MISSISSIPPI RIVER CORRIDOR CRITICAL AREA

REPORT TO THE MINNESOTA LEGISLATURE

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

JANUARY 2008

Minnesota DNR
500 Lafayette Road
St. Paul, MN 55155
www.dnr.state.mn.us

DNR Mission Statement: *Our mission is to work with citizens to conserve and manage the state's natural resources, to provide outdoor recreation opportunities, and to provide for commercial uses of natural resources in a way that creates a sustainable quality of life.*

The DNR is an Equal Opportunity Employer.

Statutory Authority
This document was prepared at the direction of the Minnesota Legislature in Laws of Minnesota 2007, Chapter 57, Article 1, Section 4, Subd. 8.

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Alternative format available upon request.

All photographs by the National Park Service.

For further information, contact:
Rebecca Wooden, Land Use Supervisor, at 651-259-5717, or
rebecca.wooden@dnr.state.mn.us

Laws of Minnesota 2007, Chapter 57, Article 1, Section 4, Subd. 8.

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SUMMARY

The Mississippi River Corridor Critical Area was designated over 30 years ago, extending approximately 72 miles and encompassing portions of some 30 governmental subdivisions. Executive Order 79-19 provides the standards and guidelines for Corridor planning and management. Protection and regulation of the Corridor is accomplished largely at the local level, with oversight and assistance provided by various regional, state, and federal agencies. The Critical Area Corridor is also federally-designated as the Mississippi National River and Recreation Area (MNRRA), a unit of the National Park Service.

While the Minnesota Environmental Quality Board (EQB) is home to Minnesota's Critical Area Program (MS § 116G), administration of the Mississippi River Corridor Critical Area was transferred to the Department of Natural Resources (DNR) in 1995.

In 2007, the Minnesota State Legislature directed the DNR to prepare a report to the Legislature on the state of the Mississippi River Corridor Critical Area:

> Laws of Minnesota 2007, Chapter 57, Article 1, Section 4, Subdivision 8 -- *$50,000 in the first year is for the commissioner, in consultation with the Environmental Quality Board, to report to the house and senate committees having jurisdiction over environmental policy and finance by February 1, 2008, on the Mississippi River critical area program. The report shall include the status of critical area plans, zoning ordinances, the number and types of revisions anticipated, and the nature and number of variances sought. The report shall include recommendations that adequately protect and manage the aesthetic integrity and natural environment of the river corridor.*

The DNR has completed an evaluation accordingly and produced the following report. The report addresses the status of plans and ordinances, community plans for revisions to their plans and ordinances, the types of variances sought and issued, and perceptions of the state of the Corridor. It also includes options and recommendations for changing how the Mississippi River Corridor Critical Area is managed. Information was developed through DNR file review, a survey of Critical Area Corridor communities, a series of stakeholder meetings, consultation with the Environmental Quality Board (EQB) and coordination with the Metropolitan Council and the National Park Service.

The DNR conducted a survey of the Corridor communities to gather information on their management plans and ordinances; their histories of updating and amending plans and ordinances; records of variance applications and approvals; and plans for future revisions. The survey also asked their opinions on the strengths and weaknesses of the critical area program and suggestions for improvement.

Twenty-two of the 30 Corridor communities responded, with 17 providing information on variances. They reported a total of 230 applications over the 30 years of the program, of which 200 were approved and 30 denied. The majority of variance applications concerned setbacks, with bluffline setbacks, accessory structure/rear yard/side yard setbacks, and Ordinary High Water Level setbacks together accounting for 51% of all variance applications. The communities that provided opinions on the program generally concurred that it provides protection for the river, and gives them a tool for managing development. Several expressed negative views about the additional layer of state control over local decision-making.

Under contract with the DNR, the Friends of the Mississippi River (FMR) convened a series of stakeholder group meetings. The purpose of these meetings was to elicit opinions and perceptions of the Mississippi River Corridor Critical Area program and obtain input on management issues, suggestions for alternative or improved management strategies, and help identify programmatic, funding, statutory, or rulemaking requirements to implement the options. FMR first held three meetings targeted at specific groups interested in management of the Mississippi River Corridor Critical Area, then followed with a fourth meeting for all stakeholder groups. The three targeted groups were: the business and development community; government entities, and environmental and civic groups and interested private citizens.

The stakeholders identified strengths and weaknesses of the current program and discussed a variety of options for program change. They unanimously opposed removing the Critical Area designation, and generally wanted to see the program strengthened with more staff and funding, and more specific management goals. Very few stakeholders advocated moving Corridor management from the DNR to another agency. They had mixed views on whether management standards should be established through rulemaking and what types of increased program oversight should be implemented.

The report includes over thirty options for changing Mississippi River Corridor Critical Area management. The options evolved from the stakeholder meetings, from input received from other partner agencies (EQB, Metropolitan Council, National Park Service), the Friends of the Mississippi, and internal DNR discussions. Requirements for implementing each option (including statutory, rule or funding changes) are included, along with an indication of stakeholder support. The options are grouped into the following categories:

- Options that move Corridor administration (to other DNR land use programs, to other DNR units, or to other state or local agencies);
- Options for enhancements within the existing program structure and authorities;
- Options that modify the current program or process, and
- Options that increase oversight of local decisions

Stakeholders nearly unanimously supported options for enhancing the existing program, and provided mixed support for options involving substantial changes to the program and DNR authorities.

Some options (primarily program enhancements) could be implemented with relatively minor funding and staffing changes. Others, especially involving rulemaking would take several years to implement, and significant increases of staff and funding. Moving Corridor administration would necessitate increased staffing at the new home agency. If greater state-level oversight and enforcement is desired, effectiveness will rely on clear statutory authority and sufficient funding and staffing increases.

The DNR primarily recommends options that enhance the skill and resources of local units of government. The DNR also recommends legislative clarification of its authority, and recommends the Legislature establish administrative mechanisms for modifying Executive Order 79-19 and the designated Corridor boundaries.

Stakeholders generally called for greater oversight of local land use decisions in the Corridor. While several oversight options were identified, the DNR supports only the option establishing local hearing boards to review variance decisions.

The following report presents the results of the study, along with appendices containing FMR's complete report, and assorted supplementary and background materials.

SECTION 1 – Introduction and Background

Introduction

The Mississippi River Corridor Critical Area (MRCCA) was established over 30 years ago to protect and preserve the unique natural, recreational, transportation, and cultural features of the section of the Mississippi River flowing through the Minneapolis-St. Paul Metropolitan Area. It comprises 72 miles of river and 54,000 acres of surrounding land in some 30 governmental subdivisions. Regulation of activities in this area of the Mississippi River is accomplished largely at the local level, with planning coordination, oversight and assistance provided by various regional, state, and federal agencies.

In 2007, the Minnesota State Legislature directed the Department of Natural Resources (DNR) to prepare a report on the status of the Mississippi River Corridor Critical Area:

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The DNR has completed an evaluation accordingly and produced the following report. The report addresses the status of plans and ordinances, community plans for revisions to their plans and ordinances, the types of variances sought and issued, stakeholder perspectives on the Corridor, and includes options and recommendations for changing corridor management. Information was developed through DNR file review, a survey of MRCCA communities, a series of stakeholder meetings, consultation with the Environmental Quality Board (EQB) and coordination with the Metropolitan Council and the National Park Service.

Background of the Mississippi River Corridor Critical Area

Critical Areas Act

In 1973, the Minnesota State Legislature passed the Critical Areas Act (MN Statutes, Chapter 116G) because it found

> "the development of certain areas possessing important historic, cultural, or aesthetic values, or natural systems which perform functions of greater than local significance, could result in irreversible damage to these resources, decrease their value and utility for public purposes, or unreasonably endanger life and property." (MN Stat. § 116G.02)

The Act directed the Environmental Quality Council (now the Environmental Quality Board, or EQB) and regional development commissions to identify these areas and to assist and cooperate with local government units (LGUs) in preparing plans and regulations (ordinances) for the wise use of these areas. The EQB adopted procedural rules to implement the Act (MN Rules, parts 4410.8100 - 4410.9910).

Designation of the Mississippi River Critical Area

The EQB and the Metropolitan Council, working with the Citizens League, devoted two years to extensive study, review, drafting, and hearings before an Administrative Law Judge to develop recommendations to the Governor concerning Critical Area designation for the metropolitan Mississippi River corridor. In 1975, the Metropolitan Council recommended that the Governor designate the Mississippi River Corridor as a state Critical Area.

In 1976, Governor Wendell Anderson designated 72 miles of the Mississippi River and adjacent 54,000-acre corridor from Anoka to the confluence with the St. Croix River a State Critical Area through Executive Order No. 130 (1 State Register 656 - 683; 768 – 811). The findings in the executive order included:

- It is an area affected by existing or proposed major governmental development.
- It is an area containing historic, natural, scientific, or cultural resources of regional or statewide importance.
- The area was recognized to be of significant regional or statewide public interest because it is a regional transportation corridor, a regional recreational area, and it has been or is being studied by a number of local, state and federal agencies and commissions.
- Other legal powers are unavailable to provide coordinated regulation of the area to protect the public interest.
- The area is one of a limited number within the state. No other area in Minnesota provides such important transportation, recreational, and water-related functions as the river does as it flows through the Metropolitan Area. Thus, it is a unique resource in Minnesota because of its importance and in its proximity to the large number of people in the Metropolitan Area.
- Unregulated development and uncoordinated planning threatens the public interest in the Mississippi River Corridor; many decisions affecting the use of the River Corridor are made by local governmental units without adequate regard for protecting the regional interest in the regional resource.
- The advantages of coordinated planning for the area will achieve development of the River Corridor as a regional multi-purpose resource, resolve the conflicts of use of land and water, preserve and enhance its natural, aesthetic, cultural, and historical value for the public use, and protect its environmentally sensitive areas.

The executive order also specified responsibilities and responsible parties for managing the Critical Area; established the requirement that LGUs prepare plans and regulations to guide development in accordance with the goals of the executive order, and provided guidelines and standards for preparing and reviewing such plans and regulations. These responsibilities are detailed in Executive Order 79-19, Appendix B, “Standards and Guidelines for Preparing Plans and Regulations”, and are included in Appendix B of this report.

Governor Albert Quie continued the Critical Area designation through Executive Order 79-19 (3 State Register 1680 – 1710); the Metropolitan Council made the designation permanent by resolution dated July 12, 1979. In 1991, the Legislature designated the federal Mississippi National River and Recreation Area (MNRRA) an area of critical concern in accordance with the Critical Areas Act.

