoption of a coastal program. Rather than interference from the government, the coastal program provides resources to both state and local units of government (counties and towns) to further assist them in addressing resource and development issues that exist along the shoreline. Through financial and technical assistance the coastal program gives local governments additional control over their local resources. The coastal program gives the state (and thus the local governments) the authority to object to federal actions affecting the coastal area that do not meet state laws.
3. Comment (regarding federal CZMA funding) noted. No change required. In the 1970's, Minnesota received modest grants to develop a coastal program. In 1978, it was estimated that Minnesota would receive about \$400,000 a year after approval of their coastal program which did not occur at that time. Today it is estimated that Minnesota will receive over \$600,000 for program implementation. Regarding funding at the national level, all coastal states participating in the national coastal program have received close to level funding or steadily increased funding since the inception of their programs. This would have been the case with Minnesota had they adopted a coastal program in 1978. Federal funds have not dried up but, to the contrary, have continued to increase over the years. In the last ten years, funding for state coastal management programs under the CZMA has increased from

approximately 36 million dollars to almost 53 million dollars. Under the Outer Continental Shelf Lands Act, states continue to share in offshore leasing revenues through loan repayments on coastal impacts projects started in the 1970s.

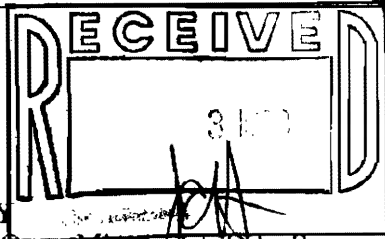
Once a state submits a coastal program for federal approval and it is determined that the program fulfills the requirements of the CZMA, the program becomes the responsibility of the state to implement. The Coastal Zone Management Program is a voluntary partnership between the federal government and states. As a partner in the coastal program the state receives financial and technical support from NOAA and participates in a periodic evaluation of the program. The state coastal program is comprised solely of state authorities and programs. A state is not required to adopt a coastal program but when it does, a coastal program allows a state to take advantage of federal dollars that are already set aside by congress.

4. Comment (regarding the North Shore Management Board) noted. No change required. As detailed in the coastal program document, the program has no impact on the North Shore Management Board except to provide it with additional assistance to achieve its goals. Part V, page 2-13 states “It is anticipated that funding through this program will assist the board and its individual members in implementing its goals.”
5. Comment (regarding the Coastal Nonpoint Program) noted. No change required. This statement by the commentor is confusing. The statement which is quoted addresses the concern that this program may result in additional authorities by stating clearly that the state feels it has adequate authorities to fulfill the Coastal Nonpoint Program and does not intend to create any new laws.
6. Comment (regarding the Lake County Board of Commissioners as the voice for the people) noted. No change required. Also consider the oral testimony from Tom Peterson, Silver Creek Township Supervisor (DEIS Public Hearing, Silver Bay, MN, Sept. 2, 1998) and Paul Iverson, Two Harbors City Councilor (DEIS Public Hearing, Duluth, MN Sept. 1, 1998) who both speak in support of the program and are elected officials also representing constituents of Lake County.



Natural
Resources
Conservation
Service

375 Jackson Street - Suite 600
St Paul, Minnesota 55101-1854



October 7, 1998

IN REPLY
REFER TO: Minnesota's Lake Superior Coastal Program

Joseph Uravitch
Coastal Programs Division
SSMC4, Room 11537
1305 East-West Highway
Silver Spring, MD 20910

Dear Mr. Uravitch:

Natural Resources Conservation Service (NRCS) has reviewed the appropriate sections (wetlands and threatened and endangered species) for the above mentioned proposed project. The project sponsors are not USDA program benefit recipients, thus, the wetland conservation provisions of the 1985 Food Security act, as amended are not applicable. It should be noted, however, that actions by a non-USDA participant third party (project sponsor) which impact wetlands owned or operated by USDA participants, may jeopardize the owner/operators USDA eligibility. If such impacts are anticipated, the owner/operator should contact the county Farm Service Agency (FSA) office to consider an applicant for a third party exemption.

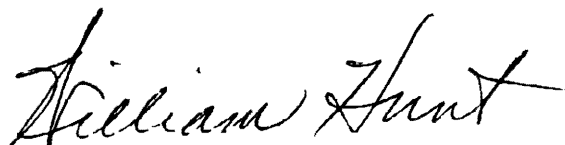
Neither NRCS technical nor financial assistance is being provided in support of this project, thus, specific NRCS environmental policies are not applicable.

The following agencies may have federal or state wetlands, cultural resources, water quality or threatened and endangered species jurisdiction in the proposed project, and should be consulted.

Army Corps of Engineers
US Fish and Wildlife Service
Board of Soil and Water Resources
Minnesota Department of Natural Resources
Minnesota Pollution Control Agency
State Historic Preservation Officer/State Archaeologist

If through these impacts you are purchasing new or acquiring additional lands and if any federal monies are involved, it is a requirement that a Farmland Policy Protection Act (FPPA) site assessment be appropriately filed. these site assessments are, conducted by NRCS personnel to review the project for possible effects on unique, prime or statewide important farmland. Contact your local NRCS office for more information.

Sincerely,

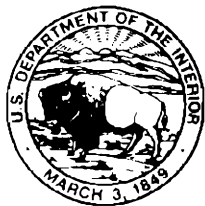
A handwritten signature in cursive script that reads "William Hunt". The signature is written in black ink and is positioned above the printed name and title.

WILLIAM HUNT
State Conservationist

WRITTEN COMMENT NO. 11: USDA NATURAL RESOURCES CONSERVATION
 SERVICE
 October 7, 1998

Responses to comments:

1. Comment noted. No response required.



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

October 27, 1998

ER-98/566

Joseph A. Uravitch
Coastal Programs Division
NOAA-U.S. Department of Commerce
SSMC-4, Room 11109
1305 East-West Highway
Silver Spring, Maryland 20910

Dear Mr. Uravitch:

The Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement for the State of Minnesota Lake Superior Coastal Program.

The document adequately address the concerns of the Department regarding fish and wildlife resources. We have no comment on the adequacy of other resource discussions presented in the document.

Thank you for the opportunity to provide these comments.

Sincerely,

Michael T. Chezik
Regional Environmental Officer

WRITTEN COMMENT NO. 12: United States Department of the Interior
October 27, 1998

Responses to comments:

Comment noted. No change required.

Minnesota's Lake Superior Coastal Program

Draft Environmental Impact Statement Review

Please take time to read the Draft Environmental Impact Statement (DEIS) and provide specific input on the DEIS. All comments will be considered, though not necessarily incorporated, by program development staff and work groups.

Please mail the comments to Joseph A. Uravitch, Coastal Programs Division Chief, SSMC4, Room 11537, 1305 East-West Highway, Silver Spring, MD 20910 by September 14, 1998.

Comments may also be sent to Minnesota's Lake Superior Coastal Program and will be forwarded to Joseph A. Uravitch and the Office of Ocean and Coastal Resource Management. Please provide all comments under the appropriate sections listed below. Include additional sheets if necessary. Be sure to indicate page number when listing suggested changes.

In which county(s) do you reside and/or own property?

Carlton _____ St. Louis _____ Lake _____ Cook _____ Other (specify) _____

Part I **Program Overview**

page 3, 2. Please consider inserting location of Lake Superior Coastal Program coordinator Office. (Is it in Duluth?)

Part II **Minnesota's Lake Superior Coast**

Part III **The Coastal Management Act**

Part V **Minnesota's Lake Superior Coastal Program**

Chapter 1 **Program Boundary**

Chapter 2 **Program Implementation**

Chapter 3 **Management Policies and Authorities**

page 21 - Financial Assistance Programs Add - "Lake Superior Shoreline Protection Project (LSSPP) Low Interest Loans
(Julie McDonnell, MPCA Duluth can give you information)

Chapter 4 **Special Programs and Management Areas**

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WRITTEN COMMENT NO. 13: UNSIGNED COMMENT CARD -
September 8, 1998

Responses to comments:

1. Comment (location of office) accepted. The office location of Minnesota's Lake Superior Coastal Program's Coordinator will be in Two Harbors, MN. Part I - 3 paragraph three, last sentence now reads "A program coordinator will facilitate the program from an office within the coastal area as defined in the program document. This office will be located in Two Harbors, MN.
2. Comment (Lake Superior Shoreline Protection Project Low Interest Loans) accepted. The Lake Superior Shoreline Protection Project Low Interest Loans will be included as a resource under the State Revolving Loan Fund on Part V, page 3-21.
3. Comment accepted. Additions to Table 62 and 63 will be made.

RESPONSES TO ORAL TESTIMONY

ORAL TESTIMONY NO. 1: DENNIS FINK, ST. LOUIS COUNTY COMMISSIONER
DEIS PUBLIC HEARING TESTIMONY, DULUTH, MN
September 1, 1998

Oral Testimony:

MR. DENNIS FINK: Good evening. My name is Dennis Fink, I'm a county commissioner here in St. Louis County. We want to first thank you for giving us an opportunity to have an opportunity to say something. The -- that's the good news. The bad news is that your document weighed in on our desk on the 25th of August, and even if the process that you talked about in having announced this through the National Register on the -- on August 7th, that's not required reading at the county level, so we had a little difficulty getting to look at this and see what's going -- how it's going and where you wanted to go with this and reviewing the changes with all the other previous document.

Therefore I have a resolution in front of me that talks about the fact that there is not, in our opinion, enough time to be able to prepare for comments here at this particular public meeting. That concerns us a great deal because we are one of those six counties that you talked about and we are really concerned about what is in this document and how this document might work.

And there are several things that occur that's kind of challenging to us. While you wouldn't know this for sure, we certainly had a problem because our County Board does not meet from mid-August until September 1st, so to be able to sit down and discuss this with some kind of intelligence and respond to you, that causes us a great deal of difficulty. In fact, when I brought this up at the board meeting this morning, only two of the commissioners had even seen the document, having just come back from their vacation.

We're looking here to be able to extend our comment period so that we have an opportunity to review this in its entirety. We have had an opportunity to look at the earlier documents, but the fact of the matter is that this product - - this product weighs in and it takes us a while to go through and understand where the changes are. So our request here today is to have more time to be able to make some reasonable comments. Thank you.

Response to comments:

1. Comment (date document received) noted. No change required. Print Communications-Sales Service Manager Berry J. Conway apologizes for the delay in letter dated September 28, 1998 which details the factors that accounted for the delay in printing and shipping documents to mailing list.
2. Comment (St. Louis County being one of six counties) noted. No change required. Clarification to Mr. Fink's comments. There are four counties included in the program, Carlton, St. Louis, Lake and Cook Counties.

3. Comment (request for more time to make comments) accepted. See written testimony No. 7. Board requested and extension of 30 days on September 8, 1998 was granted. New expiration date was October 8, 1998.

ORAL TESTIMONY NO. 2: SHARON HAHN, LAKE COUNTY COMMISSIONER
DEIS PUBLIC HEARING TESTIMONY, DULUTH, MN
September 1, 1998

Oral Testimony:

MS. SHARON HAHN: I'm Sharon Hahn, I'm a Lake County Commissioner, and I'm here representing Lake County tonight. We have to reiterate what Dennis Fink has said in that we received this document Thursday in our office. I have read only the first section. I apologize, but I had a wedding this weekend and did not get my reading done.

I would like to start out my testimony by bringing up two articles in our paper. This is the Lake County New Chronicle, one dated April 5th of 1978, CZM Hearing Today in Two Harbors, Residents Express Opposition to Plan. There's a full article regarding the initial response to coastal zone in our county. Then I have April 12, 1978 paper from Lake County again. May God Have Mercy on Us if CZM is Approved. Testimony show overwhelming opposition to CZM in Lake County. Another article is County Board Says CZM Stay out of Minnesota.

This is 20 years ago and we return with the new document. In my briefcase I have the original document from 20 years ago. Again, I have not had time to compare those two documents either, other than this one is much thicker.

We have a problem with the voluntary status of the Coastal Program. And, in fact, when NOAA was before our board was that four years ago, I think, Neil, that NOAA came down and sat with our board because we had some real problems with even having it come to our area again. The people said no 20 years ago and many people in my county still feel that no is sufficient notice now. We tried to tell them that it's not. They say we're elected to represent them and we will try to represent after we have had time to go through the whole document.

Voluntary status came about and - - when the state started the process they said this is a voluntary process and you need not worry, and so we said we do not want Lake County in those boundaries at that time. We've had three different resolutions from our county over this four-, five-year period again reiterating that Lake County is not interested in the coastal resources program. Okay?

Somehow I went to two meetings of the boundary work group. This will be my second request to have my name removed from the boundary work group in that at the second meeting there was discussion over the minutes and whether they were correct or not and at that time I pulled out of the work group. I see my name is still on there and I would request that that be removed. I was not in on the final analysis of the boundaries.

The other -- the other thing that I would like to point out tonight, and we will be doing a more thorough written testimony going in, we would request that possibly we could have another public hearing in a couple weeks where people have had time to go through the document. If we as county commissioners received the document last Thursday, we worry if a lot of the citizens are even aware yet that it's out. You did have your notice in the Lake County Chronicle, but whether they are assuming that the new document is ready or not, I'm not sure.

In the Part 1, Page 5, and Part 1 unfortunately is the only section I got through, I guess the most troubling to me already is the section is under Part 6, Based on Existing Policies and Authorities. The state and its people, do reserve the right to, in the future, add new programs, policies or authorities following a formal public review to ensure resource protection of the coastal area. In this section, if we are taking existing land use plans and zoning regulations in this area, it says nowhere in here that you need to follow the public hearing process of changing any of the policies and regulations within our county. It says the state may and they will take review, but nowhere does it say that a local unit of government has any say in the final changes of any policies done by the state of Minnesota. We have a real problem with that.

We have a comprehensive land use plan in our county for over 20 years. We are -- it's a living document. We are in the process of updating. We have been working for almost two years on that. It's a lengthy process with a lot of public input. And we feel as a county that we will probably have to go to the wall on saying that we will still be the regulating enforcement agency of our county.

Jeanne Daniels, who is no longer here, and I had a discussion probably six months ago of okay, it's voluntary, we do not want to be in the boundary. At that time Jeanne Daniels said, Well, you can choose not to be -- the voluntary part is the grant program that we are -- we can pull out of the grant program, but our county remains in coastal resource management program. My definition of voluntary and the state or the federal government's definition of voluntary are much different.

Again, I thank you for the opportunity tonight. We will be coming back as a county with more comment after we've had time to review the whole document. Thank you.

Additional oral testimony:

MS. SHARON HAHN: I guess I'd like to address the \$600,000 coming in as work money. I'm not sure how many people the state is planning on having employed through the coastal program, but if there are only five people employed with salary, benefits, office space, we're going to be at least 300 to \$350,000 and what does that leave left for programs? And again I haven't read through all of the document and so if I am incorrect on that, I apologize. But obviously you do need to have people employed to do a program and how much money will be used -- or left for working money when those people are employed. Thank you.

Response to comments:

1. Comment (delay in receipt of document) noted. No change required. Due to unforeseen delays in the printing and mailing process, the document was not received by some people until the third week of August, 1998, approximately two weeks after the beginning of the 45 day comment period. Most people received the document in a timely manner and copies of the documents were available at the Coastal Program Office, DNR regional office in Two Harbors, MN. In response to this concern, NOAA and Minnesota agreed to accept comments up to 30 days after the close of the official comment period.

2. Comment (regarding articles from 1978) noted. No change required. This commentor raises an objection to a program that was designed and perceived 20 years ago and not to the program that exists today -- a very different program. In 1978, the residents who testified overwhelmingly opposed the program. Today that sentiment has reversed and the majority of residents who have commented support the approval of the coastal program. The coastal program in Minnesota has been designed to address the concerns held by Lake County and all the residents along the Lake Superior shore. It is important to note that Minnesota's Lake Superior Coastal Program has as its foundation the culture of the shoreline area and its residents, and it was almost entirely formed and written by Lake Superior shoreline residents. Ms. Hahn was invited to participate in that process, but declined.
3. Comment (regarding voluntary status) noted. No change required. The Coastal Zone Management Program is a voluntary partnership between the federal government and a state. The voluntary status of the program means that the state has the option of participating or not in the coastal program. The state must represent the people in the coastal area when making this decision. The fact that the program in Minnesota is developed in the local area by local residents indicates that the program has much support at the grass roots level. This is a bottom-up process of development which is reflected in actions of the DNR, other state agencies, and the Governor's office. Lake County is not required to participate in the program. Some residents may benefit from projects if a local unit of government within Lake County receives funding for a local project.
4. Comment (regarding removal of name on Boundary Workgroup) accepted. The commentor's name will be removed from the list of members of the Boundary Workgroup.
5. Comment (requesting another public hearing) noted. No change required. The request to hold another hearing was strongly considered but because written comments will be accepted through the end of the comment period and comments will be accepted later from those who request more time, it was felt that an additional hearing would not be necessary.
6. Comment (regarding passage "Based on Existing Policies and Authorities") noted. Change made. The following change has been made in the statement that was read by the commentor in an attempt to clarify. "... In other words, the development and implementation of Minnesota's Lake Superior Coastal Program does not create any new permits and does not require any new regulations, zoning ordinances or enforceable mechanisms. The state legislature, state agencies, and local government units can adopt new laws or new rules according to existing processes and mechanisms. The state maintains the position that existing regulatory and voluntary mechanisms exist in Minnesota to adequately meet the intent of the Coastal Nonpoint Program (Section 6217 of CZARA, 1990).

Once a state submits a coastal program for federal approval and it is determined that the program fulfills the requirements of the CZMA, the program becomes the responsibility of the state to implement. The state coastal program is comprised solely of state authorities and programs. Any changes to those authorities and programs must follow the existing procedures as defined in state law and the coastal program does not change that process except that it is hoped that the coastal program will enhance the coordination between state agencies and local units of government. Nor does the coastal program change the application

of Lake County's comprehensive land use plan, local ordinances, or state laws and regulations. The enforcement of these remains up to each county.

7. Comment (regarding distribution of \$600,000) noted. No change required. The Organization and Implementation Work Group carefully considered this concern and have addressed this issue on Part V 2-6, paragraph three, "During the first year of the program administrative funds will be approximately 20 percent. During successive years staff will draft an administrative budget for review and agreement jointly by the Council and the DNR. It is expected that the administrative budget be approximately 20 percent annually."

ORAL TESTIMONY NO. 3: DEBRA TAYLOR, SOUTH ST. LOUIS COUNTY SWCD
DEIS PUBLIC HEARING TESTIMONY, DULUTH, MN
September 1, 1998

Oral Testimony:

MS. DEBRA TAYLOR: I'm going to sit down. I worked about 25 hours in the last two days. I'm going to put my butt on a chair. Debra Taylor, South S. Louis County Soil and Water Conservation District. Like the last two speakers, I am an elected person here, elected from the southern part of St. Louis County and specifically to represent the cities of Duluth, Hermantown, Proctor and Midway Township, although I -- my involvement stretches farther than that to the entire southern half of the county.