Designation Purposes

Executive Order 79-19 Standards and Guidelines for Preparing Plans and Regulations for the Mississippi River Corridor Critical Area states that the purposes of designating the Mississippi River as a Critical Area are:

a. *To protect and preserve a unique and valuable state and regional resource for the benefit of the health, safety and welfare of the citizens for the state, region, and nation;*
b. *To prevent and mitigate irreversible damage to this state, regional, and national resource;*
c. *To preserve and enhance its natural, aesthetic, cultural, and historical value for the public use;*
d. *To protect and preserve the river as an essential element in the national, state and regional transportation, sewer and water and recreational systems; and*
e. *To protect and preserve the biological and ecological functions of the corridor.*

Corridor Boundary and District Designations

The designated Mississippi River Corridor Critical Area (MRCCA) extends from the northern borders of the cities of Dayton and Ramsey to the southern boundary of Dakota County on the west/south side of the river and the boundary with the Lower St. Croix National Scenic Riverway on the east/north side of the river.

The executive order calls for managing the Corridor as a multi-purpose resource by:

a. *Maintaining the river channel for transportation and providing and maintaining barging and fleeting areas in appropriate locations consistent with the character of the river and the riverfront.*
b. *Conserving the scenic, environmental, recreational, mineral, economic, cultural, and historic resources and functions of the river corridor.*
c. *Providing for the continuation and the development of a variety of urban uses, including industrial and commercial uses, and residential, where appropriate, within the river corridor.*
d. *Utilizing certain reaches of the river as a source of water supply and as a receiving stream for properly treated sewage and industrial waste effluents.*

Four corridor districts and guidelines for the districts were established for the state Corridor in order to manage the river corridor consistent with its natural characteristics and its existing development [Ex. Ord. 79-19 B. 2.]. These are:

- *Rural Open Space district. The lands and waters within this district shall be used and developed to preserve their open, scenic and natural characteristics and ecological and economic functions. Presently undeveloped islands shall be maintained in their existing natural state. The transportation function of the river shall be maintained and preserved.*
- *Urban Diversified district. The lands and waters within this district shall be used and developed to maintain the present diversity of commercial, industrial, residential, and public uses of the lands, including the existing transportation use of the river; to protect historical sites and areas, natural scenic and environmental resources; and to expand public access to and enjoyment of the river. New commercial, industrial, residential, and other uses may be permitted if they are compatible with these goals.*
- *Urban Developed district. The lands and waters within this district shall be maintained largely as residential areas. The expansion of existing and development of new industrial, commercial, and other non-residential or non-recreational uses shall be limited to preserve and enhance the residential character of this district.*
- *Urban Open Space district. The lands and waters within this district shall be managed to conserve and protect the existing and potential recreational, scenic, natural, and historic resources and uses within this district for the use and enjoyment of the surrounding region. Open space shall be provided in the open river valley lands for public use and the protection of unique natural and scenic resources. The existing transportation role of the river in this district shall be protected.*

The extent of the corridor, the districts, and the local and regional governmental units that lie wholly or partially within the corridor are shown in figure 1.

(Page held for figure)

Designation of the Mississippi National River and Recreation Area

In 1988, Congress passed Public Law 100-696 [16 U.S.C. § 460zz et seq.] establishing the Mississippi National River and Recreation Area as a unit of the National Park Service (NPS).

The Congress found that:

(1) *The Mississippi River Corridor within the Saint Paul-Minneapolis Metropolitan Area represents a nationally significant historical, recreational, scenic, cultural, natural, economic, and scientific resource.*
(2) *There is a national interest in the preservation, protection and enhancement of these resources for the benefit of the people of the United States.*
(3) *State and local planning efforts along the River Corridor provide a unique foundation for coordinating Federal, State, and local planning and management processes.*
(4) *Existing Federal agency programs lack sufficient coordination and financial participation with State and local planning and regulatory authorities to provide for adequate and comprehensive resource management and economic development consistent with the protection of the Mississippi River Corridor's nationally significant resources, and the public use and enjoyment of the area.*
(5) *The preservation, enhancement, enjoyment, and utilization of the nationally significant resources of the Mississippi River Corridor can be accomplished by a cooperative Federal, State, and local comprehensive planning and management effort.*

The purposes are:

(1) *To protect, preserve and enhance the significant values of the waters and land of the Mississippi River Corridor within the Saint Paul-Minneapolis Metropolitan Area.*
(2) *To encourage adequate coordination of all governmental programs affecting the land and water resources of the Mississippi River Corridor.*
(3) *To provide a management framework to assist the Sate of Minnesota and its units of local government in the development and implementation of integrated resource management programs for the Mississippi River Corridor in order to assure orderly public and private development in the area consistent with findings of this subtitle.*

As indicated earlier, the Minnesota Legislature designated the Mississippi National River and Recreation Area (MNRRA) as a state Critical Area in 1991. The federal MNRRA boundary is the same as the State-designated Critical Area boundary. In 1995, the NPS prepared the MNRRA Comprehensive Management Plan. The plan adopts and incorporates by reference the state critical area and shoreland management programs, and other applicable state and regional land use management programs to implement the plan's vision.

The plan includes guidelines to coordinate protection of natural, cultural, historic, and economic resources, visitor use, and development activities in the Critical Area and to promote a greater degree of protection consistency among the corridor communities. These guidelines are collectively known as MNRRA Tier II standards (see Appendix B). They are more protective than the Critical Area executive order standards, and community adoption is voluntary.

MNRRA staff work with DNR staff to encourage adoption of MNRRA Tier II Standards into plans and ordinances by local units of government. Nearly all communities have updated their plans to incorporate Tier II standards, but very few have Tier II consistent ordinances.

Roles

Several federal, state, regional, and local entities have or had roles and responsibilities designated by statute to promote the goals of the Mississippi River Critical Area. Currently the DNR, Metropolitan Council, and the NPS work in partnership to assist communities in managing and protecting the Corridor.

The Department of Natural Resources (DNR)

The original statute and subsequent executive orders charged the EQB with administering the Mississippi River Corridor Critical Area. In 1995, the MNRRA plan recommended transfer of these responsibilities to the DNR, which was accomplished through Department of Administration Reorganization Order 170, approved by Governor Arne Carlson. References in MN Statutes, MN Rules, and Executive Order 79-19 to the MRCCA related duties of the Environmental Quality Council or the EQB became the DNR's responsibility following this transfer.

The DNR's primary MRCCA roles include: review and approval of plans, ordinances, and amendments to plans and ordinances affecting lands within the Corridor to achieve consistency with Executive Order 79-19 standards, and review of development proposals that require a hearing (see MR part 4410.9800) to achieve consistency with Executive Order 79-19.

Reorganization Order No. 170 transferred rulemaking authority from EQB to DNR. The Order states:

> *Rulemaking authority for the management of the Mississippi River Corridor Critical Area is transferred to the Department of Natural Resources. All rules adopted by the Environmental Quality Board pursuant to these duties remain in effect and shall be enforced until amended or repealed in accordance with law by the Department of Natural Resources.*

The Metropolitan Council

The Metropolitan Council reviews plans that affect lands within the MRCCA; provides technical assistance to communities in adopting or amending plans that are consistent with regional policies, Executive Order 79-19 standards and guidelines, and any voluntary MNRRA policies, and submits its recommendations to the DNR to assist in approval decisions. At one time, the Council also administered funding from the NPS to assist communities revising their plans and ordinances, but these funds are no longer available.

The National Park Service (NPS)

The NPS coordinates with the DNR, Metropolitan Council, and LGUs regarding land use in the river corridor; has provided funding to local, regional, and state agencies to assist with the Critical Area program; and encourages LGUs to meet state Critical Area standards and incorporate additional MNRRA policies into their Critical Area plans. The NPS also pursues stewardship education, interpretation, and historical and cultural resource protection.

Responsibilities and Requirements

Regional agencies, state agencies, and local units of government with jurisdiction in the corridor are required to adopt approved plans for the Corridor that comply with Executive Order 79-19, and permit development only in accordance with those regulations approved by DNR or EQB. In addition, Executive Order 79-19 directed state agencies, regional agencies, and local units of government to develop capital improvement programs or public facilities programs that describe actions to be undertaken within the Corridor.

Capital improvement or public facilities actions must be consistent with the standards and guidelines in Executive Order 79-19, sections B. and C. The DNR expects that capital improvement or public facilities programs of government entities within the MRCCA are not routinely reviewed for consistency with the executive order guidelines. In addition, while state agencies with lands or facilities in the Corridor may have developed plans to meet the executive order guidelines, there is no systematic review or updating.

LGUs are required to adopt regulations or ordinances that regulate development in accordance with the guidelines of the executive order. These plans and regulations must address land use and development, resource protection (especially riverbanks, bluffs, runoff, site alteration, vegetation, water quality, wetlands and floodplains), aesthetic quality protection, surface water uses, open space and recreation, view preservation, and erosion.

Until plans and regulations were adopted and approved, the LGUs were required to regulate activities in accordance with the Interim Development Regulations included in Executive Order 79-19. Nearly all communities have since had plans and regulations approved, and no longer rely on the IDR for regulating development in the MRCCA. The exceptions are Hastings, and unincorporated areas of Hennepin County.

Critical Area Plan and Ordinance Review and Approval

MN Rules, part 4410.9400, requires local units of government to enact only the plans and regulations for a Critical Area that have the written approval of the EQB (or DNR in the case of the MRCCA). Amendments also become effective only upon the approval of the DNR. Communities must comply with the standards and guidelines in Executive Order 79-19, and the procedures in Minnesota Statutes and Rules when preparing, updating, or modifying plans and regulations that affect lands within the Corridor.

Review and approval of plans and regulations requires coordinated effort between DNR and the Metropolitan Council. Executive Order 79-19 designates the Metropolitan Council as the lead agency to coordinate the preparation, submission, review, and modification of land use plans, zoning ordinances, zoning amendments, and other plans and regulations affecting the MRCCA. As a practical matter, the Council generally takes the lead on plan reviews, consistent with its responsibility for overseeing comprehensive planning in the Metropolitan Area, and the DNR serves a lead role in reviewing ordinances.

Both plans and regulations must be submitted to the Metropolitan Council, which reviews them for consistency with Executive Order 79-19 and regional objectives. The Metropolitan Council then forwards the plans or regulations to the DNR, along with its evaluation and recommendations. The DNR reviews the plans and regulations to determine their consistency with the provisions of the executive order, and may request comments from other state agencies as well. Considering the Metropolitan Council recommendation, its own evaluation, and the comments from other agencies, the DNR must either approve the plans and ordinances, or return them to the LGU for modification.

Minnesota Statutes § 116G.10, subdivision 2 requires a resubmission (and state review and approval) of plans and regulations two years after initial adoption. Afterwards, local units of government may amend their plans and regulations if they find it necessary or desirable ("permissive resubmission" provided by MS § 116G.10, subd. 1). Amendments to plans and regulations are reviewed and approved in the same manner as the original plans and regulations.