The comments that I've gotten back from my people in my constituency have been very positive as to joining the program. A large majority are in support of it. That's based on the fact that it works in other coastal states. Minnesota is the only state along the Great Lakes border that's not involved and people see it in a world of tightening money available to get things done, as a way to tap into some federal resources.

And I share the concerns of the last two speakers of getting the document rather late. For that reason I'm not going to be addressing any specific things because I've only gotten about a quarter of the way through it myself and I want to look at the whole document before I start picking out individual things because my questions may be answered at some later point in the document and it would take too much time here.

As far as the -- my personal involvement in this, I was involved with the boundary group, which was a struggle to get a boundary set. I support where the boundary currently ended up getting set. I myself wanted it a little farther away. We had people up in Solway Township, Knife River area, Clover Valley that wanted to be included, but didn't get in it.

So if anything from the people that I talked with, they wanted more rather than less and sooner rather than later.

Later testimony:

MS. DEBRA TAYLOR: Question from the floor? Does not the document at some point establish what the maximum percentage of the money can be used for administrative costs as the program is being set up? Can you respond at least with yes or no? Is there a maximum percentage given in the document that can be used for administrative costs?

Response to comments:

1. Comment (received document late) noted. See other remarks about delays in document printing (responses to written comment no. 1, response 2).
2. Comment (support of the program from constituents) noted. No change required. Thank you for support of the program

3. Comment (maximum percentage for administrative costs) noted. Yes, the document states that during the first year of the program administrative funds will be approximately 20 percent. Based upon past concerns, it is the primary intent of this coastal program to support the local units of government and other eligible organizations as much as possible with pass-through grants for projects, while still being able to maintain the administration support necessary to operate this program.

ORAL TESTIMONY NO. 4: BRIAN FREDRICKSON, MN POLLUTION CONTROL
 AGENCY, LAKE SUPERIOR BASIN PLANNER
 DEIS PUBLIC HEARING TESTIMONY, DULUTH, MN
 September 1, 1998

Oral Testimony:

MR. BRIAN FREDRICKSON: Since the chair is the order of the day, I think I'll do that too. My name is Brian Fredrickson and I'm with the Minnesota Pollution Control Agency out of the Duluth office, and my position in the Duluth office is as Lake Superior Basin Coordinator. And within our agency that position is responsible for working with most of the programs that we have that deal with Lake Superior, so the Coastal Program kind of fits within that purview.

I appreciate the opportunity again to comment tonight. And like some of the other speakers, I really haven't had a chance to go through the document because I got it pretty late as well. And I guess I'd like to say that originally our agency was probably as skeptical as anybody out there, any of the citizens and others about the coastal process because we have, I think like many people, a pretty long memory. We remember the 1970s, and also because the coastal program had a new component in it dealing with the nonpoint source pollution, something that was pretty new us. And after a great deal of discussion with some of the folks from NOAA and the Department of Natural Resources and a lot of research on our part, I think we came the conclusion that the program has far more benefits than it has drawbacks.

And one of the things that obviously was pointed out already is that the state will be able access some really scarce federal funds to do what looked like could be some pretty good projects, both in terms of public access and environmental protection. And I think we've missed out on a lot of these funds over the years because we haven't been in the program. So, that's something that is a real important part of it.

Another part that maybe gets overlooks pretty often too is that the program has a bunch of communication tools and technical resources that the state hasn't had access to in the past, mainly through the National Oceanic and Atmospheric Administration and Department of Commerce. They have a wealth of expertise, technical expertise, that we'll be able to tap into and use to our benefit with regard to coastal issues.

And perhaps just as important, we'll be part of a national program with other states that deal with coastal issues, so we should be able to benefit a great lead from the collective wisdom of those folks regarding some of the problems that they've already gone through on their coasts. So hopefully, we won't have repeat that.

As the state water quality agency, we are responsible for the-- a big part of the nonpoint program which is a companion program to the traditional Coastal Zone Management Program, and we believe that NOAA and the Environmental Protection Agency have provided considerable flexibility to make that program work through the use of voluntary programs and existing authorities that we already have in place and we're very much looking forward to working on the program, once the coastal program is adopted.

I'd like say that having had a chance to work with some of the folks from the Department of Natural Resources and NOAA and some of the work group members, I applaud your efforts. I think you've done an extremely good job of working on a pretty complicated program and providing a great deal of opportunities for people to comment in a whole variety of settings and from what I can tell it looks like it's been very much a bottom-up process, so thanks.

Response to comments:

1. Comment noted. No change required. Thank you for your support and efforts on behalf of the PCA in the development of this program. It is a much more comprehensive and cooperative program because of the collaborative effort we received from you and your agency.

ORAL TESTIMONY NO. 5: PAUL IVERSON, TWO HARBORS CITY COUNCIL
DEIS PUBLIC HEARING TESTIMONY, DULUTH, MN
September 1, 1998

Oral Testimony:

MR. PAUL IVERSON: I'm Paul Iverson, I'm from the City of Two Harbors, and I actually have read most of the document. And I do have one suggestion and that's that in the termination process you have a two-thirds majority of the local units of government have to sign a document saying that they want to be terminated, and I really believe that that should be 51 percent, a simple majority.

But other than that, I guess what most of the speakers have said I kind of have to agree with. I--after reading this document I think it is a pretty good document, and local units of government, I don't believe, have done a real good job of planning on the North Shore and that they do need help one way or another and this may be one of those ways. And it seems like it's a fairly democratic system, the Coastal Zone Council, as far as I can tell, so it may be something that just may work.

I think that's all I had. The other thing that is I do wonder how the coastal council would affect the North Shore Management Board and I know that they are two different zones. I know that the coastal zone thing would go much further inland, but it seems like they're almost redundant in some ways and I was just wondering how that does work, although I noticed that the coastal zoning had no power of implementation. But I guess those are my comments on it.

Response to comments:

1. Comment (termination process requiring two-thirds majority of the local units of government) noted. No change required. The Organization and Implementation Work Group developed the guidelines for this process as detailed on Part V 2-18. Further concerns could be addressed during program implementation or during a Section 312 review.
2. Comment (how the Coastal Council would affect the North Shore Management Board) noted. No change required. There are several differences to note between the Coastal Council and the North Shore Management Board (NSMB). As the commentor stated, there are two different zones (geographic boundaries) that define each program. Minnesota's Lake Superior Coastal Program defines a boundary that follows the coastal townships along the north shore, includes the cities of Duluth, Hermantown, Proctor, Carlton and Cloquet as well as some of the areas affected by the St. Louis River. This boundary is much broader geographically than the North Shore Management Plan. The Coastal Council's role will be to set grant program priorities (based on stakeholder input) and determine recipients for the pass-through grant portion of the program. It will have no authority to set policy, make rules or enforce any of the existing policies now managed by the NSMB or any other regulating authority. At best, it will be an additional funding source for projects deemed valuable to be carried out the North Shore Management Plan.

ORAL TESTIMONY NO. 6: ARNOLD OVERBY, RESIDENT OF BEAVER BAY, MN
DEIS PUBLIC HEARING TESTIMONY, SILVER BAY, MN
September 2, 1998

Oral Testimony:

MR. ARNOLD OVERBY: I'd like to support NOAA's adoption of this proposed plan. I think that the -- we need all the help we can get to protect the North Shore and the coastal zone of Lake Superior.

I read in the introduction here, the first pages, it says this program does not create any new permits and does not require any new regulations, zoning ordinances or enforceable mechanisms. So I see no conflict, it's just another added bit of protection for a precious area.

I was born in Two Harbors in 1934, my grandparents settled on the shore around the turn of the century, and I'm very familiar with the changes that have occurred in a fairly short period of time. And if the present trends continue, the North Shore will become overdeveloped and we'll lose the valuable resource that we have. So I support the adoption of this Lake Superior Coastal Program.

Response to comments:

1. Comment (support of the program) noted. No change required. Thank you for your support of the adoption of the Lake Superior Coastal Program.

ORAL TESTIMONY NO. 7: JIM ALLERT, RESIDENT OF KNIFE RIVER, MN
DEIS PUBLIC HEARING TESTIMONY, SILVER BAY, MN
September 2, 1998

Oral Testimony:

MR. JIM ALLERT: Thank you for allowing me to speak before you tonight. I have some prepared remarks which I'll turn over when I'm finished. I've served on the boundary group for this CZM project and I believe the boundary has been well fashioned to include areas that are most critical. Tonight I speak as a concerned citizen.

I attended the public hearing in Duluth last night where Commissioner Hahn expressed the historical opposition of Lake County to the CZM plan. From her testimony it seems the Lake County Board of Commissioners opposes the plan for what appear to be two main reasons: First, and foremost, they fear that it will effectively impose a new and unresponsive layer of government regulation. Secondly, they believe that the net monetary benefits for Lake County would be far less than we are led to believe. I feel both issues, given their political prominence, could be better addressed by this document. One can hardly blame local government for opposing what it perceives as the uncompensated loss of local control. Part of their job is to watch out for these things.

Another aspect of their job is to do whatever it takes to meet the needs of Lake County residents. With Lake County's population projected to decline over the next several decades, I believe that financing for all kinds of public projects becomes more and not less difficult without substantial tax increases.

Yet as an article in today's Duluth News-Tribune points out, it's kind of in the bottom left-hand side of the page, Minnesotans get back only 78 cents on each tax dollar that they send to the federal government. And Lake County residents get back even less than many Minnesota counties.

As I said, I live in Knife River. We have a failing fishery in a river where you could catch record sized fish just 20 years ago, now you can hardly catch anything in that river. We've got a marina that's in bad need of repair and when money goes to safe harbors and all kinds of other things it seem to bypass existing facilities like that. And this past winter mechanical failures completely disabled our sewer plant for weeks and we're now forced to try to either rebuild the thing or abandon it. This Coastal Zone Management Plan would contain ongoing funds to address these kinds of problems, funds that are not now available in Lake County.

While the debate about local control rages at one level, the average citizen in Knife River is more concerned about simple things, like being able to catch a fish in the river, enjoying lasting public recreational facilities and being able to flush their toilet, all three of which are iffy propositions for us right now.

This coastal plan would start funneling some of our federal tax dollars back to where we live instead of sending our money off to improve coastal areas in Mississippi and California and North Carolina like we've been letting the federal government do for decades.

I believe this plan has great merit and I would urge NOAA to approve the plan. And I'd like to encourage local residents to perhaps spend less time looking for things to be against in this document and more time trying to make the thing work because we can use this money now and we deserve a better return than we're getting on your federal tax dollars. Thank you.

Response to comments:

1. Comment noted. No change required. Thank you for your support of approval of the program.
2. No written comments were submitted.

ORAL TESTIMONY NO. 8: JOEL PETERSON, MN POLLUTION CONTROL AGENCY
DEIS PUBLIC HEARING TESTIMONY, SILVER BAY, MN
September 2, 1998

Oral Testimony:

MR. JOEL PETERSON: A few months ago I became the Pollution Control Agency's northeastern area office designated person to work on coastal zone management and nonpoint issues to the Lake Superior basin. So, I've just gotten involved with this program relatively recently, but had been familiar with it in the past and have been to some of the open houses that they had a couple years ago.

I'd like to thank you for this opportunity to comment on this very timely and needed program.

The North Shore of Lake Superior is characterized by steep slopes, highly erodible red clay soils, a thin topsoil layer, bedrock outcrops and forest, all intersected by high water quality designated trout streams. It has stellar beauty combined with numerous year-round recreational opportunities. It's a fragile and unique ecosystem poised on the largest fresh water lake in the world.

The rivers and creeks of the North Shore are the most fragile of all. All but the intermittent creeks are designated cold water trout streams. They are unusual in that they maintain their cold water even though they are primarily surface water fed. The forest canopy keeps the surface water runoff shaded and cold and prevents rain drops from starting the fine clay soils moving. Moving fine soils fill in gravel beds where most stream invertebrates live and where trout eggs must incubate in contact with moving water. Mercury most often -- most of which is deposited far away -- from far away by air current clings to these surface soils and is easily transported to the waters of the basin where it bio-accumulates in our fish.

Each new house, condo, business or golf course opens the canopy a little more, exposes the thin fine soils and changes the hydrology with roofs, ditches, evaporation and paved surfaces.

We have a high percentage of failing septic systems throughout the Lake Superior basin. They contribute to polluting nutrients and some hazardous waste to the basin waters and Lake Superior. This inability to be able to maintain and site septic systems on the North Shore has been a limiting factor on growth and development, but has helped maintain the character of the North Shore. There are currently at least four proposals in the work for sewage treatment systems or major sewage pipe extensions that will in all likelihood eliminate the limiting factor to development.

In the last few years, we've seen an explosion in development in such North Shore communities as Two Harbors and Grand Marais where sewer is available. The pressure is there to develop wherever the sewer pipe arrives. Are the communities and counties ready for that? Have sensitive and scenic areas been set aside? Are communities going to be able to control and guide the future development in the direction the community desires? Has comprehensive land use planning been done?

The CZM program can provide technical assistance, planning and project dollars to local governments that will have to deal with the dramatic change in the next decade. Application for CZM grants is not mandatory. It is a win/win program for those local governments that choose to use it to help manage one of the most remarkable natural resources in the world.

We will have more formal comments on the draft EIS, official comments from the MPCA and any specifics before the end of the comment time. Thank you much.

Response oral testimony:

1. Comment noted. No change required. Written comments from MNPCA are contained in other parts of the response to written testimony.

ORAL TESTIMONY NO. 9: TOM PETERSON, SILVER CREEK TOWNSHIP
SUPERVISOR
DEIS PUBLIC HEARING TESTIMONY, SILVER BAY, MN
September 2, 1998

Oral Testimony:

MR. TOM PETERSON: I'd just like to make a quick point. I too have heard members of the County Board claim that Lake County is opposed to this program. Well, Silver Creek Township is entirely within Lake County and we have long supported this program. I think that an elected official in this day and age, ignores potential funding sources at their own peril. Thank you.

Response comments:

1. Comment noted. No change required.

ORAL COMMENTS NO. 10: STEVE MUELLER, MNDNR-TRAILS AND WATERWAYS
VIA TELEPHONE CONVERSATION
September 30, 1998

Oral Comments:

The Lake Superior Water Trail is now 40 miles long, beginning in Two Harbors and ending at the Cook County line. Also, include the St. Louis River Board and the St. Louis River Management Plan in the document. The new recreation plan has just been completed.

Response to Comments:

1. Comment (length of Lake Superior Water Trail) accepted. Changes have been made in the document to reflect length, current beginning and terminus of trail.
2. Comment (include St. Louis River Board and St. Louis River Management Plan) accepted. Both will be referenced in the document.

PART VII

APPENDIX E

Federal Consistency

APPENDIX E

FEDERAL AGENCIES CONSULTED DURING PROGRAM DEVELOPMENT

Department of Agriculture

- Farm Service Agency
- Animal and Plant Health Inspection Service
- Rural Development
- Federal Grain Inspection Service
- Forest Service
- Extension Service - University of Minnesota
- Natural Resource Conservation Service
- Soil and Water Conservation Service

Department of Commerce

- Economic Development Administration
- National Oceanic and Atmospheric Administration
 - National Marine Fisheries Service
 - National Weather Service
 - Office of Ocean and Coastal Resources Management

Department of Defense

- Air Force
 - Civil Air Patrol
- Army
 - Corps of Engineers
 - Reserve
- Marine Corps
- Navy
 - Naval Reserve

Department of Education

Department of Energy

Department of Health/Human Service

Department of Housing and Urban Development

Department of Interior

- Bureau of Indian Affairs
- Bureau of Land Management
- Fish and Wildlife Service
- Geological Survey
- Minerals Management Service
- National Biological Service
- National Park Service

Department of Justice

- Environment and Natural Resource Division
- Immigration and Naturalization Service
- Marshals Office

Department of Labor

- Employment and Training Administration
- Mine Safety and Health Administration
- Veterans Employment and Training Service

Department of State
 Office of Oceans and International Environmental and Scientific Affairs
Department of Transportation
 U.S. Coast Guard
 Federal Aviation Administration
 Federal Highway Administration
 Federal Railroad Administration
 Federal Transit Administration
 Maritime Administration
U.S. Customs Service
Internal Revenue Service
Department of Veterans Affairs
Environmental Protection Agency
Federal Communications Commission
Federal Emergency Management Agency
Federal Energy Regulatory Commission
Federal Trade Commission
Federal Transit Administration
General Services Administration
Interstate Commerce Commission
Nuclear Regulatory Commission
Small Business Administration
U.S. Courts
U.S. Postal Inspection Service
U.S. Postal Service

NATIONAL INTEREST STATEMENTS RELATED TO FEDERAL CONSISTENCY

The following comments were received from federal agencies in response to a survey mailed to agencies consulted during program development. The survey was sent to the agencies on April 5, 1996 and asked how the functions, responsibilities, activities, and/or projects of the agency relate to the national interest concerns (national defense, energy production and transmission, transportation, ports and navigation, and coastal resources). It further requested they list any other national concerns relevant to the agency.

Department of Agriculture - Farm Service Agency

The Farm Service Agency can provide, on a voluntary basis, financial assistance to eligible land owners and operators who wish to convert cropland to various types of conservation practices for extended periods of time. In addition, the agency maintains records of food and fertilizer storage sites in each county.

Department of Agriculture - Rural Development

During the application process an environmental assessment is prepared which takes into account the impact the proposed action would have on the environment and protected resources. Avoidance is the primary goal. If the impact cannot be avoided, the impact is minimized and mitigation measures are established to assure the proposed action results in no significant effect to the environment.

Department of Agriculture - Natural Resources Conservation Service

We provide technical assistance to individuals, groups, and units of government that helps protect, conserve, and enhance the listed concerns.

Department of Agriculture- Forest Service

Related to energy production: Role provided the FS in FERC licensing/relicensing process for hydropower facilities. Related to energy production: FS issuance of permit/lease for exploration or development of mineral or energy resources on federal lands. Federal land manager affirmative role under Federal Clean Air Act, to review major new or modified sources of air emissions to protect air quality related values of Class I air quality areas (such as BWCAW). Related to energy transmission: FS issuance of permits for pipe lines and power lines. Related to transportation: FS issuance of permits/easements for state, county, township or private roads across federal land or, FS required role in review of Federal Department of Transportation easements for such roads. Related to Coastal Resources/Threatened Wildlife Habitats: FS management actions designed to enhance habitat for federally-listed wolf and bald eagle and peregrine falcon. Related to Coastal Resources/Public Recreation Areas: The BWCAW, managed by the Superior National Forest, is a significant component of the National Wilderness Preservation System. The eastern end of the BWCAW lies within the Lake Superior watershed. Related to Coastal Resources/Historical, Cultural, and Archeological Sites: Two sites managed by the Superior National Forest, and within the proposed Coastal Program area, are on the National Register of Historic Places. These sites are: South Fowl Lake archeological site and Height of Land Portage. Both sites are located in the BWCAW.

Department of Defense, Army, Corps of Engineers

The following are considered during the review of proposed projects during the permitting process: National defense, energy production and transmission, transportation, ports, and navigation, and coastal resources (significant fish species and habitats, threatened wildlife habitats, public recreation areas, and historical, cultural and archeological sites). In addition, by maintaining navigation channels/harbors, the Corps is involved with transportation, ports, and navigation. It relates to our national defense since some waterborne commerce directly impacts the defense industry (taconite pellets for steel production). Coal shipments (energy production) is often carried by water transportation. The coastal resources are important especially in harbor maintenance and dredge disposal.

Department of Interior - Geological Survey - Water Resources Division

Our information is used for planning - droughts, floods, water supply.

Department of Interior- National Park Service (Grand Portage National Monument)

Grand Portage National Monument manages both natural and cultural resources on the North Shore of Lake Superior. Cultural resources are significant and primary to congressional intent in authorizing the area. Some natural resources parallel others nearby in protecting threatened species. Shoreline protection from high water has been undertaken on several occasions.

Department of Interior - Bureau of Indian Affairs

The following items relate BIA mission to identified national interests: National defense - Impacts of military activities to reservation, availability of lands from base closure for addition to reservations. Energy - Relicensing of hydropower projects, development of new energy facilities within reservations, pesticides on rights-of-way. Transport, ports, navigation - Development of and expansion of facilities within reservation or ceded territories, effects on fish and wildlife and water quality. Significant fish species & habitats - Tribes are adjudicated co-trustees for fish resources in Lake Superior and ceded territory lakes, assist tribe in management & protection. Threatened wildlife habitats - identification & protection of habitat on reservations, consider habitats in tribal developments. Public Recreation Areas - Impacts to reservations and ceded territories; potential issues raised by Grand Portage RBC on new state park within Grand Portage Reservation, affects to trust resources by recreation areas related to relicensing of St. Louis River and Cloquet hydropower projects. Historical, cultural , archaeological - Issue permits to non-tribal archaeologists for surveys within Indian reservations, conduct surveys and comply with National Historic Preservation Act for BIA undertakings to facilitate tribal proposals. Wetlands - Help tribes (funding, technical assistance) inventory, restore, protect wetlands, consider impacts to wetlands for BIA undertakings needed to facilitate tribal proposals, wild rice restoration and management.

Department of Interior - National Biological Service

The National Biological Service conducts research that leads to information on population status and trends that can be used for proposing listing or delisting species as federally threatened or endangered.

Department of Transportation - Federal Aviation Administration

Airport establishment and development.

Department of Transportation - U.S. Coast Guard

Primarily in the protection of coastal resources during pollution incidents and in the prioritization of natural resources for protection. In addition, pre-spill planning has identified and developed strategies for the protection of and cleanup in the event of a spill, for coastal resources.

The Coast Guard's Civil Engineering Unit in Cleveland would consult with MNDNR if it was planning any new construction, i.e. Coast Guard bases. None are currently planned.

Department of Transportation - Maritime Administration

The Minnesota commercial ports play an important role in supplying raw materials for the steel making and power generating facilities throughout the Great Lakes region, particularly, during military supply buildup. Minnesota ports and Great Lakes shipping provide an alternate route for vessel operators serving in national defense or national emergency situations. Minnesota commercial port facilities must be adequately maintained in regard to dredging in order to provide the maximum vessel efficiency and carrying capacity throughout the service area in domestic or international trade.

Environmental Protection Agency

Under the National Environmental Policy Act as well as under the Clean Water Act and Clean Air Act, the Environmental Protection Agency comments on the likely consequences for water quality, air quality and wetlands of major implementation projects or actions.

Federal Energy Regulatory Commission

Regulation of natural gas transportation in interstate commerce. Review natural gas facility construction applications. Our authority to approve interstate natural gas transmission facilities has a positive impact on national energy concerns. Our NEPA responsibilities assure that all impacts on coastal resources are taken into account in FERC's decision making process. Hydroelectric projects in Minnesota contribute to the state's need for energy production. Hydroelectric projects can cause both adverse and beneficial effects to coastal resources (fisheries, wetlands, recreation, water quality and quantity, etc.)

Nuclear Regulatory Commission

Should an electric utility decide to use nuclear power to meet energy production needs, the NRC would regulate the construction and operation of the nuclear power facility. As such, much of NRC's licensing activities relate to energy production and transmission. During NRC review of a proposed licensing activity, the staff reviews the environmental impacts of licensed activities on coastal resources under the National Environmental Policy Act.

MODEL FEDERAL CONSISTENCY DETERMINATION FOR FEDERAL AGENCIES

The CZMA requires that “each federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved state management programs”, 16 U.S.C. 1456(c)(1)(A).

Minnesota has an approved Coastal Management Program (CMP) which is based on existing state statutes and rules as outlined in “*Minnesota’s Lake Superior Coastal Program*” document. Part V, Chapter 6 of the document defines the program process regarding federal consistency.

This section details the analysis by which the [federal agency] has determined that its [project title or description of action/activity] is consistent to the maximum extent practicable with the enforceable policies of *Minnesota’s Lake Superior Coastal Program*.

The [federal agency] has determined that the [project title or description of action/activity] affects the land or water uses or natural resources of Minnesota’s coastal area in the following manner:

[Provide analysis or effects or reference pages of NEPA document if appropriate.]

The [federal agency] has evaluated the following relevant enforceable policies of *Minnesota’s Lake Superior Coastal Program*:

[Describe state CZM program enforceable policies]

Based on the following information, data and analysis the [federal agency] finds that the [project] is consistent to the maximum extent practicable with *Minnesota’s Lake Superior Coastal Program*.

[Provide information, data and analysis supporting the determination of consistency with *Minnesota’s Lake Superior Coastal Program*.]

By this determination that the [project] is consistent to the maximum extent practicable with *Minnesota’s Lake Superior Coastal Program*, the State of Minnesota is notified that it has 45 days (plus any appropriate extension under 15 C.F.R. 930.41(b)) from the receipt of this letter in which to agree or disagree with the [federal agency’s] determination. The agreement or disagreement of the State of Minnesota with the federal agency’s consistency determination shall be sent to:

[provide federal agency contact]

Signature

Title

Date

Coastal Management Consistency Form

Enforceable Policies and Authorities

Appropriate State Agency

Coastal Land Management

- | | |
|--|------------------------------|
| <input type="checkbox"/> Shoreland Management Act
Minn. Stat. § 103F .201 - 103 F .221 | DNR Waters |
| <input type="checkbox"/> Statewide Standards for “Management of Shoreland Areas”
Minn. Rules 6120.2500-6120.3900 | DNR Waters |
| <input type="checkbox"/> North Shore Management Plan
Minn. Rules 6120.2800 | North Shore Management Board |
| <input type="checkbox"/> Floodplain Management
Minn. Rules 6120.5000 - 6120.6200 | DNR Waters |
| <input type="checkbox"/> Floodplain Management Act
Minn. Stat. ch. 103F | DNR Waters |

Coastal Water Management

- | | |
|---|---|
| <input type="checkbox"/> Protected Water Program
Minn. Stat. ch. 103G | DNR Waters |
| <input type="checkbox"/> Water Permits
Minn. Rules 6115.0010 - 6115.0810 | DNR Waters |
| <input type="checkbox"/> Water Appropriation
Minn. Stat. §103G .271 - 103G .315 | DNR Waters |
| <input type="checkbox"/> Dams
Minn. Rules 6115.0300 | DNR Waters |
| <input type="checkbox"/> Wetlands
Minn. Stat. §103G .221 - 103G .2373 | DNR Waters
Board of Water & Soil Resources |
| <input type="checkbox"/> Wetland Conservation Act Rules
Minn. Rules ch. 8420 | Board of Water & Soil Resources |

Air Quality

- | | |
|---|--------------------------|
| <input type="checkbox"/> Pollution Control Agency (Powers, duties)
Minn. Stat. ch. 116 | Pollution Control Agency |
| <input type="checkbox"/> Acid Deposition Controls
Minn. Rules ch. 7021 | Pollution Control Agency |
| <input type="checkbox"/> Air Emission Permit Fees
Minn. Rules ch. 7002 | Pollution Control Agency |
| <input type="checkbox"/> Air Emission Permits
Minn. Rules ch. 7001 | Pollution Control Agency |
| <input type="checkbox"/> Air Emission Permits
Minn. Rules ch. 7007 | Pollution Control Agency |
| <input type="checkbox"/> Air Quality Rules
Minn. Rules ch. 7005 | Pollution Control Agency |
| <input type="checkbox"/> Ambient Air Quality Standards
Minn. Rules chps. 7009, 7017, 7019 | Pollution Control Agency |

- | | | |
|--------------------------|--|--------------------------|
| <input type="checkbox"/> | Stationary Source Air Standards
Minn. Rules ch. 7011 | Pollution Control Agency |
| <input type="checkbox"/> | Mobile Source Air Quality Standards
Minn. Rules ch. 7023 | Pollution Control Agency |
| <input type="checkbox"/> | Lead-based Paints
Minn. Rules ch. 7025 | Pollution Control Agency |
| <input type="checkbox"/> | Noise Standards
Minn. Rules ch. 7030 | Pollution Control Agency |

Water Quality

- | | | |
|--------------------------|--|--------------------------|
| <input type="checkbox"/> | Waste Treatment Facilities
Minn. Rules ch. 7048 | Pollution Control Agency |
| <input type="checkbox"/> | Water Pollution Control Act
Minn. Stat. ch. 115 | Pollution Control Agency |
| <input type="checkbox"/> | Water Quality Standards
Minn. Rules ch. 7050 | Pollution Control Agency |
| <input type="checkbox"/> | Water Quality Standard - Standard Implementation, and Non-degradation Standard for Great Lakes Initiative Pollutants in the Lake Superior Basin
Minn. Rules ch. 7052 | Pollution Control Agency |
| <input type="checkbox"/> | NPDES & State Disposal Permits
Minn. Rules ch. 7001 | Pollution Control Agency |
| <input type="checkbox"/> | NPDES & Storm Water Permits
Minn. Rules ch. 7002 | Pollution Control Agency |
| <input type="checkbox"/> | Animal Feedlots
Minn. Rules ch. 7020 | Pollution Control Agency |
| <input type="checkbox"/> | Onsite Septic Systems
Minn. Rules ch. 7080 | Pollution Control Agency |
| <input type="checkbox"/> | Oil and Hazardous Substances
Minn. Rules ch. 7100 | Pollution Control Agency |
| <input type="checkbox"/> | Underground Waters
Minn. Rules ch. 7060 | Pollution Control Agency |
| <input type="checkbox"/> | Agricultural Chemical Liability, Incidents and Enforcement
Minn. Stat. ch. 18D | Pollution Control Agency |
| <input type="checkbox"/> | Groundwater Protection Act
Minn. Stat. ch. 103H | Pollution Control Agency |
| <input type="checkbox"/> | Safe Drinking Act
Minn. Stat. ch. 144 | Pollution Control Agency |
| <input type="checkbox"/> | Drinking Water Rules
Minn. Rules ch. 4720 | Pollution Control Agency |
| <input type="checkbox"/> | Wells, Borings, and Underground Uses
Minn. Stat. ch. 103I | Pollution Control Agency |
| <input type="checkbox"/> | Waste Management
Minn. Stat. ch. 115A | Pollution Control Agency |

<input type="checkbox"/>	Sewage Sludge Management Minn. Rules ch. 7040	Pollution Control Agency
<input type="checkbox"/>	Hazardous Waste Minn. Rules ch. 7045	Pollution Control Agency
<input type="checkbox"/>	Minnesota Well Code Minn. Rules ch. 4725	Pollution Control Agency
<input type="checkbox"/>	Environmental Response and Liability Minn. Stat. ch. 115B	Pollution Control Agency
<input type="checkbox"/>	Waste Treatment Facilities Minn. Rules ch. 7048	Pollution Control Agency
<input type="checkbox"/>	Solid Waste Management Minn. Rules ch. 7035	Pollution Control Agency
<input type="checkbox"/>	Underground Storage Tanks Minn. Rules ch. 7150	Pollution Control Agency
<input type="checkbox"/>	Above Ground Storage Tanks Minn. Rules ch. 7151	Pollution Control Agency
<input type="checkbox"/>	Petroleum Contaminated Soil Management Minn. Rules ch. 7037	Pollution Control Agency

Fish and Wildlife Management

<input type="checkbox"/>	Aquaculture Minn. Stat. §17.46	DNR Division of Fish and Wildlife
<input type="checkbox"/>	Exotic Species Minn. Stat. §18.317 and Minn. Stat. §84.966-84.9691	DNR Division of Fish and Wildlife
<input type="checkbox"/>	Fishing Minn. Stat. ch. 97C	DNR Division of Fish and Wildlife
<input type="checkbox"/>	Game and Fish Minn. Stat. ch. 97A	DNR Division of Fish and Wildlife
<input type="checkbox"/>	Game and Fish Rules Minn. Rules chps. 6200-6290	DNR Division of Fish and Wildlife
<input type="checkbox"/>	Hunting Minn. Stat. ch. 97B	DNR Division of Fish and Wildlife
<input type="checkbox"/>	Aquatic Plan Management Program Minn. Stat. §84.092	DNR Division of Fish and Wildlife
<input type="checkbox"/>	Threatened and Endangered Species Minn. Stat. §84.0895	DNR Division of Fish and Wildlife

Forest Management

<input type="checkbox"/>	State Timber Act Minn. Stat. ch. 90	DNR Division of Forestry
<input type="checkbox"/>	Permission to Start Fires Minn. Stat. §88.17	DNR Division of Forestry

Mineral Resources

<input type="checkbox"/>	Iron Ore/Taconite Leasing Program Minn. Stat. §93.14 - 93.28	DNR Division of Minerals
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<input type="checkbox"/>	Metallic Minerals Leasing Program Minn. Rules ch. 6125	DNR Division of Minerals
<input type="checkbox"/>	Metallic Minerals Leasing Program Minn. Stat. §93.08 - 93.12	DNR Division of Minerals
<input type="checkbox"/>	Metallic Minerals Leasing Program Minn. Stat. §93.25	DNR Division of Minerals
<input type="checkbox"/>	Mineland Reclamation Program Minn. Stat. §93.44 - 93.51	DNR Division of Minerals
<input type="checkbox"/>	Mining Reclamation Minn. Rules ch. 6130	DNR Division of Minerals
<input type="checkbox"/>	Nonferrous Mining Minn. Rules ch. 6131	DNR Division of Minerals
<input type="checkbox"/>	Peat Leasing Program Minn. Stat. §92.5	DNR Division of Minerals
<input type="checkbox"/>	Peatland Reclamation Minn. Rules ch. 6132	DNR Division of Minerals
<u>Energy</u>		
<input type="checkbox"/>	Minnesota Power Plant Siting Act Minn. Stat. §116C .51-.69	MN Environmental Quality Board
<input type="checkbox"/>	Pipelines Minn. Stat. §116I .01-.11	MN Environmental Quality Board
<input type="checkbox"/>	Utility Companies, Permit to Cross State-Owned Lands Minn. Stat. §84.415	DNR Bureau of Real Estate Mgmt.
<input type="checkbox"/>	Utility Crossings of Public Lands and Waters Minn. Rules 6135.0100 - 6135.1800	DNR Bureau of Real Estate Mgmt.
<u>Environmental Review</u>		
<input type="checkbox"/>	Minnesota Environmental Policy Act Minn. Stat. ch. 116D	MN Environmental Quality Board
<input type="checkbox"/>	Water Quality Minn. Rules 4410.0200 - 4410.8000	MN Environmental Quality Board

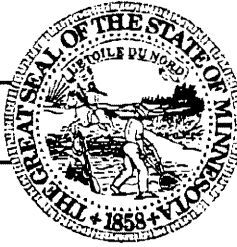
PART VII

APPENDIX F

Executive Order

STATE of MINNESOTA

EXECUTIVE



DEPARTMENT

JESSE VENTURA
GOVERNOR

**EXECUTIVE ORDER 99-12
PROVIDING FOR A GOVERNOR'S COUNCIL
ON MINNESOTA'S LAKE SUPERIOR COASTAL PROGRAM,
AND ASSIGNING RESPONSIBILITY TO THE
DEPARTMENT OF NATURAL RESOURCES**

I, JESSE VENTURA, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, Minnesota is nationally recognized for its leadership in resource protection programs; and

WHEREAS, Minnesota state agencies are committed to operating consistently with state and federal rules, regulations, statutes and authorities; and

WHEREAS, the Department of Natural Resources, with the advice of local units of government, the general public, other state and appropriate federal agencies, has developed Minnesota's Lake Superior Coastal Program; and

WHEREAS, the Federal Coastal Zone Management Act of 1972 provides funds to states that voluntarily implement a federally approved Coastal Zone Management Program; and

WHEREAS, Minnesota's Lake Superior Coastal Program is based on existing policies and authorities that address land and water uses and resource protection in the coastal area; and

WHEREAS, public participation is a fundamental aspect of program development and implementation of an advisory council with specific functions and responsibilities is an integral part of Minnesota's Lake Superior Coastal Program.

NOW, THEREFORE, I hereby order that:

1. The Minnesota Department of Natural Resources be designated the lead state agency to act for the Governor in preparing an application for, receiving, accepting and expending federal funds, and act for implementation and administration of Minnesota's Lake Superior Coastal Program as specified by the Coastal Zone Management Act of 1972.
2. To the extent permitted by law, state administrative departments, independent administrative boards and commissions, and all other state agencies shall, to the extent practicable and upon federal approval of Minnesota's Lake Superior Coastal Program, enforce and act consistently with the goals, policies and objectives of the Coastal Program.
3. The Governor's Council on Minnesota's Coastal Program is established and shall:
 - a. Make recommendations to the Commissioner of the Department of Natural Resources on Minnesota's Lake Superior Coastal Program priorities;
 1. With the assistance of program staff; and
 2. Reflect a balance between preservation, protection, development and, where possible, the restoration and enhancement of the coast for present and future generations.
 - b. Review and make recommendations to the Commissioner of the Department of Natural Resources on select programs and projects for funding.
 - c. Review annual administrative (non-project) budget with the Department of Natural Resources and make recommendations to the Commissioner of the Department of Natural Resources.
 - d. Review the Coastal Program every two years and make recommendations to the Commissioner of the Department of Natural Resources.