Development Activities

Local units of government, regional and state agencies shall allow development in the Corridor only in accordance with the DNR- or EQB-approved plans and regulations or amendments that affect lands within the Corridor. The executive order requires LGUs to include administrative procedures for permit notification in their plans and regulations, and to notify the DNR at least 30 days before action is taken for all development applications requiring a public hearing (MR part 4410.9800). Communities without approved plans and ordinances (currently the City of Hastings and an unincorporated portion of Hennepin County near the MSP airport) must also notify the DNR about any additional types of projects listed in the Interim Development Regulations. The executive order also requires that the LGU prepare procedures to notify the DNR of their final actions on such applications.

Enforcement

The executive order also provides for judicial proceedings to compel proper enforcement if the DNR determines that the administration of plans and regulations is inadequate. The ability of the DNR to appeal local decisions is the same as in other land use programs, and is shared by any citizen or organizations with standing.

Relationship to Other State and Federal Laws

Under the executive order, the Corridor shall be managed in accordance with applicable federal and state laws, including state laws pertaining to variances, environmental review, wetlands, public waters permits, shoreland management, and floodplain management, and federal laws and permits from the U.S. Army Corps of Engineers.

The following table summarizes the roles and responsibilities of the DNR and the Metropolitan Council with respect to these activities.

Activity	Metropolitan Council	DNR
Plans and Regulations Review, Approval, and Amendment	Met Council provides technical assistance and guidance for preparing plans and plan amendments.	DNR provides technical assistance and guidance for preparing ordinances and amendments.
	Review for consistency with Executive Order 79-19 and regional objectives (E.O. 79-19 D)	
	Transmit evaluation/recommendation on above criteria and a copy of the plan to DNR (E.O. 79-19 D.3)	
		Review and make approval decision (MS § 116G.07; MR Part 4410.9100, 4410.9400; E.O. 79-19 D)
		Receive amendments and initiate review process. Review and approval of amendments is in the same manner as for original plans and regulations. (MS § 116G.10; MR Part 4410.9500; E.O. 79-19 E)
Development Activities in communities with approved plans and regulations	No role	LGU must notify DNR at least 30 days prior to taking action on development requiring a public hearing (MR Part 4410.9800). DNR provides review and comment at its discretion.
		LGUs required to have procedures for notifying DNR of final action (E.O. 79-19 G).
Development Activities in communities without adopted and approved plans and regulations (Note: this is rare)	Notify DNR of certain types of development listed in Interim Development Regulations (IDR) proposed by regional agencies at least 30 days before final action	LGU, regional, and state agencies shall notify DNR of the certain types of proposed development listed in IDR at least 30 days before final action (MR Part 4410.9800)
		Notify Metropolitan Council of the proposed development no later than 2 days after receipt of notice. (E.O. 79-19 IDR I.2.)
	Review the proposed development, decide whether to hold a public hearing, and transmit to DNR no later than 18 days after receipt of notice (or 30 days after a hearing) a written recommendation with reasons for approving, modifying, or denying the proposed development	
		Review, consider, and transmit recommendation to LGU no later than 10 days after receipt of Metropolitan Council's recommendation.
Judicial Enforcement under IDRs		If DNR recommendation is not followed, may appeal LGU's decision to District Court within 30 days of receipt of notice of final action from LGU
Judicial Enforcement, generally		If DNR determines that administration of plans and regulations is inadequate to protect the state or regional interests, may institute appropriate judicial proceedings to compel proper enforcement (MR Part 4410.9600, E.O.79-19, H.)
Agency Plans and Permits	E.O.79-19 Standards and Guidelines shall be followed by regional agencies for permit regulation and in developing plans within their jurisdictions.	E.O.79-19 Standards and Guidelines shall be followed by state agencies for permit regulation and in developing plans within their jurisdictions (E.O. C.6, C.8, C.10).
Other		Reorganization Order No. 170 transferred authorities to DNR relating to management of MRCCA

Current DNR Program Management

The DNR uses area, regional, and central office staff to oversee the program. Central Office staff provide primary coordination with the Metropolitan Council and the NPS, and review and approve Critical Area plans and amendments. Regional and area staff review proposed development projects within the MRCCA, and provide technical assistance and review of Critical Area ordinances and amendments.

As indicated above, DNR assumed responsibility for MRCCA administration in 1995. Over the ensuing five or six years, the NPS provided approximately $625,000 to the DNR to fund staff positions for program administration. The primary staff focus was to assist communities with bringing their plans and ordinances into compliance with MNRRA Tier II standards ("Tier I" standards were the Executive Order 79-19 standards). Funding for these positions expired and Critical Area staff have assumed other positions and responsibilities in the DNR. Currently the DNR administers the MRCCA program with staff primarily dedicated to a variety of other responsibilities, including the critical area.

Impetus for the legislative requirement to prepare this study came from citizens concerned that the DNR is not adequately protecting the Corridor; among the concerns are perceptions of too many variances and inadequate plans and regulations. The legislature has directed the DNR to evaluate and report on the status of the Corridor plans and regulations, the numbers and types of variances and to provide recommendations for changing MRCCA management to "adequately protect and manage the aesthetic integrity and natural environment of the river corridor."

Additional Studies

At the direction of the Legislature (Laws 2001, Spec. Sess., Ch 10, Art. 1, Sect. 11) the Office of Strategic and Long-Range Planning (MN Planning) prepared the report, *"Connecting with Minnesota's Urban Rivers"*, which includes draft guidelines for sustainable development along the central business districts of rivers in urban areas of the state. The report was prepared in cooperation with the DNR and, while its general focus was on central business districts on rivers statewide, the report highlights management of the Mississippi River Corridor Critical Area in the Metropolitan area. The report developed principles and guidelines to increase the connection between communities and their rivers, and to preserve ecological features while using the river as a community asset.

The DNR has consulted with EQB staff throughout preparation of this report, and concurs with their recommendation that the principles and guidelines in the 'Urban Rivers' report should be considered in evaluating options for future MRCCA management. The following is an excerpt from *"Connecting with Minnesota's Urban Rivers"*, Minnesota Planning, March 2002. The complete report is available at www.eqb.state.mn.us/pdf/2002/UrbanRivers.pdf.

Principles
The principles describe a path for people and communities to connect with urban rivers in a way that creates social and economic opportunities while protecting natural resources.

- ***Enlightened community interest.*** *Engaging people and communities with their rivers is essential to sustaining urban riverfronts.*
- ***Asset management.*** *Development should maintain and restore riverfronts as environmental, economic and social assets.*

- ***Endowment protection.*** *River management plans and decisions should identify, safeguard and restore the most fundamental and intrinsic qualities of each river reach.*
- ***Implications analysis.*** *Each development should be evaluated for its cumulative effects on the river and its consistency with a vision and plan for the river.*
- ***Results management.*** *Regulations should emphasize sustainable outcomes rather than prescribing how to reach those outcomes.*

Guidelines
The design guidelines give specific examples of what a community might look for or how it might approach development as it begins to make sustainable river connections. The goals are to preserve features of a river important to its ecological health while taking advantage of those that might serve as a positive community asset. This also means ensuring that private development makes the riverfront community a better place.

Five design elements to note:
- *Create networks of green spaces that function as an ecological whole.*
- *Seek out and give priority to river-related and river-enhancing development opportunities. If there is no connection to the river, there is no need for a riverfront location.*
- *Establish public gathering places that capitalize on river views and access.*
- *Design the community around a river's unique natural and cultural features.*
- *Ensure that all groups have access to the river's amenities through river-connected open space, overlooks and viewpoints.*

SECTION 2 – Communities: Plans, Ordinances & Variances

Introduction

The 72 miles and 54,000 acres that comprise the MRCCA are distributed in five counties, 21 cities, and four townships. These are:

- Anoka, Hennepin, Ramsey, Washington, and Dakota counties;
- The cities of Anoka, Brooklyn Center, Brooklyn Park, Champlin, Coon Rapids, Cottage Grove, Dayton, Fridley, Hastings, Inver Grove Heights, Lilydale, Maplewood, Mendota, Mendota Heights, Minneapolis, Newport, Ramsey, Rosemount, St. Paul, South St. Paul, and St. Paul Park; and
- Nininger, Grey Cloud Island, Denmark, and Ravenna townships.

In addition, quasi-governmental entities with lands in the MRCCA include the Metropolitan Airports Commission (MAC), and the University of Minnesota.

The upstream-to-downstream distribution of communities on the east side of the river is:

> Ramsey, Anoka, Coon Rapids, Fridley, Minneapolis, St. Paul, Maplewood, Newport, St. Paul Park, Grey Cloud Island Township, Cottage Grove, and Denmark Township.

On the west side of the river, the upstream-downstream distribution of communities is:

> Dayton, Champlin, Brooklyn Park, Brooklyn Center, Minneapolis, Mendota Heights, Mendota, Lilydale, St. Paul, South St. Paul, Inver Grove Heights, Rosemount, Nininger Township, Hastings, and Ravenna Township.

Minneapolis, St. Paul, and Hastings lie on both sides of the river.

Land Use Planning and Regulation

Every community in the MRCCA that has land use responsibilities is required to adopt a management plan and regulations (usually an ordinance) addressing land use and development activities on corridor lands. These plans and regulations were reviewed and approved by the Metropolitan Council and EQB before 1995, and by the Metropolitan Council and the DNR since then. The majority of communities have updated their plans at least once, primarily in response to a major effort by the NPS, the Metropolitan Council, and the DNR to encourage corridor communities to adopt more protective (MNRRA Tier II) standards.

MNRRA Tier II

In 1995, the NPS produced a comprehensive management plan to guide management in the MNRRA corridor for the ensuing 10-15 years. The plan provides a policy framework for coordinated efforts to protect the natural resources and unique features of the corridor, but does not address site-specific issues (except for NPS development). Comprehensive management plans are required for all units of the NPS. The MNRRA Comprehensive Management Plan was required after its 1988 designation. The plan addresses the following needs for coordinated corridor management:

- Fill a need for a corridor-wide vision for the river;
- Provide a consistent and comprehensive management strategy for the corridor;
- Address and mitigate the potential for conflicts between different river uses;
- Manage barge transportation and fleeting, including maintenance of a nine-foot navigation channel;
- Protect scenic and aesthetic vistas;
- Regulate and restrict bluff and steep slope development;
- Regulate shoreline development;
- Preserve and promote native vegetation;
- Preserve cultural and historic resources;
- Improve water quality;
- Prevent habitat loss, including wetland and aquatic habitat;
- Increase the amount of open space and manage it in a coordinated and effective manner;
- Preserve economic resources and achieve balance and sustainability among natural, cultural, and economic resource preservation, visitor use needs, and new development;
- Address community and citizen concerns about the impact of land and water use policies and open space acquisition on economic activities; and
- Determine the most appropriate level of interpretive program activities and visitor services.