4. Membership in the Governor's Coastal Council shall consist of 15 members to be appointed by the Governor according to Minnesota Statutes, section 15.0593.
 - a. Twelve of the members shall consist of three persons per county appointed from a pool of names submitted by each of the cities, townships and counties within the Lake Superior coastal boundary in Minnesota. Each entity may submit up to three nominees.
 - b. Three at-large members shall be selected from individuals nominated by the public statewide and submitted to the Governor.
 - c. A minimum of three and a maximum of five Council members may represent any one county at any time.
 - d. No more than one elected official from each county shall be represented on the Council.
5. The Chair of the Council is elected by the Council membership.
6. The Council shall be operated in accordance with adopted rules of procedure and bylaws.


This Order shall be reviewed by the Governor, in consultation with the affected agency or agencies, every two years in order to assess its reasonableness and need.

Pursuant to Minnesota Statutes 1998, section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the State Register and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes 1998, section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this third day of May, 1999.

Filed According to Law:


MARY KIEFMEYER
Secretary of State


JESSE VENTURA
Governor



PART VII

APPENDIX G

Memorandums of Understanding

APPENDIX G

MEMORANDUMS OF UNDERSTANDING

AGREEMENTS BETWEEN FEDERAL AND STATE AGENCIES

U.S. Forest Service - Minnesota Department of Natural Resources

- C Work in the beds of protected waters.
- C Fish and wildlife management within the BWCAW.

U.S. Forest Service - Minnesota Department of Natural Resources MOU dated May 18, 1981 (Superior National Forest) and amended on January 8, 1988 and March 23, 1995

- C To develop a process to jointly identify, communicate, and coordinate actions of common concern relating to the lands and resources.
- C To provide a mechanism for continuing involvement in the development, implementation, monitoring, and amendment or revision of land management actions and land use plans.
- C To provide a framework to guide and direct individual programs and organizational units during the planning, implementation, and monitoring process.
- C To benefit the people of Minnesota and the United States through increased efficiency and responsiveness in public land and natural resources management.

U.S. Army Corps of Engineers - Minnesota Department of Natural Resources

- C General permit (GP1) procedures used to coordinate Corps general permit authorizations for specified categories of projects which are authorized, approved or permitted by the DNR dated April 13, 1984.

U.S. Army Corps of Engineers (Detroit District), Seaway Port Authority of Duluth, City of Superior, WI, Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Wisconsin Department of Natural Resources, Arrowhead Regional Development Commission, and the Northwest Regional Planning Commission (WI)

- C Partnering agreement to work on dredge material management matters of the St. Louis River and Western Lake Superior environment and Duluth-Superior commercial navigation dated August 14, 1996.

Great Lakes Indian Fish and Wildlife Commission and National Park Service, U.S. Fish and Wildlife Service, U.S. Forest Service, Environmental Protection Agency, U.S. Geological Survey, Bureau of Indian Affairs, Soil Conservation Service, Wisconsin Department of Natural Resources, Michigan Department of Natural Resources, Minnesota Pollution Control Agency, University of Wisconsin, University of Minnesota, Northland College, Michigan Technological University, Lakehead University

- C Cooperative agreement for providing coordinated research, information exchange, outreach and education for the benefit of Lake Superior.

Minnesota Pollution Control Agency and the Grand Portage Band of Chippewa

- C Cooperative working relationships relative to water quality standards and certification programs and their procedures.

Board of Water and Soil Resources, U.S. Army Corps of Engineers, Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, U.S. Department of Agriculture - Soil Conservation Service, Minnesota Department of Transportation, U.S. Environmental Protection Agency, Minnesota Department of Agriculture, U.S. Fish and Wildlife Service.

- C Interagency memorandum of understanding regarding wetland regulatory simplification dated August 24, 1994.
- C Mutual agreement between the USDA, the State of Minnesota and each of the soil and water conservation districts in the state to establish a cooperative relationship to achieve common natural resources conservation goals and objectives.

Minnesota Association of County Land Commissioners, The Land Management Information Center, Minnesota Department of Natural Resources, U.S. Department of Agriculture Forest Service's North Central Forest Experiment Station, Superior National Forest, Chippewa National Forest, University of Minnesota's College of Natural Resources, and University of Minnesota's Natural Resource Research Institute.

- C The Sustainable Forest Resources Act (Minn. Stat. §89A.09) requires the Commissioner of Minnesota Department of Natural Resources to establish an interagency information cooperative to coordinate the development and use of forest resources data.

Copies of each MOU may be obtained by contacting the Program Manager.

AGREEMENTS BETWEEN STATE AGENCIES

- C MOU between PCA and DNR regarding guidelines for environmental investigations for feedlots dated March 3, 1993.
- C MOU between PCA and DNR regarding environmental law enforcement, August, 1994.
- C MOA between PCA and DNR pertaining to coordination and cooperation of activities and programs related to protection, management and conservation of lake associated natural resources dated February 24, 1988.
- C Cooperative agreement between PCA and DNR establishing procedures governing state permit review of certain activities in Minnesota public waters dated October 29, 1984.
- C MOA between PCA and DNR establishing procedures governing state permit review of activities in waters of the State of Minnesota dated April 21, 1989.
- C MOA between the PCA and the DNR pertaining to control of nonpoint sources of pollution.
- C MOA between PCA, DNR, Minnesota Dept. of Agriculture, BWSR and the Met Council pertaining to coordination and cooperation of activities and programs related to protection, management and conservation of Minnesota's lakes dated February 24, 1988.
- C MOA between the DNR and BWSR pertaining to the allocation and administration of shoreland management grants as part of block grants dated October 18, 1993.
- C MOA between Minnesota Department of Health and the MPCA regarding response to contamination in private and municipal water supply wells and in establishing special well construction areas dated March 14, 1995.
- C MOA between the MPCA and the DNR for cooperative involvement in the regulation of mining industries in Minnesota.
- C MOU between Minnesota PCA and Minnesota Extension Service regarding cooperative working relationships dated September 28, 1995.
- C MOA between the Minnesota Department of Transportation and the Board of Water and Soil Resources regarding development of wetland banking credits and wetland restoration and mitigation costs.
- C Interagency memorandum of understanding regarding wetland regulatory simplification.

AGREEMENTS BETWEEN STATE AND LOCAL AGENCIES

- C MOU between the North Shore Management Board and the Minnesota Department of Natural Resources pertaining to the coordination, cooperation and responsibilities relating to the development and implementation of the North Shore Management Plan.
- C MOU between the Minnesota PCA, Fond du Lac Band of Chippewa and Minnesota Power and Light Company regarding water quality issues in the St. Louis River system dated November 23, 1992.
- C Mutual agreement between the USDA, the State of Minnesota and each of the soil and water conservation districts in the state to establish a cooperative relationship to achieve common natural resources conservation goals and objectives.
- C Memorandum of understanding between the Minnesota DNR, Division of Forestry and the Minnesota Department of Agriculture, Soil and Water Conservation Board regarding assistance to nonindustrial private forest (NIPF) landowners in Minnesota dated June 3, 1985.
- C Memorandum of understanding between the State Soil and Water Conservation Board (now the Board of Water and Soil Resources) and the Minnesota Department of Agriculture dated January 6, 1984 regarding authorization to carry out a broad program of assistance to soil and water conservation districts.
- C Interagency agreement between the Minnesota Pollution Control Agency and the State Soil and Water Conservation Board (SWCB) (now the Board of Water and Soil Resources - BWSR) dated May 2, 1977 regarding the performance and administration of the SWCB.
- C Memorandum of understanding between the City of Duluth, Seaway Port Authority of Duluth, and the DNR dated April 26, 1993 that sets forth specific procedures for ensuring the preservation of designated natural areas, the disposal of dredged material, and the conservation of lands suitable for water oriented commercial/industrial development adjacent to the harbor, and providing a forum for joint discussion and formal comments on land use development issues in and adjacent to the St. Louis River and estuary.



IN REPLY REFER TO

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
BOX 1027
DETROIT, MICHIGAN 48231-1027

September 18, 1996

Executive Office

Mr. Henry Hanka, Executive Director
Arrowhead Regional Development Commission
330 Canal Park Drive
Duluth, MN 55802

Dear Mr. Hanka:

Please find enclosed a copy of the fully signed Partnering Agreement for the management of dredge materials in Duluth-Superior Harbor, MN-WI.

I truly appreciate your expression of willingness, on behalf of your agency, to be an active participant in the future management of dredge materials at the harbor. Your involvement will ensure the continued operation and viability of one of the most important ports in the United States into the future in an economically and environmentally sound manner.

I look forward to working with you.

Sincerely,

A handwritten signature in black ink, which appears to read "Thomas C. Haid", is written over a printed name.

Thomas C. Haid
Lieutenant Colonel, U.S. Army
District Engineer

Enclosure

OBJECTIVES (in support of GOALS):

Promote Mutual Understanding

- Contribute to a more thorough understanding of each agency's functions, responsibilities, mission, and authorities on dredging issues by:
 - > Preparing a summary of each agency's role and jurisdiction on dredging issues and developing a mission statement for the Harbor Technical Advisory Committee (HTAC) of the Metropolitan Interstate Committee (MIC) (see footnote on page 3 for additional information about HTAC).*
 - > Actively participating in the HTAC.
- Explore joint training opportunities between agencies.

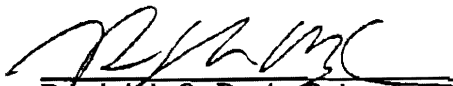
Enhance Coordination and Information Exchange

- Conduct quarterly HTAC meetings.
- Conduct annual HTAC meeting with managers in each Agency.
 - > Review the status of dredging permits, sediment research, beneficial uses of sediment, habitat creation, and educational programs.
 - > Conduct project tours.
- Conduct USCOE partnership satisfaction surveys twice per year.
- Identify opportunities for joint participation in programs of mutual benefit and interest involving water resources planning, engineering and design, construction and operations, and regulatory programs. Examples include the Coastal Resource ~~Zone~~ Management Program and the Sediment Contamination Workgroup of the St. Louis River Remedial Action Plan.
- Enhance joint interaction with the public on projects and programs. Examples include the Hearing Island Habitat Project and the Park Point Beach Nourishment Project.
- Develop and maintain local "contact" list for dredging issues and projects.
- Develop a public outreach plan.

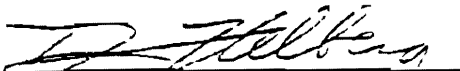
Provide for Timely Problem Solving and Decision Making

- Provide prompt identification/response/resolution of issues.
- Develop trust/teamwork to resolve issues in a timely manner.
- Seek to resolve issues at lowest organizational level.
- Develop a tiered system to elevate issues for timely decision making.

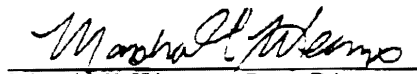
This agreement is not a contract and in no way alters the statutory authority of any signatory. This agreement will start on the date of the last signatory. Any signatory may terminate their participation within 30 days notice to the U.S. Army Corps of Engineers, Detroit District.


Randolph O. Buck, Colonel
U.S. Army District Engineer

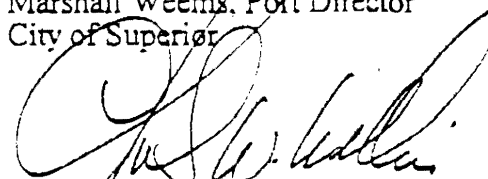
14 Jan 96
Date (month/day/year)


Davis Helberg, Executive Director
Seaway Port Authority of Duluth

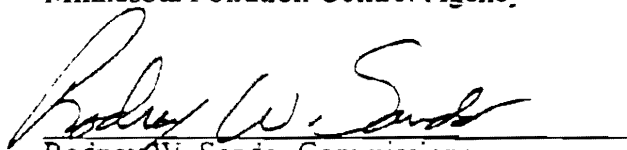
6/14/96
Date (month/day/year)


Marshall Weems, Port Director
City of Superior

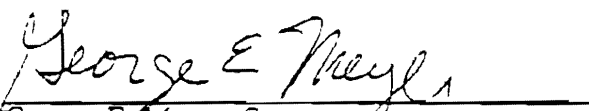
8-14-96
Date (month/day/year)


Charles W. Williams, Commissioner
Minnesota Pollution Control Agency


7/3/96
Date (month/day/year)


Rodney W. Sando, Commissioner
Minnesota Department of Natural Resources

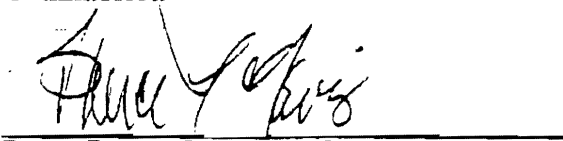
8/1/96
Date (month/day/year)


George E. Meyer, Secretary
Wisconsin Department of Natural Resources

8/14/96
Date (month/day/year)


Henry Hanka, Executive Director
Arrowhead Regional Development
Commission

7-23-96
Date (month/day/year)


Bruce Davis, Executive Director
Northwest Regional Planning Commission

8-6-96
Date (month/day/year)

**COOPERATIVE AGREEMENT
BETWEEN
THE GRAND PORTAGE BAND OF CHIPPEWA
AND
THE MINNESOTA POLLUTION CONTROL
AGENCY**

JULY 16, 1996

**APPROVED BY THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

COOPERATIVE AGREEMENT
BETWEEN
THE GRAND PORTAGE BAND OF CHIPPEWA
AND
THE MINNESOTA POLLUTION CONTROL AGENCY

PREAMBLE

WHEREAS, The Grand Portage Band of Chippewa ("Grand Portage Band" or "Band") is a sovereign Indian nation, and a federally recognized Indian Tribe pursuant to 25 U.S.C. § 476, the Indian Reorganization Act; and

WHEREAS, On March 1, 1994, the Band applied to the United States Environmental Protection Agency ("EPA") for treatment as a state under section 518 of the Federal Water Pollution Control Act ("the Act"), 33 U.S.C. § 1377(e), for purposes of the Water Quality Standards Program, section 303 of the Act, and for purposes of the Certification Program, section 401 of the Act; and

WHEREAS, On April 14, 1994, the State of Minnesota ("State"), through its Commissioner of the Minnesota Pollution Control Agency ("MPCA"), submitted comments to the EPA on the Band's application, recognizing for purposes of the Act the Band's jurisdiction over waters of the Grand Portage Reservation excepting those waters described in the Band's application along the shoreline of Lake Superior; and

WHEREAS, On May 6, 1994, the Band submitted a response to the MPCA's comments noting that the portions of Lake Superior described in the Band's application were historically and are currently viewed by the Band as part of its Reservation; and

WHEREAS, The MPCA and the Band have a common interest and desire to protect the quality of the waters along the shoreline of Lake Superior and desire to enter into a cooperative agreement to jointly plan and administer the requirements of the Act's Water Quality Standards Program and Certification Program in the waters described in Part I.A. of this Cooperative Agreement; and

WHEREAS, Section 518(d) of the Act specifically provides that Indian tribes and states can enter into cooperative agreements in order to ensure the consistent implementation of the requirements of the Act. 33 U.S.C. § 1377(d).

NOW, THEREFORE, the Grand Portage Band of Chippewa and the State of Minnesota, acting through its Minnesota Pollution Control Agency ("the parties"), enter into this Cooperative Agreement and agree as follows:

I. PURPOSES OF THE COOPERATIVE AGREEMENT

The purposes of this Cooperative Agreement are to:

A. Establish a process by which the Band and the MPCA will work together cooperatively to plan and administer independently adopted water quality standards and certification programs under the Act for the portion of Lake Superior described as follows:

That part of Lake Superior described as follows: beginning at the intersection of the west line of Range 5 East and the shoreline of Lake Superior, thence to a point in Lake Superior one half mile south as measured along the southerly extension of the west line of Range 5 East, thence northeasterly to a point on the Minnesota-Michigan boundary line at latitude 47 degrees, 58 minutes, 40 seconds, thence northerly along the Minnesota-Michigan boundary line to the point which forms the common boundary between Minnesota, Michigan and the Province of Ontario, Canada, and thence westerly along the International Boundary line to the confluence of the Pigeon River.

(hereinafter "Shoreline Waters"); and

B. Develop procedures for joint implementation of Band and MPCA water quality standards and certification programs in the Shoreline Waters.

C. Preserve the issue of jurisdiction over the Shoreline Waters so that neither the Band nor the State is conceding any claim to jurisdiction over those waters by entering this Cooperative Agreement.

II. GUIDING PRINCIPLES

The MPCA and the Band have a common interest in maintaining and restoring the chemical, physical and biological integrity of the Shoreline Waters. In order to accomplish that goal, the MPCA and the Band agree to the following principles:

A. The MPCA and the Band will work together as partners in a spirit of trust, openness, and cooperation and with respect for each other's roles.

B. The MPCA and the Band will maintain scheduled communications with the appropriate persons for both the Band and the MPCA.

C. The MPCA and the Band will ensure that their staffs at all levels are aware of and held accountable for realizing these agreed-upon principles.

D. The Band and the MPCA will respect one another's claims to jurisdiction over the Shoreline Waters, and operate under this Agreement in accordance with that mutual respect.

III. EXCHANGE OF INFORMATION AND COMMUNICATION

A. The MPCA and the Band agree to provide, in a timely manner and when requested, information and data necessary to implement this Cooperative Agreement. Such information may include, but not be limited to, the following:

1. information relating to research, investigations, training, and water quality surveillance systems and reports undertaken pursuant to 33 U.S.C. § 1254;
2. information relating to water quality standards and implementation plans developed pursuant to 33 U.S.C. § 1313; and
3. information relating to certification of permits and licenses issued pursuant to 33 U.S.C. § 1341.

The MPCA will respond to information requests in accordance with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

B. The MPCA's designated staff person to coordinate communication with the Band is Duane Anderson. The Band's designated staff person to coordinate communication with the MPCA is Kris Carre. The parties may change their designated staff persons by written notice to the other party.

IV. JOINT IMPLEMENTATION AND ENFORCEMENT OF THE FEDERAL WATER POLLUTION CONTROL ACT

A. *Research, investigations, training and information.* The Band and the MPCA agree to cooperate in the implementation of 33 U.S.C. § 1254 under which the EPA Administrator works with states and tribes to conduct research on "the causes, effects, extent, prevention, reduction, and elimination of pollution" in the nation's waterways. Both the Band and the MPCA agree to work with the EPA on research conducted pursuant to this section of the Act.

B. *Water quality standards and implementation plans*

1. The Band and the MPCA will each establish water quality standards for the Shoreline Waters which will be submitted to and reviewed by the EPA pursuant to 33 U.S.C. § 1313 and regulations adopted thereunder.

a. In the portion of the Shoreline Waters described below, the Band will propose water quality standards that prohibit any new or expanded discharge of a pollutant from any point or non-point source, and the MPCA staff will propose, at the next Minn. Rule ch. 7050 rulemaking, water quality standards classifying such water as an Outstanding Resource Value Water (ORVW - Prohibited) pursuant to Minn. R. 7050.0180, subp. 6.A. These water quality standards will apply in the water described as follows:

That portion of the Shoreline Waters north of latitude 47 degrees, 57 minutes, 13 seconds and east of Hat Point.

b. In all other portions of the Shoreline Waters, the Band will propose water quality standards that prohibit any new or expanded discharge of a pollutant from any point or non-point source unless there is not a prudent and feasible alternative to the discharge, and the MPCA staff will propose to retain in such water the current MPCA classification as an Outstanding Resource Value Water (ORVW-Restricted Discharges) pursuant to Minn. R. 7050.0180, subp. 6.A. The MPCA and the Band agree that once adopted, these standards shall remain unchanged unless modified in accordance with substantive and procedural requirements of statutes and rules.

c. For purposes of Part IV.B.1., the Band will use definitions at least as inclusive as those in 33 U.S.C. § 1362, and the Band will define non-point source to mean any source that is not a point source.

2. Until the MPCA revises its water quality standards, the MPCA will make any § 401 certifications in the Shoreline Waters using the current MPCA water quality standards and other applicable state law.

3. The Band and the MPCA will each hold public hearings to review their standards for the Shoreline Waters and to modify them as appropriate in accordance with the procedures and timeline required in 33 U.S.C. § 1313 and regulations adopted thereunder. To the extent that the proposed standards are consistent with the level of protection contemplated in this Agreement, the Band and the MPCA will support each other in their public hearings. In any event, the Band and the MPCA will be allowed to participate in each other's public hearings as any member of the public would.

4. The Band and the MPCA agree that they will cooperate with each other in the implementation of each of the parties' standards, and will comply with the requirements of the Act and regulations adopted thereunder regarding the issuance of National Pollution Discharge Elimination System permits and water quality standard variances.

C. *Certification.* The Band and the MPCA agree to implement certification of permits and licenses for the Shoreline Waters pursuant to 33 U.S.C. § 1341. Neither the Band nor the MPCA will certify a discharge that would violate their individual water quality standards. The Band and the MPCA agree to consult with each other prior to issuance, denial, or waiver of any certification. The Band and the MPCA agree that any applicant for a federal permit or license for discharge to the Shoreline Waters must obtain a certification from both the Band and the MPCA. The MPCA and the Band agree to inform applicants for § 401 certifications that they need § 401 certifications from both the MPCA and the Band.

D. *Enforcement.* Each party shall notify the other and EPA if it believes that a violation of either party's water quality standards has occurred in the Shoreline Waters. The Band and the MPCA agree to consult with each other prior to taking any enforcement action. A single party may take enforcement action through its own administrative and judicial system. The parties may refer the matter to EPA for enforcement.

V. DISPUTE RESOLUTION

A. *Dispute Resolution Under 40 C.F.R. § 131.7.* If a dispute arises between the MPCA and the Band because of differing water quality standards that result in unreasonable

consequences, the MPCA and the Band shall first make a good faith attempt to resolve the dispute through discussions between the parties. If the dispute cannot be resolved through discussions, either party may request EPA to assist in resolving the dispute using the procedures in 40 C.F.R. § 131.7. EPA agrees to consult with MPCA and the Band prior to including other entities as parties to the dispute pursuant to 40 C.F.R. § 131.7(g)(2).

B. *Other Disputes Under the Agreement.* If a dispute arises between the MPCA and the Band under this Agreement that involves matters not covered by Part V.A., the MPCA and the Band shall first make a good faith attempt to resolve the dispute through discussions between the parties. If the dispute cannot be resolved through discussions, either party may request EPA to assist in resolving the dispute through mediation as described below.

1. EPA shall appoint a neutral mediator who may be an EPA employee, an employee of another federal agency, or other individual with appropriate qualifications. EPA shall select as a mediator a person who is knowledgeable concerning the requirements of the water quality standards program.

2. The mediator shall act as a neutral facilitator whose function is to encourage communication and negotiation between the parties.

3. The mediator may establish an advisory panel, consisting in part of representatives from the affected parties, to study the problem and recommend appropriate solutions.

4. The mediator shall establish the procedures and schedules for mediation of disputes in consultation with the parties.

5. The mediator may consult with EPA's Office of Regional or General Counsel on legal issues, but otherwise shall have no ex parte communication pertaining to the dispute.

6. The mediator may recommend to the parties a means of resolving the dispute, but the recommendation shall not be binding unless the parties so agree.

VI. SOVEREIGN IMMUNITY AND JURISDICTION

A. *Sovereign Immunity.* Nothing in this Cooperative Agreement is or shall be construed to be a waiver of the sovereign immunity of the Grand Portage Band of Chippewa or the State of Minnesota, and the Grand Portage Band of Chippewa and the State of Minnesota hereby expressly retain their sovereign immunity from suit.

B. *Jurisdiction.* Nothing in this Agreement shall preclude the parties from raising objections to the assertion of jurisdiction over the Shoreline Waters by the other party if this Cooperative Agreement is terminated. Nothing in this agreement shall be construed to limit any jurisdiction or authority of the EPA under the Act.

VII. EFFECTIVE DATE OF THE AGREEMENT AND AMENDMENT

This Cooperative Agreement shall be effective upon its signature by the Grand Portage Band and the MPCA and approval by EPA. The Cooperative Agreement may be amended by written agreement of the parties and approval of EPA.

VIII. TERMINATION OF AGREEMENT

This Agreement may be terminated by either the Band or the MPCA after thirty (30) day notice given in writing to the other party and EPA. Prior to such notice and at the request of either party, the parties agree to discuss issues related to termination. A party's decision to terminate is not subject to the mediation provisions of Part V.A. After termination of this Agreement, the MPCA or the Band may request EPA to recognize its exclusive authority over the Shoreline Waters or parts thereof in accordance with EPA's water quality standards program approval procedures.

IX. EPA APPROVAL

EPA's approval of this Agreement is an approval for the cooperative implementation by the Band and the MPCA of the federal water quality standards program for the Shoreline Waters. EPA agrees not to make a determination that either the Band or the MPCA has exclusive authority to implement the water quality standards program in the Shoreline Waters while this Cooperative Agreement is in effect nor before the Band and the MPCA have been given a

reasonable opportunity to submit comments to EPA with regard to jurisdiction over the Shoreline Waters.

SIGNED:

GRAND PORTAGE BAND OF CHIPPEWA

By: *Norman W. Deschampe*
Norman Deschampe, Chair
Reservation Tribal Council

Date: *July - 16 - 96*

STATE OF MINNESOTA through its
Commissioner of the MINNESOTA
POLLUTION CONTROL AGENCY

By: *Peder Larson*
Peder Larson
Acting Commissioner

Date: *July 16, 1996*

APPROVED:

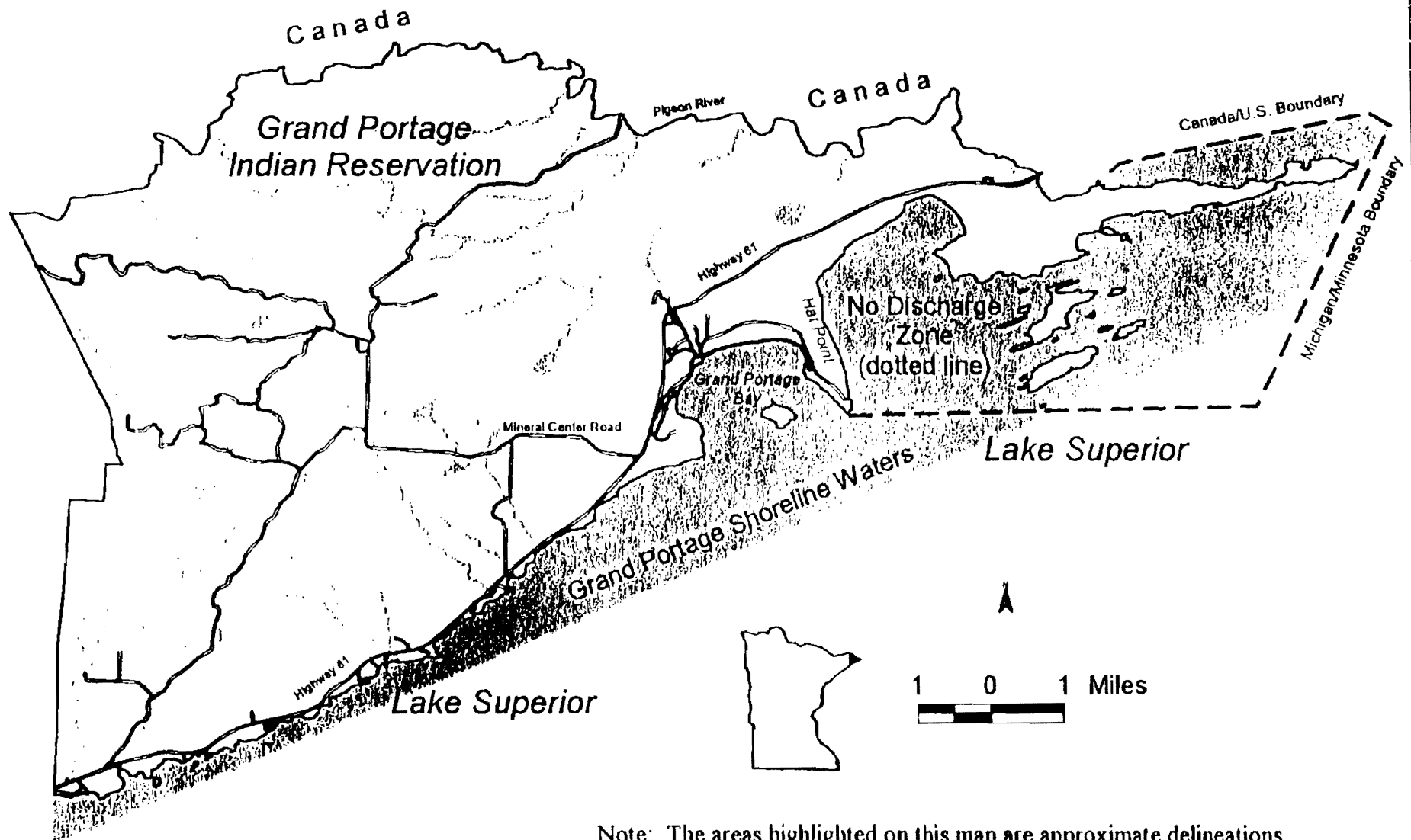
U.S. ENVIRONMENTAL PROTECTION
AGENCY

By: *Valdas V. Adamkus*
Valdas V. Adamkus
Regional Administrator, Region 5

Date: *7/16/96*

AG:24272 v1

Grand Portage Reservation Shoreline Waters



Note: The areas highlighted on this map are approximate delineations and are not intended for legal descriptive use.

AMENDMENT #1
MASTER MEMORANDUM OF UNDERSTANDING
Between
COMMISSIONER, STATE OF MINNESOTA,
DEPARTMENT OF NATURAL RESOURCES
and
FOREST SUPERVISORS MINNESOTA NATIONAL FORESTS
FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE
Chippewa NF and MN DNR (Approved 12/28/76)
Superior NF and MN DNR (Approved 5/18/81)

I. PURPOSE

To provide a process for the State of Minnesota, and the United States Department of Agriculture Forest Service (USFS), to jointly identify, communicate, and coordinate actions of common concern relating to the lands and resources. To provide a mechanism for continuing involvement in the development, implementation, monitoring, and amendment or revision of land management actions and land use plans. To provide a framework to guide and direct individual programs and organizational units during the planning, implementation, and monitoring process. To benefit the people of Minnesota and the United States through increased efficiency and responsiveness in public land and natural resources management.

II. AUTHORITY

A. State of Minnesota

- Minnesota Statute 1992 Sec 89.011, Subd. 5.

B. Forest Service

- Inter-governmental Cooperation Act, P.L. 90-577.
- National Environmental Policy Act, P.L. 91-190, Executive Order 11752 of December 17, 1973.
- Endangered Species Act, P.L. 93-205, as amended.
- Fish and Wildlife Coordination Act, P.L. 86-624, as amended
- Sikes Act of 1974.
- The Coastal Zone Management Act of 1972.
- The National Wild and Scenic Rivers Act of 1968.
- Federal Water Pollution Control Act of 1972, P.L. 92-538, as amended.
- Clean Air Act of 1970, P.L. 88-206, as amended.
- Clean Water Act of 1977, P.L. 89-753, as amended.
- Antiquities Act of 1906, as amended.
- National Historic Preservation Act of 1966.
- Mineral Leasing Act of 1947.
- Mining and Mineral Policy Act of 1970.
- Coastal Barriers Resource Act of 1982.
- Wilderness Act of 1964.
- Multiple-Use Sustained Yield Act, P.L. 86-517, as amended.
- Forest and Rangeland Renewable Resources Planning Act, P.L. 93-378, as amended by the National Forest Management Act, P.L. 94-588.
- Challenge Cost Share Authority (102-154).

III. FINDINGS

The signatories to this Amendment each find that:

- A. Land and resource management plans of the U.S. Forest Service and the State of Minnesota are interrelated with similar missions and goals.
- B. Actions of one signatory directly or indirectly affect the other signatory.
- C. Active communication among all levels of both organizations is necessary to the operation of efficient government, and will further the public interest.
- D. Land management and land use planning are key elements within which coordination can provide significant benefits.
- E. A continuous information exchange can help to eliminate duplication of effort, and to resolve policy and management differences.

IV. OBJECTIVES

The signatories of this Amendment each agree to the following objectives:

- A. To assure that notice of State of Minnesota and Forest Service policy and program recommendations, actions, and other information affecting one or the other party are routinely transmitted to the other signatory.
- B. To eliminate duplication of effort where possible, help resolve policy and management differences, and achieve maximum effectiveness between the parties in the use of funds and personnel.
- C. To achieve effective coordination in the development, implementation, monitoring, and amendment or revision of land use plans, and in the resolution of significant natural resource issues of interest to both parties.
- D. To provide a framework within which individual programs and administrative units can develop their own implementation and monitoring plans.

V. RESPONSIBILITIES

A. Mutual Responsibilities

In order to attain the stated objective, each signatory agrees to:

- 1. Use fully the existing institutional systems for mutual cooperation. Such direct contacts, either under formal agreements or by informal procedures, are encouraged in the interest of better communication and coordination.
- 2. Develop and carry out an active communication program whereby each party will apprise the others of proposed planning, policy formulation, and management efforts affecting the others. Each party will promptly respond to the others' notice with a verbal and/or written response if it proposes to become involved in a particular planning, policy formulation, environmental analysis, or management effort.

3. Identify those issues for which the Commissioner and Forest Supervisor(s) desire routine personal contacts in addition to those regular contacts existing between the State and Forest Service.
4. Cooperate and coordinate in the development, implementation, monitoring, amendment and revision as appropriate of Forest Plans under NFMA, and State policies and plans, (e.g., Minnesota Forest Resources Plan, DNR regional plans, the State Comprehensive Outdoor Recreation Plan, land use plans, water resource plans, transportation plans, river and scenic waterway management plans, air and water quality management plans, and historic preservation programs), and provide for the timely review of such plans in accordance with the public involvement efforts associated with the plan, and the resolution of differences, where possible, between parties.
5. Cooperate and coordinate via discussions of natural resource issues and problems that involve and concern both parties.
6. Cooperate and coordinate to the extent practical in developing data standards, inventorying and sharing data, utilizing automated systems for analyses (e.g., GIS), and sharing products of automated systems (e.g., maps, files, and records).
7. Make personnel available to the extent possible for preparation and review of planning documents, environmental assessments, reports, and impact statements, and to participate in implementation, monitoring, and amendment or revision of plans and actions.
8. Coordinate news releases on issues or projects directly affecting both parties.
9. Official representatives for signatories will meet annually to develop and agree to specific actions needed to meet the requirements of this Amendment.
10. Develop and maintain implementation and monitoring plans which define:
 - a. Mutual goals and priorities.
 - b. Funding requirements, including coordination for seeking and sharing agency funds, and funds from other parties.
 - c. Appropriate research, including the development and implementation of proposals.
 - d. The framework to guide individual programs and organizational units.
 - e. Opportunities for sharing data and developing consistent data standards.
11. On an annual basis, official representatives for the signatories intend to:

Review the status of plan implementation and monitoring. Each organization will brief the other on plan accomplishments including monitoring. Each organization will be requested to review and comment on the other's plan implementation and monitoring documents, reports, etc., throughout the year. The State and Forest Service will provide reports regarding specific program and/or geographic implementation and monitoring efforts.

12. Official representatives for signatories will meet as needed to (a) evaluate the overall operation of this Amendment, (b) discuss forthcoming activities or current situations of mutual concern or interest, and (c) develop, or set the stage to develop other agreements between appropriate State agencies and the Forest Service.

B. Individual Responsibilities

1. The Commissioner agrees to:

- a. Designate an appropriate State official to meet annually with the a MN National Forest Supervisor(s) or her/his designated representative and act on issues or programs when contact with the Commissioner's office is not desired.
- b. Ensure the dissemination of Forest Service Forest Plans or plan amendments or revisions, environmental impact statements, and other major environmental documents to the appropriate State agencies. Nothing contained herein shall be construed as prohibiting direct contact between the parties and other State agencies when appropriate.
- c. Ensure that DNR divisions, when appropriate, develop agreements or contracts with the Forest Service.
- d. Advise the Forest Service concerning the development, amendment and revision of land management plans, guidelines, rules, and regulations affecting Forest Service administered lands within the State, as well as such other land management matters as may be requested or appropriate.
- e. Provide the Forest Service with information or request the Forest Service's involvement when State programs, regulations, or decisions may influence or affect management or use on National Forest administered lands.
- f. Assist the Forest Service in securing cooperative relationships and/or agreements with local governments, special purpose or quasi-governmental units, or interest groups within the State as needed to carry out the intent of this Amendment or Master MOU.
- g. Solicit participation of the Forest Service, when deemed mutually desirable, in the work of appropriate State boards, commissions, and advisory groups.
- h. Provide for State participation, when appropriate, in the Forest Service's planning and environmental analysis.

2. The Forest Supervisors(USFS) agree to:

- a. Designate a representative(s) to ensure that the Commissioner is informed of USFS land management planning activities, and the preparation of environmental impact statements. This information will include planning activity schedules and notice of public meetings and review dates. For major plans and proposed actions, the USFS will transmit information and assistance requests through the Commissioner's designated official.
- b. Ensure the dissemination of State Natural Resource Plans or plan amendments or revisions, environmental impact statements, and other major environmental documents to the appropriate National Forest units.