The plan adopted and incorporated by reference the state critical area program, shoreland program, and other applicable state and regional land use management programs. Consistency with the MNRRA plan is to be achieved on a voluntary basis through local government planning and management.

The NPS goal was to have all communities achieve Tier II status. Congress established a matching grant program to encourage Tier II planning and regulations. Nearly all communities adopted Tier II plans, but very few adopted Tier II ordinances. A summary of MNRRA Tier II policies is in Appendix B.

Administration of the MRCCA Corridor was transferred to the DNR in 1995. During the next five years, with staff funding and community assistance grants from the NPS, the DNR worked with corridor communities to update their plans and ordinances to incorporate goals from the MNRRA Comprehensive Plan. Twenty-seven communities have revised their Critical Area plans since 1995, including twenty-one of the communities responding to the survey. Six communities have updated their Critical Area ordinances since they were originally approved by the EQB, including five of the communities responding to the survey.

DNR Survey of Critical Area Communities

The DNR conducted a survey of local government units within the MRCCA to obtain information on the status of Critical Area plans and ordinances, community perspectives on the program, and to ascertain the number and types of variances sought and issued in each community. The survey was conducted in August and September of 2007. The survey consisted of an explanatory cover letter, a questionnaire addressing the status of Critical Area plans and ordinances and soliciting community perspectives on the program, and a data table for communities to record the number and types of variance applications denied or granted in each community by year since ordinance adoption.

Communities were also asked to indicate whether they would be interested in participating in a stakeholder group to develop ideas and recommendations for changing the program.

The DNR contacted each community to determine the appropriate contact person for survey completion. After the survey was mailed, the DNR re-contacted each community at least once by phone or e-mail to insure the survey was received, and to encourage the community to complete and return the questionnaire.

The DNR received responses from twenty-two communities. Responses for each community are discussed in the corresponding community section below. The discussion of variance activity consists of each community's reporting of numbers, types, and disposition of variances by year. The DNR does not track Critical Area variance applications or disposition. All communities except Hennepin County have a Critical Area Management Plan. Most communities that have land use controls have specific Critical Area regulations or ordinances.

A separate report on the survey, including copies of original questionnaires and data tables returned by the communities may be obtained by contacting the DNR (see inside front cover for contact information).

Survey Results: Community Plans and Regulations

Eleven communities indicated they intend to update their Critical Area plans in 2008, primarily as part of the 2008 Comprehensive Management Plan update required by statute and reviewed by the Metropolitan Council. Only ten communities plan to update their ordinances after the 2008 plan update, even though ordinances are often less current than the plans, with some ordinances not updated since original adoption in the late 1970s or early 1980s.

While the effort to bring MRCCA plans into compliance with MNRRA Tier II standards was clearly successful, ordinance updating has been substantially less so. The DNR developed a detailed checklist of standards to be incorporated into the ordinances, and met with most of the MRCCA communities during the late 1990s and early 2000s to discuss the checklist and possible updates. Only five communities, Dayton, Grey Cloud Island Township, Lilydale, Nininger Township, and Ravenna Township, updated their ordinances as a result of this effort. Mendota Heights independently updated its ordinance in 2006.

The following table summarizes survey response results, including numbers of variance applications reported by the community and the dates of each community's current plan and regulations:

Community Name	Responded to Survey?	# Variance Applications reported	Date of Approved Critical Area Plan*	Date of Approved Critical Area Regulations*
Anoka	Y	19	2005	1980
Anoka County	Y	NA	2002	NA
Brooklyn Center	Y	1	2003	1980
Brooklyn Park	Y	26	2001	1980
Champlin	Y	26	2003	1980
Coon Rapids	Y	1	2001	1979
Cottage Grove	Y	24	1982	1980
Dakota County	N	NA	1999	NA
Dayton	Y	0	2001	2003
Denmark Township	N	Unknown	1999	1982
Fridley	N	Unknown	2001	1980
Grey Cloud Isl. Twp.	Y	6	1999	2001
Hastings	Y	12	2001	None[1]
Hennepin County	N	NA	None	NA
Inver Grove Heights	Y	2	1999	1992
Lilydale	Y	Not reported	1997	1998
Maplewood	Y	0	1992	1983
Mendota	Y	Not reported	2000	1980
Mendota Heights	Y	14	2002	2006
Minneapolis	N	Unknown	2006	None[2]
Newport	Y	Not reported	2000	1980
Nininger Township	Y	2	2000	2000
Ramsey	Y	28	2001	1985
Ramsey County	N	NA	2001	NA
Ravenna Township	N	Unknown	1998	1999
Rosemount	Y	4	1998	1991
St. Paul	Y	26	2001	1982
St. Paul Park	Y	39	1999	1982
South St. Paul	N	Unknown	2000	1982
Washington County	Y	NA	2001	NA

Notes:
*Dates provided by communities returning questionnaires, but verified or corrected with DNR file information; for communities not returning questionnaires, dates are from DNR files.
1: Although the EQB approved an ordinance, the community did not adopt it and is operating under the Interim Development Regulations.
2: In 1989, EQB approved Minneapolis' existing land use framework for regulating activity in the Critical Area; neither EQB nor DNR have approved a specific Critical Area ordinance for the City

Survey Results: Variances

Of the 20 communities with land use authority that responded to the survey, 15 reported some variance activity; two reported that no variances had been applied for, and three returned blank variance data tables. Communities responding to the survey reported a total of 230 variance applications since adopting their respective ordinances. Variance applications were granted for 200 (87%) of that total. Variance applications were denied for 30 (13%) of the total.

The types and numbers of variances granted were: bluffline setbacks (41, or 20.5%); ordinary high water level (OHWL) setbacks (30, or 15%); setbacks for accessory structures and rear or side yard setbacks (31, or 15.5%); structure height and dimensional standards (21, or 10.5%); lot size or building density (18, or 9%); steep slopes (9, or 4.5%); grading and filling (5, or 2.5%); and other (44, or 22%). Setbacks constituted the majority of variances granted; bluffline, OHWL, and accessory structures/rear/side yard setbacks comprised 51% of all variances granted, and represent the three most common categories of variances granted (excluding the miscellaneous category of "other").

The following figure depicts the variance applications received for each year of the MRCCA designation for all communities. The total number of variance applications shows a generally increasing trend from the beginning of the program until the present; this trend is also displayed by both total numbers of variances granted and total numbers denied.

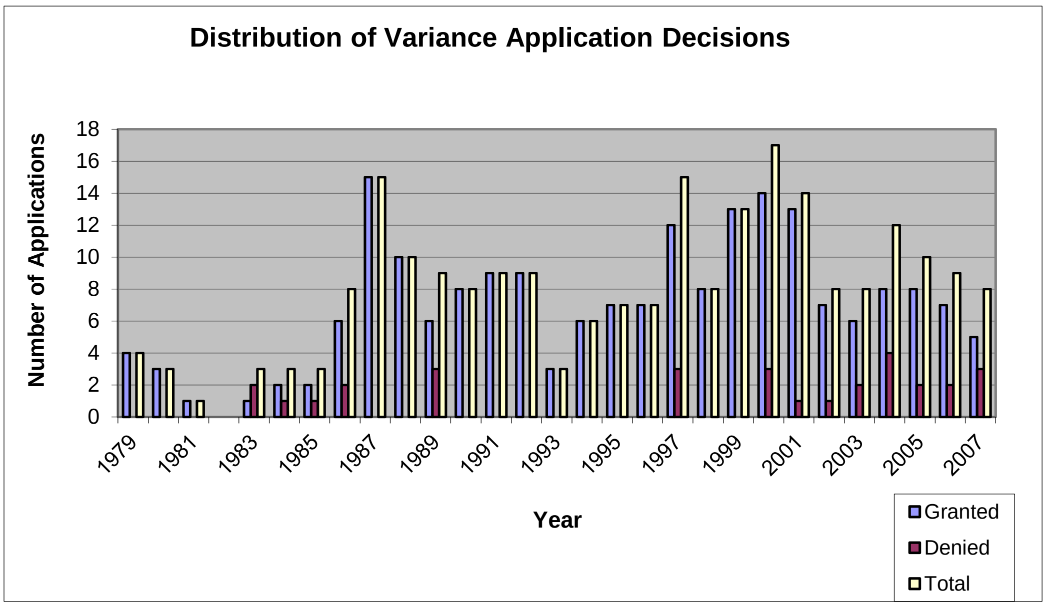

Figure 2. Distribution of Variance Application Decisions

Survey Results: Individual Community Responses
The following information was generally provided by the communities in returned questionnaires. The DNR has added supplementary information where information was missing or inaccurate. Community background information was taken from community plans, Metropolitan Council documents and staff knowledge.

COUNTIES

Anoka
All county-owned property in the corridor is within a municipal jurisdiction. The County works with its cities on land use and zoning issues

Anoka County reports first adopting a MRCCA plan in 2001. This plan was approved by DNR and final adoption occurred in 2002. The plan has not been revised since, nor does the County currently have any plans to revise it. The County anticipates that its 2015 Transportation Plan will affect management of the Corridor.

Because the County is not responsible for land use regulation, it does not have a Critical Area management ordinance, nor does it issue variances. The County's primary involvement with Critical Area management is focused on highway projects, which it manages in compliance with MNRRA and local ordinances.

<u>Community Perspectives</u>
The County responded that the strength of the Mississippi River Critical Area program was that it provides for management and protection of a natural resource. It also stated that the weakness of the Mississippi River Critical Area program is that it makes unreasonable, unrealistic demands of organizations like itself that have no land use controls. When asked what suggestions the County would have for improving the program, the County's response was that the program was administered to communities in the Critical Area in a manner that created resentment against the DNR and that that was not fair to the DNR or to the communities. The County stated that there were not enough reasonable compromises made. The County also stated that the program would be more valuable if it focused on the benefits of implementation and if more effort was made to make it a program people want to implement instead of dread hearing about.

<u>Hennepin</u>
The County did not return the survey; information was obtained via DNR file review.
Hennepin County has no zoning authority and has no Critical Area regulations. Most of the lands in this County are incorporated and fall under the jurisdiction of municipal governments. The remaining lands are controlled by federal or state government or the Minnesota Historical Society, and include Fort Snelling State Park, U.S. Bureau of Mines property, and the MSP airport. Development on these lands is subject to the Interim Development Regulations contained in Executive Order 79-19.

Unincorporated County lands, including Fort Snelling State Park and the MSP airport, are in the Urban Open Space district. Incorporated portions of the County that lie within the Corridor include land in all four districts.

<u>Dakota</u>
The County did not return the survey; information was obtained via DNR file review.
Dakota County has no zoning authority within the Corridor and therefore has no Critical Area regulations. The County owns and manages property in the corridor and has adopted a Critical Area plan. The County did not respond to the survey, but DNR records show that the County adopted its management plan in 1999.

Dakota County lands are classified into all four corridor districts.

<u>Ramsey</u>
The County did not return the survey; information was obtained via DNR file review.
Ramsey County has no zoning authority and did not adopt a Critical Area ordinance. The County does own property and provides transportation, parks, recreation, and open space

services in the corridor, and it has adopted a Critical Area Management Plan to address development, use, and operation of these properties. The County updated its management plan, and DNR approved it, in 2001.

County lands in the corridor are in Urban Diversified and Urban Open Space districts. County-owned features in the Urban Open Space district include Battle Creek Regional Park- Battle Creek and Pig's Eye segments.

Washington

DNR approved a MRCCA plan for Washington County in 2001; the County intends to revise it as part of its 2008 Comprehensive Plan Update.

All of Washington County within the MRCCA is within the jurisdictional boundaries of townships and cities. The County has joint land use authority with Grey Cloud Island and Denmark townships, and it has the authority to override township decisions. Washington County has a review committee and appeals group for these cases.

Community Perspectives

The strength of the Mississippi River Critical Area program is that it highlights the importance of the River area. The weakness of the Mississippi River Critical Area program is inconsistent enforcement due to many different communities implementing ordinances. The program could be improved by the oversight of individual community decisions by either the DNR or the County.

CITIES AND TOWNSHIPS

Data on the cities and townships are provided below. In some cases, information came from the LGU responses to the survey; where they did not respond or provided incorrect or incomplete information, the DNR obtained additional information from its files. The cities and townships are arranged in order of their upstream-downstream distribution.

City of Ramsey

Background

The City of Ramsey is at the northern end of the Critical Area, with about 5% of the City within the MRCCA. About 96% of the Corridor here is designated as Rural Open Space, with 4% in the southern part of the City classified as Urban Developed. Land use in the Corridor is mostly residential with approximately 120 private well/septic systems remaining in active use. A minor amount of farming still occurs within the corridor. Future land use is planned to be low-density residential.

Cultural and natural features include the sites of Itasca Village and Northern Pacific Railroad's Dayton Station, and three parks. Several small islands provide recreation and camping. The river in this reach is often quite shallow, with small riffles and submerged gravel bars common. Except during high water events, boating use of this reach is limited to canoes and small fishing boats.

History of Plan and Ordinance

The City of Ramsey first adopted a MRCCA plan in 1980. The plan was revised in 1990 and 2001 as part of the City's Comprehensive Plan updates; these updates chiefly concerned changes to the Metropolitan Urban Service Area (MUSA) boundary. The community also intends to update the plan in 2008, as part of its Comprehensive Plan Update.

The City first adopted a Critical Area ordinance in 1985, and it has not undergone any major revision. Ramsey intends to update its ordinance sometime after the 2008 Comprehensive Plan update.

The City reports granting 27 and denying one variance in the Critical Area since 1985. Variance data are summarized in the following table:

Type of Variance	# applications	# granted	# denied
Bluff setback	0	0	0
OHWL setback	6	6	0
Lot setbacks	10	10	0
Slopes	0	0	0
Bldg Dimensions	2	2	0
ISTS	1	1	0
Grading and filling	0	0	0
Lot Density/Size	3	3	0
Other	6	5	1
Totals (1985-2007)	28	27	1

Community Perspectives

The City stated that one of the strengths of the Mississippi River Critical Area program was the vegetative management requirements. The City stated that the weaknesses of the Mississippi River Critical Area program were that boundaries were designated by legal description/section line rather than river buffer or some other method more directly tied to the river; there was difficulty in applying standards to existing development, redevelopment, and new development; there was difficulty in applying standards to urban and rural development; there is overlap, inconsistency, conflict, and confusion with other river regulations (Scenic River, Shoreland, etc); there is a lack of cohesive plan/implementation/zoning requirements throughout the Critical Area; and there was difficulty in applying standards that were established in the 1970s to an urbanizing area.

Some suggestions the City had for improving the program were: eliminating sub-districts; revising boundaries to a buffer rather than following section lines; accounting for major roads (e.g., Highway 10); pursuing a plan for the entire Critical Area and coordinating with other river planning/zoning requirements; and working with other cities to develop standards that protect the resource yet are flexible enough to accommodate existing and new development. The program is valuable to the City for vegetative management requirements, and the ability to collaborate with DNR staff on reviewing development proposals within the corridor.

City of Dayton

Dayton is a community of approximately 5000 at the northern end of the corridor, at the confluence of the Crow and Mississippi rivers. The Mississippi forms the northern boundary of the City.

The MRCCA here encompasses approximately 765 acres, or about 8% of the City. It is all in the Rural Open Space district. About 41% of the area is within the 100-year floodplain of either the Mississippi or Crow river. The area also includes some bluffs, ravines and steep slopes. These areas are generally heavily vegetated, and the community reports few erosion problems.

The river in this reach is often quite shallow, with small riffles and submerged gravel bars common. Except during high water events, boating use of this reach is limited to canoes and small fishing boats.

The following table summarizes the City's recent land use in the Critical Area:

Land Use	MRCCA Acreage	% of MRCCA Area
Agricultural	260	34
Residential	285	37
Commercial	2	<1
Public Roadways	45	6
Park/Public Facility	173	23

(source: City of Dayton Mississippi River Corridor Plan, 2000)

<u>History of Plan and Ordinance</u>
Although the City of Dayton reports first adopting a MRCCA plan in 2003, records indicate that the City has had a plan since 1980. The plan was revised in 2001. Dayton intends to update the plan in 2008 as part of its 2008 Comprehensive Plan Update.

Although Dayton reports that it first adopted an ordinance in 2003, DNR records indicate that the City first adopted a Critical Area ordinance in 1980, and amended it in 2003. The community intends to update the ordinance sometime after 2008.

The City reports that no variances have been applied for.

<u>Community Perspectives</u>
The City responded that the strength of the Mississippi River Critical Area program was the protection of shoreline/viewsheds from pending development. The City stated that the weakness of the Mississippi River Critical Area program was that it was very difficult to make existing homes that want to "slightly" expand conform to the ordinance. The program is valuable to the City to protect a valuable resource.

<u>*City of Anoka*</u>

<u>Background</u>
About 13% of the City is in the MRCCA, all of which is designated as Urban Developed. The City is fully developed except for Kings Island, which is undevelopable because it is entirely within the Mississippi's 100-year floodplain. The predominant land use pattern in the MRCCA

is low density residential, with some medium-high density residential and commercial. Several parks, overlooks, and trails are located in the Corridor.

There is significant mature urban forest in the corridor, with many trees of historic value. Erosion of the riverbank slopes is a serious problem in a few areas. Shoreline erosion is a greater problem, especially from boat wakes.

Upstream of the mouth of the Rum River, the Mississippi is often quite shallow and boating use is primarily canoes and small motorized craft. At about the mouth of the Rum River, the Mississippi's water level begins to be influenced by the pool behind the Coon Rapids Dam, leaving adequate water depth for most types of power boat recreation.

History of Plan and Ordinance

The City of Anoka first adopted a MRCCA plan in 1979; the plan was revised in 2005. Anoka currently has no further plans for revision.

The City reports that it does not currently have a Critical Area ordinance. However, DNR file review indicates that EQB approved an ordinance for Anoka in 1980, and the City formally adopted it in 1981. Anoka stated that it intends to update its ordinance in 2008.

The City reports granting 13 and denying 6 variances in the MRCCA since ordinance adoption. The following table summarizes variance application and disposition information provided by the City of Anoka.

Type of Variance	# applications	# granted	# denied
Bluff setback	0	0	0
OHWL setback	4	3	1
Lot setbacks	5	4	1
Slopes	0	0	0
Bldg Dimensions	2	1	1
ISTS	0	0	0
Grading and filling	0	0	0
Lot Density/Size	6	3	3
Other	2	2	0
Totals (1981-2007)	19	13	6

Community Perspectives

When asked about the strengths of the Mississippi River Critical Area program are, the City responded that the additional regulations help the City enforce river projects. The City stated that a weakness of the Mississippi River Critical Area program was that boundaries are a great distance from the River in some places. The City stated that it would be helpful to have seminars that are City-specific. The City also commented that the program was valuable to the community in protecting an area that people take pride in recreating and living in.

City of Champlin

Background

Champlin is one of the northernmost communities in the MRCCA, and has a population of approximately 22,000. The MRCCA comprises about 16% of the community along the City's eastern-northern boundary.

The riverfront is almost entirely developed. Approximately 95% has been designated as Urban Developed, with 5% Rural Open Space in the northern section. The area is mostly single family residences with some multi-family residences. Almost all shoreline is privately owned, with exceptions at Oxbow Park, Galloway Park, Mississippi Shores Park, Mississippi Point Park and some undeveloped areas of public right of way on the river. The area in the Rural Open Space district has a number of islands.

The following table summarizes the City's recent land use in the Critical Area:

Land Use	MRCCA Acreage	% of Critical Area
Single Family Residential	625	83
Public Land and Open Space	93	12
Multi-Family Residential	20	3
Commercial	15	2

(source: City of Champlin Mississippi River Corridor Plan, 2002)

The river's edge is characterized by steep slopes, with most of the river lined by banks 20 to 30 feet high. Erosion is a problem and some areas have been fortified with riprap in an effort to prevent further erosion. The erosion is aggravated by boat wakes. The Mississippi's water level here is influenced by the pool behind the Coon Rapids Dam, leaving adequate water depth for most types of power boat recreation.

History of Plan and Ordinance

The City of Champlin reported first adopting a MRCCA plan in 1980. The plan was revised in 2003, to address the 1988 MNRRA Comprehensive Management Plan. Champlin intends to update its Critical Area Plan as part of the 2008 Comprehensive Plan update.

The City reports that it first adopted a Critical Area ordinance in 1980, and EQB approved the ordinance in 1982. The City revised its ordinance in 2003 to address MNRRA policies. The DNR reviewed the amendment but the City has not made recommended changes and resubmitted it for approval. Champlin currently has no plans to further update its ordinance or seek DNR approval.

The City reports granting 18 and denying 8 variances in the MRCCA since the start of its participation in the Critical Area Program. The following table summarizes variance application and disposition information provided by the City of Champlin.

Type of Variance	# applications	# granted	# denied
Bluff setback	0	0	0
OHWL setback	17	15	2
Lot setbacks	9	3	6
Slopes	0	0	0
Bldg Dimensions	0	0	0

ISTS	0	0	0
Grading and filling	0	0	0
Lot Density/Size	0	0	0
Other	0	0	0
Totals (1980-2007)	26	18	8

City of Coon Rapids

Background

The Critical Area comprises about 10% of the City's area, on the west-southwest margin. The Corridor in this city is fully developed; primary uses are low density residential and conservancy. The corridor here is entirely within the Urban Developed district.