- c. Meet, or assign a representative(s) to meet, at least annually with the Commissioner's designated representative to discuss and forecast activities of mutual interest.
- d. Assure that reviews are made of the planning and land use policies of other Federal agencies and State and local governments in the development of National Forest land management plans. Direct that this review give consideration to the objectives of other Federal, State, and local governments in an effort to promote consistency. This consideration shall be documented in the planning records.
- e. When taking any federal action on policy and administrative matters covered by this Amendment or Master MOU where there are different recommendations between two or more State entities, (1) seek recommendations from the Commissioner or designated representative as to the State's preferred course of action, or (2) inform the Commissioner of the USFS position, and provide information on the tradeoffs involved between the differing recommendations.
- f. Consult with the Commissioner or designated representative on matters of mutual concern.
- g. Provide for the involvement of elected and appointed State and local governmental officials in the development of decisions for lands administered by the USFS.

VI. LIMITATIONS

- A. Nothing in this Amendment shall be construed as limiting or expanding the statutory or regulatory responsibilities of the State, or USFS in the performance of functions granted to them by law; or as requiring any party to expend any sum in excess of its respective appropriations. Each and every provision of this Amendment is subject to the laws and regulations of the State of Minnesota, the laws of the United States, and the regulations of the Secretaries of Agriculture as appropriate.
- B. Reimbursement or exchange of funds may be needed for such activities as planning coordination, data collection, research, and projects. Such actions will require a separate collection agreement, contract or purchase order which will be subject to all State statutes, and Federal regulations.
- C. This document is not a legally enforceable, binding contract.

VII. EFFECTIVE DATE

This Amendment shall become effective upon signatures by the Commissioner and Forest Supervisors, and will remain in force unless formally terminated by any party after thirty (30) days written notice to the other of their intentions to do so.

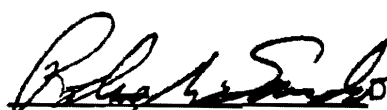
VIII MODIFICATIONS

Modifications to this Amendment or the Master MOU may be proposed at any time by either party, and shall become effective upon approval by all.

IX. KEY CONTACTS

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE, MN NATIONAL FORESTS


RODNEY SANDO
Commissioner

Date: 3-23-95


STEVEN T. EUBANKS
Chippewa National Forest Supervisor

Date: 3/23/95


KATHLEEN A. MCALLISTER
Superior National Forest Supervisor

Date: 3-23-95

1560
RECEIVED

DEC 23 1988

MASTER MEMORANDUM OF UNDERSTANDING

between

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

and

UNITED STATES FOREST SERVICE

SUPERIOR NATIONAL FOREST

This Memorandum of Understanding is made and entered into this 5th day of January, 1988; between the Minnesota Department of Natural Resources, herein after called the Department, and the United States Forest Service, Superior National Forest, herein after called the Forest Service.

WHEREAS: It is the desire of the Department and the Forest Service to work in harmony to protect and manage fish and wildlife habitat, particularly that associated with populations of state and federally listed threatened, endangered, and sensitive plant and animal species which may be found on Superior National Forest lands, and

WHEREAS: The Forest Service, under laws of the United States and regulations of the Secretary of Agriculture, is responsible for the management of fish and wildlife habitat on lands under its administration, compatible with other recognized uses of the lands and waters concerned, and

WHEREAS: The Department, under laws of the State of Minnesota, is responsible for managing fish and wildlife populations within the state and for the management of fish and wildlife habitat under State jurisdiction.

THE FOREST SERVICE AGREES:

1. To recognize the Department as the agency responsible for the management of fish and wildlife populations within the state.
2. To recognize the Department as the agency responsible for determining and enforcing the regulations under which fish and wildlife within the state of Minnesota will be protected and utilized.
3. To recognize fish and wildlife values in planning and conducting all resource programs consistent with applicable laws, regulations and policies.
4. To advise the Department of Forest Service projects, programs, policies and other activities which may have an impact on the fish and wildlife resources in the State of Minnesota, and to keep the Department informed, in writing, of any Forest Service policies, programs, projects or regulations which may have significant impact on these resources.

5. To consult and coordinate with Department personnel in the development and execution of any Forest Service challenge grant projects involving parties other than the Department and Forest Service and to insure that such projects are in compliance with Department management plans for fish and wildlife populations.
6. To consult and coordinate with Department personnel in complying with the provisions of the National Environmental Policy Act.
7. To enter into cooperative agreements with the Department for improvements of benefit to fish and wildlife habitat and access in connection with fish and wildlife management, to the extent such improvements or activities conform to Forest Service policy.
8. To permit the Department to undertake and maintain fish and wildlife habitat improvements on National Forest lands pursuant to laws and regulations governing use of these lands.
9. To permit the erection and maintenance of structures needed to facilitate fish and wildlife management activities of the Department on National Forest lands, provided such structures conform in character and location with the usual requirements of the Forest Service.
10. To assist, when requested, and insofar as is consistent with the regularly assigned duties of personnel, on mutually agreed upon fish and wildlife activities conducted by the Department on Forest Service lands.

THE DEPARTMENT AGREES:

1. To recognize the Forest Service as the agency responsible for occupancy, use and management of the National Forest lands and the management of fish and wildlife habitat present or potentially available thereon.
2. To manage fish and wildlife populations to the extent permitted by state laws and regulations so that damage to other National Forest resources is minimized.
3. To consult with the Forest Service with regard to the regulation of fish and wildlife populations and harvests on National Forest lands.
4. To notify the Forest Service promptly of changes in the game, fur and fish laws or regulations, including the issuance of special permits to take protected wildlife on National Forest lands.
5. To provide the Forest Service with reports, findings, new releases or other written material relative to wildlife use on National Forest lands and copies of other materials and vital correspondence relating to this agreement.

6. To cooperate with and assist the Forest Service, within limitations established by state law or policy, in the preparation of management and resource plans or environmental statements that involve fish and wildlife habitat on National Forest lands.
7. To provide Forest Supervisor, upon request, written comments on project plans within a reasonable period of time.
8. To jointly develop, with the Forest Service, within limitations established by state law or policy, environmental assessments or environmental impact statements where mandated on Forest Service lands.
9. To cooperate, insofar as possible, in the control of damage done by wildlife on lands under Forest Service administration.
10. To erect no signs or structures and perform no construction or other acts on National Forest lands, not herein provided for, without first securing the approval of the Forest Supervisor.
11. To report any pesticide to be used by the Department on National Forest lands to the Forest Service.

THE DEPARTMENT AND THE FOREST SERVICE MUTUALLY AGREE:

1. That the successful management of the fish and wildlife habitat on National Forest lands depends on close coordination between the Department and the Forest Service.
2. To cooperate in the restoration and management of fish and wildlife habitat on Superior National Forest lands.
3. To cooperate in the formulation and application of practical long-range objectives, plans and programs for the management of fish and wildlife habitat upon National Forest lands.
4. To develop and maintain, in a current status, comprehensive fish and wildlife plans as provided for in appropriate laws.
5. That specific project plans may be jointly prepared by the Department Area Wildlife and Fisheries Supervisors and the Forest Service District Rangers for individual development projects. Projects will require approval by the Forest Service and Regional Wildlife or Fisheries Supervisors.
6. That certain approved project work may be conducted for either party on a reimbursement basis as provided for in appropriate laws.
7. To keep each other informed of vital reports and correspondence relating to this Memorandum of Understanding, amendments thereto, and other agreements made thereunder.
8. That the Regional Forester and the Department Directors (or delegates) shall meet annually to discuss compliance with this

Memorandum of Understanding, major issues of disagreement and opportunities to enhance fish and wildlife coordination of the agencies.


9. To meet jointly, at least once annually, at the Forest Supervisor/Regional Supervisor level, and more often if necessary, to discuss matters relating to the Management of fish and wildlife resources within or affecting the National Forest, and to provide for other necessary meetings at various administrative levels for discussions of law enforcement, harvest recommendations and regulations, educational programs, cooperative studies, plans, fish and wildlife surveys, and such other matters as may be relevant to fish and wildlife and its habitat.
10. To promote a free exchange of information pertinent to the management of fish and wildlife, or National Forest resources, between the personnel of the Forest Service and the Department.
11. To jointly study and resolve problems and capitalize on opportunities involving fish and wildlife habitat on land administered by the Forest Service.
12. That improvements placed on National Forest lands, at the direction of either party, unless otherwise covered in separate agreement, shall become property of the United States, and shall be subject to the same regulations and administration of the Forest Service as all other Forest Service improvements of a similar nature.
13. To promote a united approach by all interested parties relating to fish and wildlife management and to promote better public understanding of problems therewith.
14. That when the views of one agency are contrary to the accepted policy or plans of the other, representatives of both agencies shall meet and attempt to work out the differences, to the greatest extent practicable, before either agency expresses in public a view contrary to the accepted policy or plans of the other agency.
15. That each and every provision of this agreement is subject to the laws of the State of Minnesota and the laws of the United States.
16. That nothing in this agreement shall be construed as obligating the Department or Forest Service in the expenditure of funds or for future payment of money in excess of appropriations authorized by law.
17. That nothing herein contained shall be construed as limiting or affecting in any way the authority of the Forest Supervisor in connection with the proper administration and protection of the National Forests in accordance with the purpose for which the lands contained therein were acquired and reserved; or as limiting or affecting in any way the authority of the Commissioner of the Department for the protection and management of the fish and wildlife populations of the state.

18. That procedures or details associated with carrying out the provisions of this Memorandum of Understanding may be outlined in amendments or supplements to this agreement.
19. That amendments or supplements to this Memorandum of Understanding may be proposed by either party and shall become effective upon approval by both parties.
20. That this Memorandum of Understanding shall become effective upon signature by both parties hereto and shall continue in force until termination by any of the parties upon 30 days notice, in writing to the other, of its intention to terminate upon a date indicated.
21. That no member of, or delegate, to Congress, or Resident Commissioner shall be admitted to any share or part of this agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made for a corporation for its general benefit.

IN WITNESS THEREOF, the parties hereto have executed this Agreement as of the date when last signed below.


MINNESOTA DEPARTMENT OF NATURAL RESOURCES

November 12, 1987
Date


Commissioner
Department of Natural Resources

UNITED STATES FOREST SERVICE

January 5, 1988
Date

by 
Forest Supervisor
Superior National Forest

APPROVED AS TO FORM AND EXECUTION

HUBERT H. HUMPHREY, III
Attorney General

by  1/11/88
Special Assistant Attorney General

MASTER MEMORANDUM OF UNDERSTANDING
BETWEEN
DEPARTMENT OF NATURAL RESOURCES
and
UNITED STATES FOREST SERVICE

This Memorandum of Understanding, is made and entered into this 18th day of March, 1981, by and between the Department of Natural Resources, State of Minnesota, acting by and through its Commissioner under the authority of Minn. Stat. 1975 Sec. 84.025, Subd. 7, hereinafter called the Department, and the United States Forest Service, acting by and through the Forest Supervisor, Superior National Forest, under the authority of P.L. 86-517, June 12, 1960, 74 Stat. 215, hereinafter called the Forest Service, and

WHEREAS, the Department and the Forest Service manage intermingled lands within the boundaries of the Superior National Forest, and management of such public lands affects the social economic well-being of the citizens of the State and the Nation, and

WHEREAS, these interrelated effects may either diminish or materially add to the contribution such lands make toward meeting the needs of the public, and

WHEREAS, it is the objective of the Department and the Forest Service, through application of sound practices and policies, to provide maximum benefits to the public at a reasonable cost while protecting, conserving, improving and providing for wise use of all natural resources, and

WHEREAS, coordination of resource management through coordinated planning and cooperative efforts can effect economies of operation, reduce duplication of effort, provide for conservation and wise use of natural resources, protect and improve the beauty of the area, and safeguard the health and well-being of the citizens,

NOW, THEREFORE, the Department and the Forest Service mutually agree as follows:

1. To enter into discussions with the intention of developing agreements for coordinated approaches and management practices on lands within the external boundary of the Superior National Forest under their respective administration in the following areas:
 - A. Granting of easements, leases, or permits, for projects which involve the use of intermingled lands under the jurisdiction of the Department and the Forest Service.
 - B. Protection of endangered, threatened and unique species of wild-life and vegetation.
 - C. Development of land use management objectives and practices on lands which border on streams, lakes, wetlands, and certain specified roads.

- D. Planning, location and construction of snowmobile and other trail systems within and adjacent to the Superior National Forest.
 - E. Planning and development of public access to lands and waters within the Superior National Forest.
 - F. Such other areas of mutual concern where coordinated action is deemed to be in the public interest.
2. That Agreements made under this memorandum shall be called Supplemental Agreements and shall be designated as Supplemental Agreement No. 1, No. 2, etc. Such Agreements shall be negotiated and approved for the Forest Service by the Forest Supervisor, Superior National Forest, and for the Department by the Commissioner of Natural Resources or his delegates.
 3. That future additions, deletions or revisions to the basic Memorandum of Understanding will be called "Amendments".
 4. That Amendments to this Memorandum of Understanding and Supplemental Agreements made hereunder, may be proposed by either party and shall become effective upon approval by both parties.
 5. That each and every provision of this Memorandum of Understanding and Supplementary Agreements made hereunder is subject to the laws of the United States.
 6. That nothing contained herein or in any agreement made hereunder shall be construed to limit, modify or affect in any way the authority or responsibility of the Forest Service in connection with the proper administration and protection of the Superior National Forest in accordance with the purpose for which the lands contained therein were acquired or reserved; or to limit, modify, or affect in any way the authority or responsibility of the Commissioner of the Department of Natural Resources for the protection or management of State lands and resources in the manner required by State laws and regulations.
 7. That this Memorandum and any Supplemental Agreement hereunder, shall become effective as soon as it is signed by the parties hereto and shall continue in force until terminated by either party upon thirty (30) days notice, in writing, to the other of his intention to terminate upon a date indicated.
 8. That no member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this Memorandum, or to any benefit that may arise therefrom unless it is made with a corporation for their general benefit.

IN WITNESS WHEREOF, the parties hereto executed this Memorandum as of the day and year first hereinabove written.

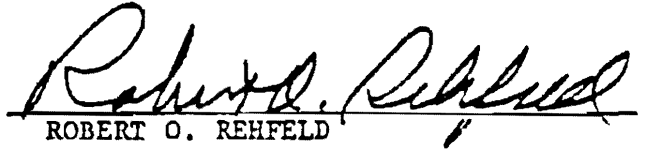
DEPARTMENT OF NATURAL RESOURCES

UNITED STATES FOREST SERVICE

By



TITLE: Commissioner

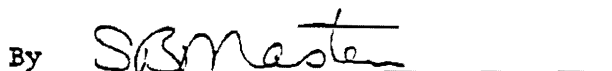

ROBERT O. REHFELD

TITLE: Forest Supervisor
Superior National Forest

APPROVED AS TO FORM AND EXECUTION

WARREN SPANNAUS

By


Special Assistant Attorney General

DATE: 18 March 81

INTERAGENCY MEMORANDUM OF UNDERSTANDING for the State of Minnesota

WETLAND REGULATORY SIMPLIFICATION

I. WETLAND BANKING

WHEREAS, landowners that have received wetland project approvals, as required by state and federal laws, rules and regulations, should have access to all applicable replacement options; and

WHEREAS, the State Wetland Bank established by the Minnesota Wetland Conservation Act, Minn. Rules Chapter 8420, provides a potential option for compensatory mitigation through wetland replacement; and

WHEREAS, the participating Federal agencies concur that the State Wetland Bank is consistent with the Corps of Engineers (Corps) and Environmental Protection Agency (EPA) Mitigation Memorandum of Agreement dated February 7, 1990 and the Generic Mitigation Banking Guidelines promulgated by EPA - Region 5 and the Corps - St. Paul District on July 10, 1991; and,

WHEREAS, benefits of use of a wetland banking program include:

1. Appropriate and perpetual mitigation, pursuant to Wetland Conservation Act requirements, is assured as wetland replacement credits will meet the principles and procedures for review, deposit, auditing and monitoring as provided for in the Wetland Conservation Act.
2. More efficient and cost-effective mitigation will be realized as landowners will be able to seek wetland replacement that would likely meet all of the agencies' requirements for compensatory mitigation.
3. A positive balance of wetland acres will be realized as wetland restoration and creation projects must be completed and deposited before credits can be withdrawn; and

WHEREAS, Wetland bank credits provide a replacement option only where the proposed use of such credits meets all of the compensatory mitigation requirements (e.g., size, type and location) of the Federal, state or local approval agency(s); and

WHEREAS, the undersigned agencies concur that the consideration of state wetland bank credits should be allowed as a potential compensatory mitigation option by landowners if such option is consistent with the approval agency's applicable compensatory mitigation requirements; and

THEREFORE, the undersigned agencies concur that it is in the public's interest to allow use of the State Wetland Bank, where appropriate, as a compensatory option, and that the respective agencies will consider state wetland bank credits in applicable and appropriate situations.

II. STATEWIDE GENERAL PERMIT(s)

WHEREAS, federal wetland policy encourages the U.S. Army Corps of Engineers to issue Regional General Permits where state and/or local government regulations duplicate those of the Clean Water Act; and

WHEREAS, Federal wetland policy (as issued on August 24, 1993) states that "...PGPs (Programmatic General Permits) are extremely useful in reducing unnecessary duplication between Federal and non-Federal regulatory programs and in generally enhancing the role of State and local governments...in decisions regarding wetlands and other aquatic resources."; and

WHEREAS, the Wetland Conservation Act, as administered by local governments and overseen by state government, overlaps the wetland protection provisions of the Federal Clean Water Act for many projects; and

WHEREAS, implementation of the Statewide General Permit(s) is intended to provide:

- i.) increased efficiency for Federal, State and local government regulatory programs; and
- ii.) improved service to the regulated public by establishing "one-stop shopping", at the local government level, for seeking the approvals necessary to conduct many projects impacting wetlands; and,

WHEREAS, the Wetland Conservation Act requirements and the provisions of a Statewide General Permit(s) provide for oversight of local government activities by the Federal and State Governments and affected members of the public; and

THEREFORE, the undersigned agencies concur that it is in the public's interest to develop a Statewide General Permit(s) that effectively protects wetlands while minimizing regulatory duplication.

III. COLLABORATIVE EFFORTS

WHEREAS, through Inter-Agency Wetlands Group and other joint efforts, further opportunities exist for wetland regulatory simplification and coordination, including:

1. Development of an interagency wetlands newsletter service and brochures to a wide spectrum of public and private interests; and
2. Scientific training for agency staff (conducted by an interagency team) in wetland identification and delineation; and
3. Where appropriate -- reciprocal acceptance of wetland delineations completed under each agency's respective authority, if they are conducted consistent with the techniques prescribed in the present and future versions of the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, the *U.S. Army Corps of Engineers Wetland Delineation Manual*, and the *National Food Security Act Manual*; and,
4. Comprehensive administrative training and guidance for agency staff implementing and complying with wetland regulations; and
5. Continued acceptance of the combined project notification/application form as a permit application form to all agencies for wetland projects; and
6. State Wetland Planning efforts; and
7. Coordination of wetland preservation and incentive programs.

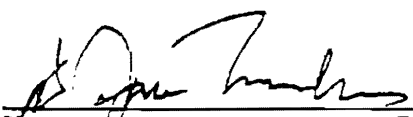
THEREFORE, the undersigned agencies agree to undertake and continue these initiatives and other collaborative efforts resulting in effective wetland protection through regulatory simplification.


IV. GENERAL


1. The policy and procedures contained within this Memorandum of Understanding (MOU) do not create any rights, either substantive or procedural, enforceable by any party regarding an application for a permit or enforcement action brought by the United States or the State of Minnesota. Deviation or variance from the administrative procedures included in this MOU will not constitute a defense for violators or others concerned with any State or Federal enforcement action.


2. Nothing in this MOU is intended to diminish, modify, or otherwise affect statutory or regulatory authorities of any of the signatory agencies. All formal guidance interpreting this MOU and background materials upon which this MOU is based will be issued jointly by the agencies.
3. Nothing in this MOU will be construed as indicating a financial commitment by the signatory agencies for the expenditure of funds except as authorized by specific appropriations.
4. This MOU will take effect on the date of the last signature below and will continue in effect until modified or revoked by agreement of all signatory agencies. Any one of the signatory agencies may revoke its participation in this MOU by a 90 days prior written notice to all of the other signatory agencies. Modifications to this MOU may be made by mutual agreement and approval by all the signatory agencies. Such modifications will take effect upon signature of the modified document by all the signatory agencies.

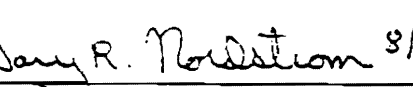
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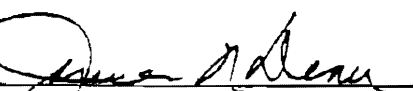

 Signature _____ Date _____
 D. James Nielsen, Chairman, Board of Water & Soil Resources



 Signature _____ Date _____
 James T. Scott, Colonel, Corps of Engineers, District Engineer



 Signature _____ Date _____
 Chuck Williams, Commissioner, MN Pollution Control Agency

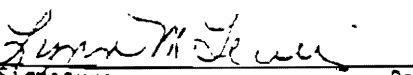

 Signature _____ Date _____
 Rod Sando, Commissioner, MN Dept. of Natural Resources


 Signature _____ Date 8/24/94
 Gary Nordstrom, SCS State Conservationist, USDA


 Signature _____ Date _____
 James N. Denn, Commissioner, MN Dept. of Transportation


 Signature _____ Date 8/24/94
 Dale Bryson, Water Division Director, Region 5 - USEPA


 Signature _____ Date 8-24-94
 Elton Redalen, Commissioner, MN Dept. of Agriculture


 Signature _____ Date _____
 Lynn Lewis, Field Supervisor, Twin Cities Field Office - USFWS

Cooperative Agreement
Between the St. Paul Corps of Engineers
and the
State of Minnesota Department of Natural Resources
General Permit Number GP-001-MN

I. PREAMBLE. The St. Paul District, Corps of Engineers (Corps), has regulatory jurisdiction over certain work in waters of the United States under Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the River and Harbor Act of 1899 (33 USC 403). The Corps has authority under both authorizations to issue general permits on a statewide basis for specific categories of activities. Such a permit has been developed for certain activities in the State of Minnesota.

The Minnesota Department of Natural Resources (MDNR) has regulatory authority over activities that affect the course, current or cross-section of protected waters in the State of Minnesota 6 MCAR, Sections 1.5020-1.5029.

The Corps, MDNR and the Minnesota Pollution Control Agency have developed a general permit (GP-001-MN) which will become effective in 1984, and which includes many activities currently regulated by these agencies. This general permit is attached hereto and is made a part hereof. This Cooperative Agreement is entered into to facilitate evaluation of applications under GP-001-MN (GP) and reduce dual regulation where the Corps and the MDNR have similar programs.

II. PURPOSE. This Cooperative Agreement is made between the District Engineer, St. Paul District Corps of Engineers (Corps) and the Commissioner, Minnesota Department of Natural Resources (MDNR) to describe procedures which will be used to coordinate Corps general permit authorizations, under the GP for specified categories of projects which are authorized, approved or permitted by the MDNR. The purpose of this Agreement is to clarify procedures.

III. PROCEDURES.

a. MDNR Procedures.

1. Upon receipt by MDNR of a permit application, regional personnel will review it and transmit a legible copy to the Corps. This transmittal will include a statement of MDNR jurisdiction and shall be done within 10 working days of making that determination.

2. MDNR will furnish the Corps copies of applications or letters of no state jurisdiction.

3. The MDNR, through the Director, Division of Waters, or the Commissioner, may request at any time prior to the issuance of the MDNR permit, that the Corps require an individual permit be processed. The MDNR will provide to the Corps specific information concerning the reasons for the request.

b. Corps Procedures.

Upon receipt of an application which has been forwarded by the MDNR, the Corps will:

1. Process the application as an individual permit action if the project is found unsuitable by the Corps for authorization under the GP or NWP.

2. Process the application as a general permit action if the project is determined to be eligible under the GP. A letter confirming such action will be sent to the applicant, with the requirement that the applicant must obtain necessary State permits and approvals prior to starting work.

IV. JOINT AGENCY PROCEDURES.

1. Every 6 months, the Corps will provide MDNR a computerized list of GP authorizations.

2. MDNR and the Corps will initiate a cooperative effort to improve joint application procedures, which may also include a joint application form.

3. MDNR, MPCA and the Corps will jointly participate in any public hearings or public meetings deemed necessary regarding the enactment of, or modification to, the GP.

V. LIAISON. The processing of all applications under this Cooperative Agreement and the GP will be handled by the MDNR Regional Hydrologist and the Regulatory Functions Branch, St. Paul District.

Any problems should be brought to the attention of the appointed liaison individuals, who are:

a. MDNR. Director, Division of Waters (or his alternate), P.O. Box 32, Centennial Office Building, St. Paul, Minnesota 55155 (telephone: (612) 296-4810).

b. Corps. Ms. Char Hauger, Chief, Permit Evaluation Section, Regulatory Functions Branch, 1135 U.S.P.O., St. Paul, Minnesota 55105 (telephone: 612-725-7712).

The respective parties to this Agreement shall each notify the other party of any changes in liaison positions.

V. REVIEW PROCEDURES.

a. In the event that the Corps or MDNR determines that the GP should be modified, notification of this determination shall be provided in writing to the appropriate liaison.

b. Upon receipt of the above notification, the Corps will arrange a meeting with the MDNR to discuss possible modifications to the GP. Modifications to the GP may necessitate changes to this Cooperative Agreement.


c. The MDNR and the Corps will review this Cooperative Agreement within 1 year of the effective date.

VI. MODIFICATION. This Cooperative Agreement shall be amended or revised only upon written mutual agreement of the parties. Any proposed modifications shall be submitted in writing to the other party for review and consideration. Only upon agreement between the parties will such modification be incorporated into this Cooperative Agreement.

VII. EFFECTIVE DATES. This Agreement shall become effective upon the signature of both parties. However, either party may terminate the Agreement upon a written 30-day notification to the other party.

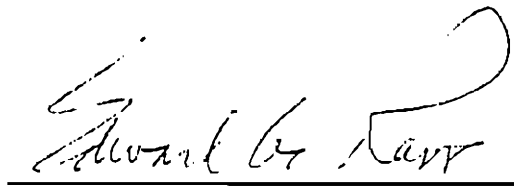
This Agreement will expire on the date that the referenced GP expires. The expiration date of this Agreement will be automatically extended should the expiration date of the GP be extended.

Signed:


Joseph N. Alexander, Commissioner
Minnesota Department of
Natural Resources

Date

13 Apr 84


Edward G. Rapp, Colonel
District Engineer, St. Paul
District, Corps of Engineers

Date

29 March 1984

September 25, 1996

Dear Soil and Water Conservation District Chair:

RE: MUTUAL AGREEMENT

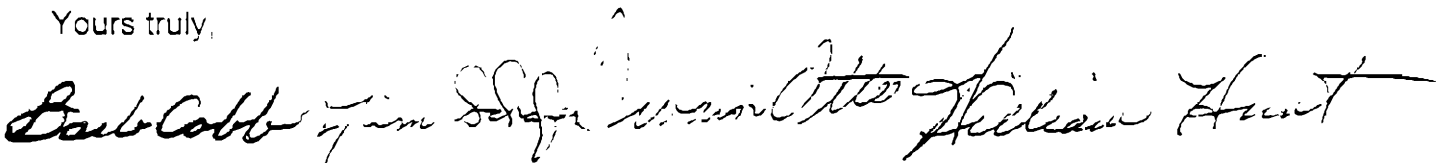
The "PARTNERSHIP", represented through National Association of Conservation Districts (NACD), National Association of State Conservation Agencies (NASCA), and Natural Resource Conservation Service (NRCS) completed the initiative to enhance the way we do business together and to lay a framework for cooperation, coordination, and to facilitate effective and efficient delivery of conservation programs. This Mutual Agreement, the first step in the three step process, affirms the state and federal commitment to support the efforts of the Districts as the primary mechanism to put conservation on the ground. The Mutual Agreement is being signed by all Districts in the United States and sets the stage for the development of the COOPERATIVE WORKING AGREEMENT, step 2, and the OPERATIONAL AGREEMENT, step 3. This process reaffirms the guiding principles for the conservation partnership:

- * Decision-making at the local level, District
- * Maintain and enhance our grassroots delivery system
- * Build new alliances
- * Teamwork
- * Empowering people
- * Quality and improvement

The Mutual Agreement (replacing the Basic Agreement) has been signed by the Secretary of Agriculture, and the Chair of the Board of Water and Soil Resources (BWSR). The final signature, and most important signature is that of the District. We encourage your District to sign the attached agreement and return the fully executed Mutual Agreement to Bill Hunt, State Conservationist, NRCS.

Thank you for your continued commitment and leadership in soil and water conservation.

Yours truly,

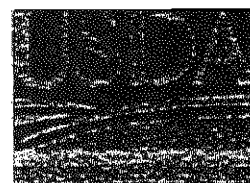


Barb Cobb
Chair
BWSR

Jim Schafer
President
MASWCD

Dwain Otte
NC Director
NACD

Bill Hunt
State Conservationist
NRCS



MUTUAL AGREEMENT
Between the
UNITED STATES DEPARTMENT OF AGRICULTURE
and the
STATE OF MINNESOTA
and the
AITKIN COUNTY SOIL AND WATER CONSERVATION DISTRICT

For their Cooperation in the
Conservation of Natural Resources

THIS AGREEMENT is between the United States Department of Agriculture (USDA), the state of Minnesota, and the Aitkin County Soil and Water Conservation District.

The authority of USDA to enter into this agreement is the Soil Conservation and Domestic Allotment Act, 16 U. S. C. 590; the Department of Agriculture Reorganization Act of 1994, Public Law No. 103-354; and Secretary's Memorandum No. 1010-1, dated October 20, 1994. The state of Minnesota's authority is defined in Minnesota Statutes Chapter 103C, Minnesota Soil and Water Conservation Districts. The authority of the Aitkin County Soil and Water Conservation District to enter into this agreement is also defined in Minnesota Statutes Chapter 103C, Powers of Districts and Supervisors.

STATEMENT OF PURPOSE

The parties have the common objective of assisting people in their efforts to utilize and manage natural resources in accordance with their capabilities and needs for protection and improvement. Each party is independent, has its respective responsibilities, yet recognizes the need to coordinate as a federal, state and local partnership for the successful delivery of conservation programs related to our soil, water, air, plant, animal, and human resources. Therefore, the parties will cooperate to implement their respective long-range natural resources conservation programs considering available resources, statutory authorities, and regulations. The parties will develop appropriate agreements to further define this relationship.

IT IS UNDERSTOOD THAT:

Broad based conservation programs delivered through the cooperation of the United States Department of Agriculture (USDA), the Aitkin County Soil and Water Conservation District, and the state of Minnesota are vital to the protection of the natural resources, economic stability and well-being of our Nation.

The parties reaffirm the relationship between the United States Department of Agriculture (USDA), the Aitkin County Soil and Water Conservation District, and the state of Minnesota. The Secretary will continue, within the terms of various statutes administered by USDA, to carry out broad conservation programs of assistance encompassing technical, research, educational, and financial assistance to land owners and users through the Aitkin County Soil and Water Conservation District, and the state of Minnesota.

The parties also recognize and encourage a continued commitment from the State of Minnesota in aiding administration, coordination, financing, and the delivery of conservation programs through the Aitkin County Soil and Water Conservation District.

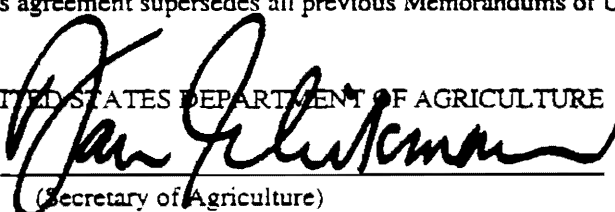
This Agreement establishes an enduring basis for cooperation and assistance between the parties to achieve common natural resources conservation goals and objectives. Authority to carry out specific projects or activities, such as the transfer of funds, acquisition of services, and property will be carried out under separate agreements. The parties will encourage other natural resource related agencies to develop similar agreements.

The signatories will be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987 (Public Law 100-259) and other nondiscrimination statutes, namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, Americans with Disabilities Act of 1990, and in accordance with regulations of the Secretary of Agriculture (7 CFR-15, Subparts A & B), which provide that no person in the United States shall, on the grounds of race, color, national origin, age, sex, religion, marital status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Agriculture or any Agency thereof.

This agreement can be modified or terminated at any time by mutual consent of all parties or can be terminated by any party by giving 60 days written notice to the others.

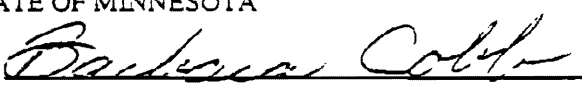
This agreement supersedes all previous Memorandums of Understanding.

UNITED STATES DEPARTMENT OF AGRICULTURE

By: 
(Secretary of Agriculture)

Date: 1-26-96

STATE OF MINNESOTA

By: 
(Board of Water and Soil Resources)

Date: 9-25-96

AITKIN COUNTY SOIL AND WATER CONSERVATION DISTRICT

By: _____
(Chairperson)

Date: _____



STATE OF
MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

1201 East Highway 2, Grand Rapids, MN 55744

PHONE NO. 218/327-4416

FILE NO.

June 9, 1988

Clay G. Beal, Supervisor
Superior National Forest
Federal Building
Duluth, MN 55800

Dear Mr. Beal:

Enclosed is a signed copy of the Agreement between the Department of Natural Resources and the National Forest relating to work in protected waters. This agreement will provide the basis for continuing coordination between our agencies.

Very truly yours,

DIVISION OF WATERS

DANIEL G. RETKA
Regional Hydrologist

DGR/dlm
Enclosure

SUPPLEMENTAL AGREEMENT NO. 10 (WITH SUPERIOR NATIONAL FOREST) AND NO. 7 (WITH
CHIPPEWA NATIONAL FOREST)

WORK IN THE BEDS OF PROTECTED WATERS

This supplemental agreement is made and entered into this 25th day of May, 1988, in accordance with the provisions of the Memoranda of Understanding dated 18 March 1981 and 28 December 1976, respectively, between the Commissioner of the Department of Natural Resources (hereinafter referred to as "the Department") and the Supervisors of the Superior National Forest and the Chippewa National Forest (hereinafter referred to as "the Forests").

WHEREAS, the Department is charged with the responsibility of administering Minnesota Statutes Section 105.41 pertaining to water appropriation and Section 105.42 pertaining to protected waters within the State of Minnesota, and has developed administrative rules to carry out those responsibilities, and

WHEREAS, the Forests are charged under Federal law with the responsibility of managing National Forest lands and waters within their boundaries, and intend to comply with the aforementioned rules to the extent the rules are consistent with Federal law or policy, and

WHEREAS, it is the desire of both the Department and the Forests to use their collective wisdom and cooperate to the fullest extent possible in the development, use and protection of protected waters within the boundaries of the Forests,

NOW, THEREFORE, it is agreed between the Department and the Forests as follows:

1. The Forests will:

- o review all planned activities to determine whether or not they have the potential to alter the course, current, or cross section of protected waters.
- o evaluate all activities having such potential to determine whether or not they fall within the limits for the project categories listed in Exhibit 1, Item 4.

2. The Forests will, in the event a planned activity is either not covered by, or exceeds the scope of activities listed in Exhibit 1, Item 4, provide written information and documentation on the planned activity to the appropriate Department Division of Waters Regional Hydrologist. The

information will be conveyed to the Regional Hydrologists in the format shown in Exhibit 2.

3. The Forests and the Department agree that any time there is uncertainty about the potential of a planned activity to alter a protected water or whether or not a planned activity is covered by the list in Exhibit 1, Item 4, the Forests will consult the appropriate Department Regional Hydrologist who will then assist in the determination.
4. The Forests and the Department agree that for any planned activity involving alteration of protected waters that has the potential to create significant conflicts between resources, management interests, or public interest groups, one or more on-site field visits will be arranged. These visits will be made as soon as possible after conception of the planned activity and may be repeated as needed at critical stages of the activity planning process. These visits will typically involve field level representatives of the Department's Division of Waters and the affected National Forest. The purpose of these visits will be to resolve potential conflicts at the earliest possible stage of the planning process.
5. The Department will, in the case of planned activities that will affect the course, current, or cross section of protected waters and not covered by Exhibit 1, Item 4, accept written information and documentation on planned activities provided in the format given in Exhibit 2. The Department agrees to distribute the information between interested Divisions within the Department and, as needed, with other State and local governmental entities. The Department agrees to review the information using a standardized evaluation process and respond to the affected Forest within 60 (sixty) days of receipt of Exhibit 2.
6. The Department agrees that the responses to Exhibit 2's will be in the form of a notation and signature directly on the Exhibit 2 form. The notation will consist of:
 - o checking off whether the planned activity has been found to be either consistent or not consistent with State Rules governing alterations of protected waters.
 - o an explanation of why the activity is either consistent or not consistent with State Rules and/or a listing of suggested mitigation measures or project modifications.
7. The Forests agree to notify the Department in the event they (the Forests) decide to proceed with a project in spite of a "not consistent with State Rules" determination. Such notification will be made within 14 (fourteen) days of receipt of the Exhibit 2 response from the Department.

8. The Forests and the Department each recognize that in the event a Forest decides to initiate a project despite recognition that the project is "not consistent with State Rules", the Department may appeal such decision under the standard Forest Service Appeals Process as described in Forest Service Appeals Regulation 36 CFR 211.18.
9. The Forests will, during the period of actual on-site project activity, display a poster (similar to the one shown in Exhibit 3) at all project sites which have undergone Exhibit 2 review by the Department. The poster will be displayed regardless of the nature of the Department's response.
10. IT IS MUTUALLY AGREED:
 - a. That this agreement shall become effective as soon as signed by the parties hereto and shall continue in effect until terminated by either party upon thirty (30) days notice of intent to terminate.
 - b. Exhibits 1, 2, and 3 of this agreement may be revised at any time with approval indicated by letter from each party.