Open space includes Coon Rapids Dam Regional Park, which comprises 470 acres or 40% of the Critical Area within the City, two city parks, and preservation areas on the Anoka-Ramsey Community College campus. High banks along the river constitute the most significant topographic feature.

The portion of the river upstream of the Coon Rapids Dam contains adequate water depth for most types of power boat recreation. Downstream of the dam, the river is rocky and fast-moving and is primarily suitable for canoes and small powerboats.

History of Plan and Ordinance

The City of Coon Rapids reports that it first adopted a MRCCA plan in 1979. The City indicated that it amended its Comprehensive Plan in 2001 and that there was no impact to the Critical Area Plan; however, DNR records indicate that the plan was updated in 2001 to achieve MNRRA Tier II standards. Coon Rapids intends to update its Critical Area plan as part of its 2008 Comprehensive Plan update.

The City did not report when it first adopted a Critical Area ordinance, but DNR records indicate that an ordinance was adopted and approved by EQB in 1979. The ordinance has not been revised since adoption, nor does the community report any plans to update it.

The City reports granting one variance in 2003, concerning setbacks from the top of the Mississippi River bluffline.

City of Brooklyn Park

Background

Brooklyn Park has a population of approximately 68,000. The Critical Area constitutes about 6.4% of the City, in a narrow strip along the eastern border. All of the Critical Area here has been designated Urban Developed.

The following table summarizes the City's recent land use in the Critical Area:

Land Use	MRCCA Acreage	% of Critical Area

Single Family Residential	499	73
Public Land and Open Space	164	24
Multi-Family Residential	13	2
Commercial	6	1

(source: City of Brooklyn Park Mississippi River Stewardship Plan, 2000)

There are several parks and recreational areas in the City's portion of the Critical Area. These include Coon Rapids Dam, Coon Rapids Dam Regional Park, and Brooklyn Park River Park.

Natural features include several islands, floodplains along the river north and south of the dam; and two major wetland areas, both within Coon Rapids Dam Regional Park and Banfill Island. The island has remained in a natural state and provides wildlife habitat.

Steep slopes are a significant challenge throughout this zone: about a third of the river frontage has slopes exceeding 12%.

The portion of the river upstream of Coon Rapids Dam contains adequate water depth for most types of power boat recreation. Downstream of the dam, the river is rocky and fast moving and is primarily suitable for canoes and small powerboats.

History of Plan and Ordinance

The City of Brooklyn Park reported that it first adopted a MRCCA plan in 1979. The plan was revised in 2001 to adopt a Mississippi River Stewardship Plan as part of the City's 2000 Comprehensive Plan Update. Brooklyn Park currently has no further update plans.

The City first adopted an EQB-approved Critical Area ordinance in 1980. The ordinance was slightly amended in 2001 to allow reconstruction and replacement of structures within existing footprints. The community intends to update its ordinance sometime after the 2008 Comprehensive Plan update.

The City reports granting 25 and denying one variance in the Critical Area since 1980. The following table summarizes variance application and disposition information provided by the City of Brooklyn Park.

Type of Variance	# applications	# granted	# denied
Bluff setback	10	10	0
OHWL setback	1	0	1
Lot setbacks	6	6	0
Slopes	0	0	0
Bldg Dimensions	0	0	0
ISTS	0	0	0
Grading and filling	0	0	0
Lot Density/Size	4	4	0
Other	5	5	0
Totals (1980-2007)	26	25	1

Community Perspectives

The City stated the strength of the Mississippi River Critical Area program is as a tool to help in the preservation of the corridor. The weakness of the Mississippi River Critical Area program lies in multiple jurisdictions and inconsistent rules with inconsistent enforcement. The program could be improved through clearer expectations and reasonable application of the rules. The program is valuable since the River is considered an important asset to the City and the program can help in protecting it. The City would like to see more education materials on protecting the River to provide for all owners. Some owners are very good stewards, others are not.

City of Fridley

The City did not respond to the community survey. Information is from DNR files.

Background

The Critical Area is on the western border of this community and encompasses about 17% of the City's area. The northern two thirds is classified as Urban Developed and the southern third as Urban Diversified.

The Urban Developed district is mostly residential. The most notable natural features include native vegetation, tributary streams, and wooded islands. Many of the residents have preserved the native vegetation. The area has some steep slopes that present challenges.

The Urban Diversified district consists mostly of open parkland and some public uses. No change is expected in the foreseeable future. Natural, open space and outdoor recreation areas in the Critical Area include seven parks, several trails, three scenic overlooks, and four major islands.

Surface water use primarily consists of recreational boating and canoeing. The river here is shallow with occasional riffles, and is primarily suitable for canoes and small powerboats except during periods of high water.

History of Plan and Ordinance

DNR records indicate that Fridley adopted a MRCCA plan in 1980. The plan was revised and approved by DNR in 2001. The City adopted and EQB approved an ordinance in 1980. Although the DNR met with the City to discuss updating its ordinance in the late 1990s, the City has not submitted an update for Metropolitan Council and DNR review.

City of Brooklyn Center

Background

Brooklyn Center has a population of approximately 30,000. The Critical Area comprises about 6% of the City, in a narrow strip along the City's eastern border. Although all of the Critical Area here is classified as Urban Developed, land use is composed of slightly over half (51%) public/open space with the remainder in single-family residential. Two parks (North Mississippi Regional Park and Riverdale Park) occupy the public land in the corridor. A bicycle path also runs along the waterfront.

The river here is shallow with occasional riffles, and is primarily suitable for canoes and small powerboats except during periods of high water.

History of Plan and Ordinance

The City of Brooklyn Center reports that it first adopted a MRCCA plan in 1980, revised it in 2002, and formally adopted its current plan in 2003 to fulfill MNRRA Tier II requirements. DNR records show that the Metropolitan Council approved the plan in 1999. Available records indicate that the DNR provided comments on the plan to Brooklyn Center in 2002, and a 2003 Brooklyn Center resolution states that the City incorporated these comments into the plan; however, there is no record of DNR formally approving the plan. Brooklyn Center intends to update its plan as part of the 2008 Comprehensive Plan Update, if required to do so.

DNR records indicate that the City first adopted a Critical Area ordinance, and EQB approved it, in 1980. On the survey, the City stated that it has not yet adopted an ordinance.

The City reports granting one variance for a setback from the OHWL, in 1999.

Community Perspectives

The City responded that the strength of the Mississippi River Critical Area program was that it was designed to protect and preserve a valuable resource for the benefit of citizens of the state, region and nation and prevent irreversible damage to it.

City of Minneapolis

The City did not respond to the community survey. Information is from the City's plan and DNR files.

Minneapolis is a city of approximately 382,000 people. The City occupies both banks of the river in the approximate middle of the corridor in Hennepin County. The Critical Area constitutes about 9.3% of the City's total area, and is divided into three districts: 3% in the northern portion of the Critical Area is classed as Urban Developed; the central 67% is Urban Diversified; and the lower 29% is Urban Open Space.

The middle section of the Corridor contains numerous natural and manmade features of interest. These include several National Historic landmarks, local landmarks, historic districts, properties on the National Register of Historic Places, North Mississippi Regional Park, Central Riverfront, St. Anthony Falls, Upper and Lower St. Anthony locks, Lock and Dam No. 1, the Stone Arch Bridge, Father Hennepin Bluffs, and Nicollet Island.

St. Anthony Falls is a significant natural feature on the river, and serves as a convenient point of division between two topographically distinct sections of the river. Few bluffs exist above the falls, while below the falls a steep bluff line begins to rise and becomes the lower Mississippi gorge area that dominates the lower third of Minneapolis' Corridor, as well as downstream cities. The lower Mississippi gorge area is characterized by steep bluffs and dense vegetation.

In the northern-most portion of Minneapolis, the river is fairly shallow and suitable for small recreational motorboats. At River Mile 857.6 (near the mouth of Shingle Creek) is the beginning of the nine-foot channel navigation system maintained by the U.S. Army Corps of Engineers. Commercial river transportation has been very important in this section of the corridor, and there are several terminals in north Minneapolis. The Corps of Engineers operates the Upper St.

Anthony Falls Lock and Dam, the Lower St. Anthony Falls Lock and Dam, and Lock and Dam 1 (often called the Ford Dam). Commercial barge traffic on this reach of river has been declining and Minneapolis is planning to phase out barge terminal operations in the City. The navigation channel provides adequate depth for excursion boats and all type of recreational traffic.

Numerous parks and trails run along the river throughout the City. The City is attempting to expand its green space.

History of Plan and Ordinance
DNR records indicate that EQB approved the City's Critical Area plan in 1989. The plan was revised and approved by DNR in 2006.

Minneapolis' original Critical Area plan relied on existing municipal regulations for implementation and the City therefore did not originally develop a Critical Area ordinance at that time. EQB approved existing city ordinances as regulations for implementing the plan. The City now has an ordinance section with specific Critical Area language, and indicated in its updated plan that it would review its ordinances and update them as necessary to implement the plan. The City has not submitted Critical Area ordinance language to the DNR for review and approval.

City of St. Paul

Background
St. Paul has 29 miles of river shoreline, the most of any municipality in the metro area. About 27% of the City is in the Critical Area. Of this, about 61.5% is in Urban Open Space, and 38.5% is in Urban Diversified.

Parkland and open space are the predominant uses of riverfront land. The Mississippi River gorge area abuts the western edge of St. Paul. Bluff preservation is a significant concern of the City. Several large regional and city parks, including Harriet Island, Indian Mounds, Battle Creek, Hidden Falls, and Crosby Farm, are in the corridor. There are also several archaeological sites in the corridor.

Commercial and recreational river traffic is pronounced in St. Paul. There is extensive barge fleeting on this section of river, with practical capacity for 393 barges and design capacity of 574 barges at 21 fleeting locations. Two marinas are currently in operation to serve recreational boat uses and dock tourist boats and commercial cruise vessels.

History of Plan and Ordinance
The City originally adopted its Critical Area Plan in 1981. The City amended the plan in 1987 to incorporate the "Riverfront Pre-development Plan". In 1997, the City developed the "St. Paul on the Mississippi Development Framework" which was an important plan relating to the river, although it is not a chapter in the Comprehensive Plan. DNR records indicate the City adopted the Mississippi River Corridor Plan, a chapter of the Comprehensive Plan, in 2001. In 2007 the City developed a draft National Great River Park chapter for the 1997 framework, and it plans to

develop a “National Great River Park Plan in 2008 or 2009. The City will not update its Critical Area Corridor Plan as part of the 2008 Comprehensive Plan Update.

The City originally adopted a Critical Area ordinance in 1982. City staff indicate a revised ordinance has been developed through a lengthy task force process. The task force issued its report in July 2006; the matter is before the City Planning Commission. The City has adopted two zoning changes with potential implications in the Critical Area: preliminary zoning for urban villages in 2001, and a general update of the zoning code adding Traditional Neighborhood (TN) zones in 2004.

The City reports granting 22 and denying four variances in the Critical Area since ordinance adoption. The following table summarizes variance application and disposition information provided by the City of St. Paul.

Type of Variance	# applications	# granted	# denied
Bluff setback	14	12	2
OHWL setback	1	1	0
Lot setbacks	0	0	0
Slopes	9	8	1
Bldg Dimensions	2	1	1
ISTS	0	0	0
Grading and filling	0	0	0
Lot Density/Size	0	0	0
Other	0	0	0
Totals (1982-2007)	26	22	4

The DNR notes that for some years the City issued “Special Conditional Use Permits” instead of variances in a number of cases. Special Conditional Use Permits (SCUPs) are not reflected in this table.

Community Perspectives

City staff state that the strength of the Mississippi River Critical Area program is that it provides environmental and scenic standards for the River Corridor in the entire Metro area. They also state that the weakness of the Mississippi River Critical Area program is that DNR staff have had an “anti-urban bias” and have been “unwilling to acknowledge the environmental benefits of urban living.” Staff suggest that the program could be improved by ensuring a metropolitan perspective and specific expertise on ecological and hydrological questions.

City of Mendota Heights

Background

Mendota Heights has approximately 11,500 people and comprises more than nine square miles of land near the confluence of the Mississippi and Minnesota rivers. Nearly 20% of the City’s area is within the Critical Area corridor, all of it in the Urban Open Space district. Approximately 99% of the corridor is either developed or designated parkland, with the predominant land use being low density residential.

The following table summarizes the City’s land use in the corridor:

Land Use	MRCCA Acreage	% of Critical Area
Single Family Residential	550	43
Limited Business	41	3
Public (Fort Snelling)	611	48
Semi-Public	31	3
Railroad	25	2
Vacant (zoned residential)	12	1

(source: City of Mendota Heights Comprehensive Plan Update, Technical Plan A, 2002)

Approximately 48% of the Corridor area within the City, and all of the City's river shoreland, is within Fort Snelling State Park.

Mendota Heights is in the Mississippi River gorge area. Although most of the City is relatively flat, at an elevation of approximately 200 feet above the river, within the Corridor the predominant natural features include steep slopes and bluffs.

Stormwater drainage, erosion, and destabilization due to vegetation damage are significant challenges in this area.

History of Plan and Ordinance

The City of Mendota Heights reported that it first adopted a MRCCA plan in 1980 and that the plan has not been revised; however, DNR records indicate that the plan was updated in 2002. The City intends to review its Critical Area plan as part of its 2008 Comprehensive Plan Update but does not anticipate any changes.

The City reported that it first adopted a Critical Area ordinance in 1980 and has not updated it. However, DNR approved an updated ordinance in October 2006.

The City reports granting 12 and denying two variances in the Critical Area since ordinance adoption. The following table summarizes variance application and disposition information provided by the City of Mendota Heights.

Type of Variance	# applications	# granted	# denied
Bluff setback	0	0	0
OHWL setback	0	0	0
Lot setbacks	6	4	2
Slopes	0	0	0
Bldg Dimensions	1	1	0
ISTS	0	0	0
Grading and filling	0	0	0
Lot Density/Size	0	0	0
Other	7	7	0
Totals (1980-2007)	14	12	2

Community Perspectives

The City states the strength of the Mississippi River Critical Area program is that it serves as a useful tool for controlling development on the river bluff. The weakness of the Mississippi River Critical Area program lies in the fact that a majority of Critical Area properties are far from the bluff and that the vast majority of Critical Area permits are not variances but simple plan reviews. The program could be improved if boundaries were revisited. The program is valuable as a control for development along the river.

City of Mendota

Background

The City of Mendota has a population of approximately 200 people and is about 145 acres in size. Approximately 95% of the City lies within the MRCCA, in the Urban Open Space District. The City is at the confluence of the Mississippi and Minnesota rivers, and consequently sees a large volume of barge and recreational boat traffic. However, no boats moor along the riverfront in Mendota, and none of the existing commercial or industrial uses require access to the river.

The following table summarizes the City's 1998 land use in the Critical Area:

Land Use	City Acreage	% of Critical Area
Residential	44	30
Commercial/Industrial	12	8
Public and institutional	15	10
Highways	3	2
Wetlands	6	4
Lakes and Streams	4	3
Vacant	61	42

(source: City of Mendota Comprehensive Plan, 2000)

The bluffs lining the Mississippi are the most prominent natural feature in Mendota. Mendota is on the edge of the Mississippi River gorge, and steep bluffs bound the City on three sides. Development in the City occurs on the flat terrain bounded by bluffs, called Lowertown. Some development also exists along roads cut into the bluffs surrounding the City. The bluffs are heavily vegetated. Mendota prohibits development on slopes greater than 18% and limits development on slopes greater than 12%. Much of the City's area consists of slopes exceeding 18%; these areas present erosion and runoff challenges. The bluff topography has significantly shaped development patterns in the community's past, and will continue to exert a dominant influence.

Historic and natural areas include a portion of Fort Snelling State Park, Veterans Park, and the Big Rivers Regional Trail. Most of the river valley lands within Mendota's boundaries are located within Fort Snelling State Park. The area also includes historical Dakota settlements, the first Euro-American settlement in the Minnesota Territory, the oldest church in the state and the historic home of Henry Sibley, the first state governor.

History of Plan and Ordinance

The City of Mendota reports that it first adopted a MRCCA plan in 1990; however, a file review indicates that EQB approved a plan in 1980 and the City adopted it in 1982. DNR approved a major revision in 2000. Mendota intends to update its plan as part of its 2008 Comprehensive Plan Update.

EQB approved a Critical Area ordinance for Mendota in 1980, although the City reports that it first adopted an ordinance in 1990. Mendota intends to update its ordinance as part of its 2008 Comprehensive Plan update.

The City of Mendota did not report any variance information.

Community Perspectives

The City reports that one strength of the program is that it helps with development and that the program is very valuable to the community.

City of Lilydale

Background

Lilydale is a community of approximately 550 people, mostly on a strip of land between the Mississippi River and Highway 13 in Dakota County. All of the community is within the MRCCA, and entirely within the Urban Open Space district. Lilydale's total land area is approximately 575 acres. There are two distinct areas to the City: lower Lilydale, located on the Mississippi River floodplain east of Interstate 35E and north of Highway 13, and upper Lilydale, consisting of those lands not within the floodplain. There were once more than 100 mobile homes and commercial establishments, with individual septic systems and wells, in lower Lilydale. In the mid-1970s, Ramsey County purchased these areas and removed the development to make a regional park. Today, most of lower Lilydale is undeveloped and is owned by the St. Paul Parks department as part of the Harriet Island-Lilydale Regional Park.

The following table summarizes the City's 1996 land use (all within the MRCCA):

Land Use	MRCCA Acreage	% of Critical Area
Single Family Residential	4.4	1
Multi-Family Residential	43	7
Commercial	26	5
Industrial	27	5
Park/Open Space	325	56
County Trail	35	6
Right-of-Way	41	7
Water	74	13
Vacant	1	<1

(source: Lilydale Comprehensive Plan, 1997)

Most of the land designated as Park/Open Space is part of the Harriet Island-Lilydale Regional Park.

Lilydale contains many natural and scenic features and environmentally sensitive areas. Most prominent among these are the bluffs lining the Mississippi. The City is within the Mississippi River gorge area, and the bluffs are Lilydale's most environmentally sensitive features. Upper Lilydale consists of two blufflines, with the urbanized area located on the terrace between them. The bluffs are heavily vegetated. Lilydale limits development on slopes greater than 12% and prohibits development on slopes greater than 18%. The City has also collaborated with neighboring Mendota Heights to restrict bluff development in that city that might cause erosion problems in Lilydale.

The former Twin City Brick Yard is in the northeastern part of the City and is considered a site of both historic and environmental significance. A large part of the region's sedimentary geology is exposed here. The area is very popular among amateur geologists and fossil hunters and is protected as part of the Harriet Island-Lilydale Regional Park.

The Big Rivers Regional Trail has its start in Lilydale.

History of Plan and Ordinance

The City of Lilydale first adopted a MRCCA plan in 1979 and revised it in 1997 to meet MNRRA standards. An amendment to re-zone some land in the Critical Area from industrial to multi-family was passed in 2000, and DNR records indicate that a similar amendment was passed in 2006. Lilydale intends to update its plan as part of its 2008 Comprehensive Plan Update. The City has recently submitted a Comprehensive Plan amendment and zoning change to the Metropolitan Council for review and eventual DNR review. The proposal would change a 0.85-acre property from Open Space to Multi-family Residential.

The City first adopted a Critical Area ordinance in 1979. The ordinance was updated, and approved by DNR, in 1998. Lilydale intends to update its ordinance in 2008.

The City did not report any variance applications.

Community Perspectives

The City states that the strength of the Mississippi River Critical Area program is that it protects riverfront properties from improper development. The City stated that the program was valuable as another tool for river preservation.

City of South St. Paul

The City did not respond to the community survey. Information is from the City's website and DNR files.

Background

The City of South St. Paul has a population of approximately 20,000 and is in northeast Dakota County. The Mississippi River forms the City's eastern border. All of the Critical Area here is classified as Urban Diversified. It is highly urbanized and has very few natural features; what remains are mainly bluffs and associated ravines, and wetlands on the floodplain.

The Corridor encompasses about 40% of the City in area. Simon's Ravine is an important recreational area. Ravines are also used to convey stormwater and consequently have erosion problems. There are also several scenic overlooks along the bluff.

The following table summarizes the City's land use in the corridor:

Land Use	MRCCA Acreage	% of Critical Area

Residential	93	9
Commercial	202	19
Industrial	364	34
Public	200	19
Vacant	54	5
Preservation	67	6
Mixed Use	82	8

(source: City of South St. Paul Comprehensive Plan, May 1999)

The river is used for barge fleeting and recreational purposes. Current ordinances limit barge fleeting to two locations.

Changes in the corridor since completion of the original Critical Area plan include the removal of several blighted buildings and unsuitable businesses (mainly stockyards) by the Housing and Redevelopment Authority, and their replacement with businesses with higher aesthetic qualities. The City plans to continue beautification in the corridor.

Public access to the water is limited by flood control structures, although there is a DNR public access just south of the I-494 bridge.