IN WITNESS WHEREOF, the parties hereto have executed this Supplemental Agreement as of the day and year first hereinabove written.

DEPARTMENT OF NATURAL RESOURCES

UNITED STATES FOREST SERVICE

By: 

COMMISSIONER

Title: _____

By: 

Title: Forest Supervisor

Chippewa National Forest

and

By: 

Title: Forest Supervisor

Superior National Forest

APPROVED AS TO FORM AND EXECUTION

By: 

Date: 5/31/88

EXHIBIT 1

WHEN TO SUPPLY PROJECT INFORMATION FOR REVIEW TO MN-DNR DIVISION OF WATERS

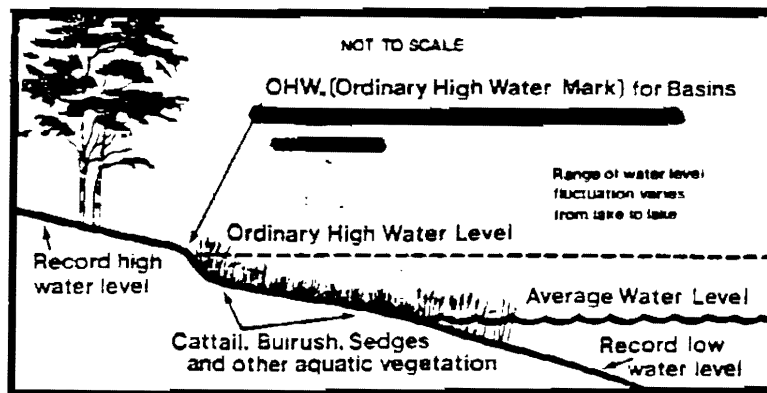
Project information in the form of a completed Exhibit 2 (Project Information -- Forest Service Work Involving Protected Waters or Wetlands) will be provided to the appropriate MN-DNR Regional Hydrologist whenever all of the following conditions are met:

1. The proposed project involves the bed of a Protected Water or Wetland.

(Protected Waters and Wetlands are clearly indicated on county-by-county maps and lists.)

2. The proposed project involves work below the Ordinary High Water (OHW) Mark.

(For lakes and wetlands the OHW is the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The OHW is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the OHW is the elevation of the top of the bank of the channel. For reservoirs and flowages, the OHW is the operating elevation of the normal summer pool. See drawing below for guidance:



3. The proposed project will alter the course, current, or cross section of the water body or wetland.
4. The proposed project is either not addressed by, or exceeds the scope of, the following conditions for specific types of projects. Projects meeting the conditions listed below may be undertaken without prior submission of Exhibit 2 information to MN-DNR:

BEACH SAND BLANKETS

- o Clean, inorganic sand or gravel free of pollutants and nutrients is used.
- o The blanket is no more than 6 inches thick, 50 feet wide along the shore or one-half the lot width (whichever is less), and 10 feet waterward of the Ordinary High Water Mark.
- o Site is not a posted fish spawning area.
- o Installation of sand or gravel may only be repeated once at same location, not exceeding same amount and dimensions of the original sand blanket.

ROCK RIPRAP (FOR SHORE PROTECTION)

- o Only natural rock is used, and rock is 12 inches diameter or larger.
- o Placement extends no more than 5 feet waterward of the Ordinary High Water Mark.
- o Conforms to natural alignment of shore and does not obstruct flow of water.
- o Minimum finished slope is no steeper than 3:1 (horizontal to vertical).
- o Site is not a posted fish spawning area, designated trout stream, nor along the shores of Lake Superior.

BRIDGES, CULVERTS, FILL PLACEMENT OR EXCAVATION

- o The project is planned for a watershed having a total size, at its mouth, of 5 square miles or less, and:
 - The project will not divert water to a different watershed.
 - The project will not impound water by damming the watercourse.
 - The watercourse is not an officially designated trout stream.

DEBRIS REMOVAL

- o Removal of debris such as trees, logs, stumps and trash, provided the original alignment, slope or cross-section of the lake, marsh, or stream bed is not altered.

SEASONAL DOCKS AND FLOATING STRUCTURES

- o Must be removed from water on a seasonal basis (before winter freeze-up).
- o All components must be removable from lake or stream bed by nonmechanized means.
- o Will not be a hazard to navigation or endanger public health and safety.
- o Site is not a posted fish spawning area.
- o Will not include fuel handling or sewage facilities.
- o Is not used or intended to be used for human habitation, as a boathouse or as a marina.
- o Allows for free flow of water beneath it.

PERMANENT DOCKS (ON LAKES ONLY)

- o Dock is a single linear structure not more than 6 feet wide.
- o Does not exceed 50 feet in length, or extend into water that is more than 4 feet deep, whichever is less.
- o No more than one dock is placed per waterfront lot.
- o Will not obstruct navigation or create a water safety hazard.
- o Site is not a posted fish spawning area.
- o Will not include fuel handling or sewage facilities.
- o Is not used or intended to be used for human habitation, as a boathouse or as a marina.
- o Allows for free flow of water beneath it.
- o Lake must be 500 acres or larger if dock is built on wood pilings.
- o Lake must be 2,500 acres or larger, and site must preclude the use of a dock on wood pilings if dock is built on rock filled cribs.

BOAT RAMPS

Privately Owned Ramps:

- o Site can support ramp without pilings, dredging, or other special site preparations.
- o Constructed only of gravel, natural rock, concrete, steel matting, or other durable inorganic material.
- o No more than 6 inches thick, 12 feet wide along shore, and 10 feet waterward of the Ordinary High Water Mark or into water depth of 4 feet, whichever is less.
- o No more than 5 cubic yards of excavation and 5 cubic yards of fill allowed for a stable base.
- o Site is not a posted fish spawning area.

Publicly Owned Ramps:

- o Same as for privately owned ramps, except ramp can be up to 24 feet wide and 20 feet waterward of the shoreline or into water depth of 4 feet, whichever is less, with up to 30 cubic yards of fill and 60 cubic yards of excavation.

REMOVAL OF EXISTING STRUCTURES

- o The original lake, marsh, or stream bed is restored.
- o All parts of the structure, including footings or pilings, are removed.
- o The structure is not a water level control device and is not on an officially designated trout stream.

LOW WATER FORD CROSSINGS (ON STREAMS ONLY)

- o No special site preparation is necessary.
- o Normal summer flow does not exceed 2 feet in depth.
- o Normal low flow is not restricted or reduced.
- o Crossing conforms to the shape of the natural stream channel.
- o Original stream bank is no higher than 4 feet.

LOW WATER FORD CROSSINGS, continued

- o Constructed only of gravel, natural rock, concrete, steel matting, or other durable, inorganic material not more than 1 foot thick.
- o Graded finished slope no steeper than 5:1 (horizontal to vertical).
- o Site is not an officially designated trout stream, wild, scenic, or recreational river or officially designated canoe and boating route.

TEMPORARY BRIDGES (ON STREAMS ONLY)

- o Stream bank can support bridge without pilings, foundations, culverts, excavation, or other special site preparations.
- o Nothing is placed in the bed of the stream.
- o Capable of removal for maintenance and flood damage prevention.
- o Bridge is firmly anchored at one end and can swing away during flooding.
- o Minimum 3 feet of clearance between lowest portion of bridge and normal summer stream flow.
- o Consistent with wild, scenic, or recreational river ordinances.

Project No. _____

EXHIBIT 2

PROJECT INFORMATION -- FOREST SERVICE WORK INVOLVING PROTECTED WATERS
OR WETLANDS

I. National Forest: _____ Ranger District: _____

Forests Supervisors Office Address: _____

_____ Telephone Number: () _____

Field Level Contact Person and Telephone Number:

Project Location: Township(s): _____ Range(s): _____

Section(s): _____ Quarter Section(s): _____ Govmnt Lot(s): _____

County: _____ Lake, Wetland or Watercourse Project Will Affect:

(name and MN-DNR number, if known): _____

II. PROJECT TYPE: _____

III. BRIEF EXPLANATION OF PROJECT: (Include sketch showing dimensions):

IV. WHY IS PROJECT NEEDED?: _____

V. ENVIRONMENTAL IMPACT: (Anticipated changes to water and related land
resources, including unavoidable but detrimental effects): _____

VI. ALTERNATIVES TO THE ACTION PROPOSED: _____

VII. CHECKLIST OF ADDITIONAL PROJECT DATA ENCLOSED:

___ Ground level photo(s) showing water conditions at project site, upland conditions, aquatic vegetation, and proposed spoil disposal area (if applicable).

___ Plat map (if proposed project is on property in a platted area).

___ Sketches/Engineering plans (including cross-sectional sketch and top view sketch).

___ Location/Vicinity map (to clearly show how project site can be reached).

___ List of type of machinery that will be used to construct project.

___ Aerial photos (mandatory for watercourse re-alignment projects)

___ Environmental assessments/Environmental Impact Statements

___ Additional Information (specify): _____

VIII. DEPARTMENT NOTATIONS AND SIGNATURE:

The project as described above has been reviewed by the Department and found to be _____ consistent _____ not consistent with State Rules. The basis for this finding and/or suggested mitigation measures or project modifications are presented below or on attached sheets:

Regional Hydrologist

Date

EXHIBIT 3

USDA FOREST SERVICE PROJECT NO. _____

_____ Appropriation and use of water

_____ Work in the beds of public waters

THIS PROJECT HAS BEEN REVIEWED BY THE COMMISSIONER MINNESOTA
DEPARTMENT OF NATURAL RESOURCES PURSUANT TO A SUPPLEMENTAL AGREEMENT
DATED 5/25/88 WITH THE SUPERIOR AND CHIPPEWA NATIONAL
FORESTS. THIS AGREEMENT IS SUPPLEMENTAL TO MASTER MEMORANDA OF
UNDERSTANDING WITH EACH FOREST DATED 18 MARCH 1981 FOR THE SUPERIOR
NATIONAL FOREST AND 28 DECEMBER 1976 FOR THE CHIPPEWA NATIONAL FOREST.

POST CONSPICUOUSLY AT PROJECT SITE

[note: This poster will be printed by the Forests on 8.5" X 5.5" florescent orange stiffened waterproof paper similar to that used for the standard Department permit poster card. The poster will be prominently displayed at Forest project sites during the period construction activities are taking place. The poster will be a substitute for the Department's standard poster card and is intended to provide contractors with evidence that the project has been reviewed by the Department.]

PART VII

APPENDIX H

Authorities

APPENDIX H AUTHORITIES

Minnesota Statutes

All statutes referenced as part of Minnesota's Lake Superior Coastal Program may be viewed on the Internet at: www.leg.state.mn.us/leg/statutes.html. At the home page you will be asked to enter the chapter number of the statute.

Minn. Stat. ch. 14	Game and Fish Rulemaking
Minn. Stat. ch. 17	Aquaculture
Minn. Stat. ch. 18	Exotic Species
Minn. Stat. ch. 18D	Agricultural Chemical Liability, Incidents and Enforcement
Minn. Stat. ch. 84	Department of Natural Resources
Minn. Stat. §84.033	Scientific and Natural Areas
Minn. Stat. §84.415	Utility Companies, Permit to Cross State-Owned Lands
Minn. Stat. §88.16	Starting Fires
Minn. Stat. §88.17	Permission to Start Fires
Minn. Stat. ch. 89	Minnesota Forest Management Act of 1982
Minn. Stat. ch. 89A	Minnesota Sustainable Forest Resources Act of 1995
Minn. Stat. ch. 90	State Timber Act
Minn. Stat. §92.45	State Land on Meandered Lakes Withdrawn From Sale
Minn. Stat. §92.5	Peat Leasing Program
Minn. Stat. §93.08 - 93.12	Metallic Minerals Leasing Program
Minn. Stat. §93.14 - 93.28	Iron Ore/Taconite Leasing Program
Minn. Stat. §93.25	Metallic Minerals Leasing Program
Minn. Stat. §93.44 - 93.51	Mineland Reclamation Program
Minn. Stat. ch. 97A	Game and Fish
Minn. Stat. ch. 97B	Hunting
Minn. Stat. ch. 97C	Fishing
Minn. Stat. ch. 103F	Floodplain Management Act
Minn. Stat. §103F .201 - 103 F .221	Shoreland Management Act
Minn. Stat. §103F .211	Shoreland Development Model Standards and Criteria
Minn. Stat. ch. 103G	Waters of the State
Minn. Stat. ch. 103G	Protected Water Program
Minn. Stat. §103G .201 - 103 G .315	Public Waters Inventory
Minn. Stat. §103G .221 - 103G .23	Public Water Wetlands
Minn. Stat. §103G .245	Work in Public Waters
Minn. Stat. §103G .271 - 103 G .315	Appropriation and use of Water/Denial and issuance of Permits
Minn. Stat. ch. 103H	Groundwater Protection Act
Minn. Stat. ch. 103I	Wells, Borings, and Underground Uses
Minn. Stat. ch. 103I	Exploratory Borer Registration Program
Minn. Stat. ch. 115	Water Pollution Control Act
Minn. Stat. ch. 115A	Waste Management
Minn. Stat. ch. 115B	Environmental Response and Liability
Minn. Stat. ch. 116	Pollution Control Agency
Minn. Stat. ch. 116B	Minnesota Environmental Rights Law
Minn. Stat. ch. 116C	Minnesota Environment Quality Board
Minn. Stat. §116C .51 - .69	Minnesota Power Plant Siting Act
Minn. Stat. ch. 116D	Minnesota Environmental Policy Act

Minn. Stat. §116I .01 - .11
Minn. Stat. ch. 144
Minn. Stat. ch. 394
Minn. Stat. §400.01
Minn. Stat. ch. 458
Minn. Stat. ch. 462
Minn. Stat. §471.59

Pipelines
Safe Drinking Act
Planning, Development, Zoning (County)
Solid Waste Management, Policy and Authorization
Water Transportation Facilities; Port Authorities
Municipal Planning and Development
Joint Exercise of Powers

Minnesota Rules

All rules referenced as part of Minnesota's Lake Superior Coastal Program may be viewed on the Internet at: www.revisor.leg.state.mn.us/forms/getrulechap.html. At the home page you will be asked to enter the chapter number of the rule.

Minn. Rules 4410.0200 - 4410.8000	Water Quality - Definitions and Abbreviations
Minn. Rules ch. 4720	Drinking Water Rules
Minn. Rules ch. 4725	Minnesota Well Code
Minn. Rules ch. 4727	Exploratory Boring
Minn. Rules 6115.0010 - 6115.0810	Water Permits
Minn. Rules 6115.0190 - 6115.0231	Stream Crossings
Minn. Rules 6115.0300	Dams
Minn. Rules 6115.0600 - 6115.0810	Water Resources
Minn. Rules 6120.2500 - 6120.3900	Statewide Standards for "Management of Shoreland Areas"
Minn. Rules 6120.5000 - 6120.6200	Floodplain Management
Minn. Rules ch. 6125	Metallic Minerals Leasing Program
Minn. Rules ch. 6130	Mining Reclamation
Minn. Rules ch. 6131	Nonferrous Mining
Minn. Rules ch. 6132	Peatland Reclamation
Minn. Rules ch. 6133	Restitution Value for Fish and Wildlife
Minn. Rules 6135.0100 - 6135.1800	Utility Crossings of Public Lands and Waters
Minn. Rules ch. 6200 - 6290	Game and Fish Rules
Minn. Rules ch. 7001	NPDES & State Disposal Permits and Air Emission Permits
Minn. Rules ch. 7002	NPDES & Storm Water Permits and Air Emission Permit Fees
Minn. Rules ch. 7005	Air Quality Rules
Minn. Rules ch. 7007	Air Emission Permits
Minn. Rules ch. 7009	Ambient Air Quality Standards
Minn. Rules ch. 7011	Stationary Source Air Standards
Minn. Rules ch. 7017	Emission Standards
Minn. Rules ch. 7019	Emission Reporting
Minn. Rules ch. 7020	Animal Feedlots
Minn. Rules ch. 7021	Acid Deposition Controls
Minn. Rules ch. 7023	Mobile Source Air Quality Standards
Minn. Rules ch. 7025	Lead-based Paints
Minn. Rules ch. 7030	Noise Standards
Minn. Rules ch. 7040	Sewage Sludge Management
Minn. Rules ch. 7045	Hazardous Waste
Minn. Rules ch. 7048	Waste Treatment Facilities
Minn. Rules ch. 7050	Water Quality Standards
Minn. Rules ch. 7052	Water Quality Standard - Standard Implementation, and Non-degradation Standard for Great Lakes Initiative Pollutants in the Lake Superior Basin

Minn. Rules ch. 7060
Minn. Rules ch. 7080
Minn. Rules ch. 7100
Minn. Rules ch. 8420

Underground Waters
Onsite Septic Systems
Oil and Hazardous Substances
Wetland Conservation Act Rules

Other Documents

The Duluth Downtown Waterfront Plan

A copy of this plan is available for review by contacting the Duluth Public Library Reference Section at (218)723-3802.

Endion Waterfront Plan

A copy of this plan is available for review by contacting the Duluth Public Library Reference Section at (218)723-3802.

Grand Marais Comprehensive Plan

A copy of this plan is available for review by contacting the Grand Marais Public Library - Reference Section at (218)387-1140.

The North Shore Corridor Management Plan

For more information or to review the Plan, please contact the Arrowhead Regional Development Commission (Duluth) at (218)722-5545.

North Shore Harbors Plan

A Recreational Boating Harbors Plan for Lake Superior's North Shore, June 1991

A copy of this plan is available from the Arrowhead Regional Development Commission (Duluth) at (218)722-5545 or for review by contacting the Duluth Public Library - Reference Section at (218)723-3802.

North Shore Management Plan

A copy of this plan is available from the Arrowhead Regional Development Commission (Duluth) at (218)722-5545 or for review by contacting the Duluth Public Library - Reference Section at (218)723-3802.

St. Louis River Management Plan

A copy of this plan is available from the Arrowhead Regional Development Commission (Duluth) at (218)722-5545 or for review by contacting the Duluth Public Library - Reference Section at (218)723-3802.

St. Louis River Remedial Action Plan

A copy of the St. Louis River Remedial Action Plan is available for review by contacting the Minnesota Pollution Control Agency (Duluth);704 Government Services Center; 320 West Second St.; Duluth, MN 55802 at (218)723-4660.

Two Harbors Waterfront Development Plan, 1991

A copy of this plan is available for review by contacting the Two Harbors Public Library - Reference Section at (218) 834-3148.

The West Duluth Plan

A copy of this plan is available for review by contacting the Duluth Public Library Reference Section at (218)723-3802.