History of Plan and Ordinance

DNR records indicate that EQB approved the City's MRCCA plan in 1982, and a plan update in 2000.

The City adopted and EQB approved a Critical Area ordinance in 1982. The DNR held meetings with the City and developed comments about the ordinance revisions, but a revision has not been completed.

City of Maplewood

Background

While only a very small area of the City is in the corridor, the area is wooded and steep and contains environmentally sensitive lands. It is designated as Urban Diversified.

History of Plan and Ordinance

The City of Maplewood reports that it first adopted a MRCCA plan in 1988 and that the plan has not been revised. However, a DNR file review indicates that Maplewood first adopted a plan in 1980 and in 2002 the DNR approved an amendment to the MRCCA component of the City's Comprehensive Plan. The City is not certain whether it will update its Critical Area plan as part of the 2008 Comprehensive Plan update.

EQB approved a Critical Area ordinance for the City in 1980 and an update in 1983; however, the City reports that it first adopted a Critical Area ordinance in 1988. DNR held a meeting with the City and generated comments on ordinance revision in 1999, but there is no record of revisions being adopted.

The City reports that it has not received any variance applications.

City of Newport

Background

Newport is a city of approximately 4000 people in Washington County. Approximately 26% of the City is in the Critical Area. The northern half is in the Urban Diversified district and the southern half is in the Urban Developed district. Over half the corridor is residential. There are four large industries, with three located on the waterfront. One of these has a docking structure and generates barge traffic.

The Corridor here is almost built out, primarily with residential and industrial uses. The development has existed for decades, and little of the Corridor is in its natural state. The southern two thirds is residential. Most of the corridor land is fairly flat, with some bluffs in the northeastern corner. There are two parks in the corridor; however, most of the riverfront is privately owned so there is little opportunity for expansion of parks and open space. Some opportunity exists for the addition of scenic overlooks at the ends of streets that terminate overlooking the river. The City is considering turning the old sewage treatment plant into a park.

History of Plan and Ordinance

The City of Newport reported that it first adopted a MRCCA plan in 2002. DNR records indicate that EQB approved a plan in 1980 and the plan was revised in 2000. Newport has no current intentions to update its plan.

The City reported that it first adopted a Critical Area ordinance in 2002; however, DNR records indicate that the City first adopted, and EQB approved, a Critical Area ordinance in 1980. DNR records also indicate that the City discussed ordinance revisions with DNR in 1997 but that a revised ordinance was not submitted for DNR approval. Newport has no current plans to update it.

Newport did not report any variance applications.

Community Perspectives

The City stated the strength of the Mississippi River Critical Area program is that it protects riverfront properties from improper development. The program is valuable as another tool for river preservation.

City of Inver Grove Heights

Background

Inver Grove Heights is in the southeastern portion of Dakota County. The river forms the eastern border of the City, and the Critical Area comprises the eastern 1000 feet of the community for six miles along the river. The Critical Area encompasses approximately 3000 acres (<16% of city). The corridor here transitions from urban to rural, and three districts are present: Urban Developed, Rural Open Space, and Urban Diversified.

The northern third has been designated Urban Developed. This is the oldest area of city as it was the original village of Inver Grove Heights. It is the most urbanized portion and contains the most varied land uses; these uses are primarily small lot residential, commercial, and industrial. The City's primary issue in this district is to steer redevelopment in a river-friendly direction. The City is redeveloping a portion of the floodplain here into Heritage Park. This section of the river contains several small marinas.

The southern two-thirds of the corridor is in the Rural Open Space district. It has been developed as rural estate lots. There are no municipal sanitary, sewer or stormwater services here and no plans to extend these services. Public access to the river in this area is limited because frontage is in private ownership. Approximately 185 acres of public access to the river bluff and shoreline is provided by the Pine Bend Bluffs Scientific and Natural Area. The southern portion of this district is planned for expansion of existing and new industry. Slopes are steep here, limiting development. The City's primary issue in this area is to protect slopes and existing vegetation.

A very small part of the northern end of the corridor is designated as Urban Diversified. This area includes large commercial and industrial operations, and open space along river bluffs. Future land use plans propose orderly expansion of existing industry. Topography is a constraint in this area.

History of Plan and Ordinance

Inver Grove Heights reports that it originally adopted a MRCCA Plan in 1988. The plan was updated in 1998, and DNR approved the update the following year. The City does not intend to update its plan during its 2008 Comprehensive Plan update.

Inver Grove Heights reported that it first adopted an ordinance in 1992. DNR records indicate that the City's original Critical Area ordinance was approved by EQB in 1989. The ordinance was updated and adopted in 1992.

The following table summarizes variance application and disposition information provided by the City of Inver Grove Heights.

Type of Variance	# applications	# granted	# denied
Bluff setback	0	0	0
OHWL setback	0	0	0
Lot setbacks	0	0	0
Slopes	0	0	0
Bldg Dimensions	2	2	0
ISTS	0	0	0
Grading and filling	0	0	0
Lot Density/Size	0	0	0
Other	0	0	0
Totals (1989-2007)	2	2	0

Community Perspectives

The City states that the strength of the Mississippi River Critical Area program is that it provides increased protection of natural resources.

City of St. Paul Park

Background

St. Paul Park is on a north-south section of the river in Washington County between Newport and Cottage Grove. The Mississippi River defines the City's western border and the MRCCA includes about 26% of the western part of the City. The northern half is in the Urban Diversified district, while the southern half is in the Urban Developed district.

Existing land uses in the Urban Diversified district include an oil refinery and refinery barge dock, Lions' Levee Park, and some single family residences. The Urban Developed district includes a marina, two auto salvage yards and an auto repair shop, single-family residences and Riverside Park. Much of the land in the Critical Area is vacant but privately owned; development is hindered by shallow depth to bedrock. Numerous river islands are part of the floodplain and are undeveloped. There is significant barge traffic and recreational boating on this stretch.

History of Plan and Ordinance

The City of St. Paul Park adopted a Critical Area plan in 1981, and EQB approved the plan in 1982. The City revised the plan in 1999, as a chapter of its Comprehensive Plan, and it intends to update its plan in 2008; this update may include a portion of Grey Cloud Island Township, which may be annexed by the City.

The City first adopted, and EQB approved, a Critical Area ordinance in 1982. From 2000 to 2002, the City worked on draft revisions to make the zoning consistent with the plan. St. Paul Park intends to submit a final draft ordinance to the Planning Commission and City Council in early 2008.

The City reports granting 39 variances in the Critical Area since ordinance adoption. The following table summarizes variance application and disposition information provided by the City of St. Paul Park.

Type of Variance	# applications	# granted	# denied
Bluff setback	0	0	0
OHWL setback	0	0	0
Lot setbacks	0	0	0
Slopes	0	0	0
Bldg Dimensions	14	14	0
ISTS	0	0	0
Grading and filling	1	1	0
Lot Density/Size	0	0	0
Other	24	24	0
Totals (1982-2007)	39	39	0

* No variances or conditional use permits were granted for residential property. All were variances or conditional use permits granted to Marathon Ashland Petroleum.

Community Perspectives

The strength of the Mississippi River Critical Area program is that it provides guidance across municipal boundaries for river corridor management. It is a tool that communities can utilize when discussing appropriate development and conservation activities next to the River. The weakness of the Mississippi River Critical Area program is that the inflexible administration of the program does not reflect current land use patterns, and this inflexibility may or may not ultimately protect the River and its amenities. The arduous plan, ordinance and development review process takes too much time. Because of the two concerns listed above, it seems other municipalities are inclined to grant variances rather than engage in discussions. The program could be improved by either revision of the boundaries and guidelines, or more appropriate interpretation of the intent of Executive Order 79-19. The river and its amenities should not be compromised for the sake of development activities, but the guidelines inhibit what could be better development scenarios that could be more protective of the natural, cultural and social aspects of the river. This program is valuable because it provides communities with guidelines that are expected to be adhered to by many municipalities and gives communities further support in implementing River protection strategies.

Grey Cloud Island Township

Background

This township of approximately 300 people consists of unincorporated lands in the southwestern corner of Washington County along the Mississippi River, which runs north south along the western edge of the township. Most of the township is in the corridor with over 95% in the Rural Open Space district. A very small portion in the northern part of the township, adjacent St. Paul Park, was designated as Urban Developed.

The Critical Area contains all of the public lands located in the township; most of the residential areas; and the township's current limestone quarry operation (on Upper Grey Cloud Island). There is very little agricultural activity in this portion of the corridor; only 80 acres of it is farmed. There are no sewer or public water services in this portion of the corridor, so the residences and businesses have individual septic and water systems. Much of the land is vacant, open space, typically wooded or grassland. The Nature Conservancy owns 80 acres.

Most of the land in the township, including and especially along the river, is in private ownership. The township is opposed to the expansion of public lands for regional parks or preserves, with the possible exception of the addition of a scenic overlook at Robinson's Rocks.

The township is planning for permanent rural land use with a gross density of one dwelling/10 acres. The mining reserve could be mined in the future, but the township has no additional plans for commercial or industrial activities in the corridor. The township also has no plans to extend sewer and water service here.

Significant natural and archaeological features include Robinson's Rocks and several burial mounds. Robinson's Rocks is a fossil-bearing limestone cliff along the river. The bluff areas are not as extensive here as in other parts of the corridor; most of the upland areas are characterized as a gentle plateau.

History of Plan and Ordinance

Grey Cloud Island Township first adopted a MRCCA plan in 1980; the plan was revised in 1999 to meet MNRRA standards. Comprehensive Plan amendments and zoning revisions affecting the

Critical Area occurred: in 1983, when an area of the township was annexed by Cottage Grove; in 1989, when Lower Grey Cloud Island was annexed by Cottage Grove, and in 2007, when 300 acres were annexed by St. Paul Park. The township intends to update its MRCCA plan as part of its 2008 Comprehensive Plan Update.

The township first adopted a Critical Area ordinance in 1980. In 1985 the township adopted and EQB approved an amendment to the ordinance. DNR approved an ordinance update in 2001. The township intends to update its ordinance in 2008.

The township reports granting four and denying two variance applications in the Critical Area since ordinance adoption. The following table summarizes variance application and disposition information provided by the Township.

Type of Variance	# applications	# granted	# denied
Bluff setback	0	0	0
OHWL setback	0	0	0
Lot setbacks	1	1	0
Slopes	0	0	0
Bldg Dimensions	0	0	0
ISTS	0	0	0
Grading and filling	3	3	0
Lot Density/Size	0	0	0
Other	2	0	2
Totals (1980-2007)	6	4	2

Community Perspectives

The strength of the Mississippi River Critical Area program is that it reflects the desire of citizens to preserve pristine river frontage. The weakness of the Mississippi River Critical Area program is that it demonstrates loss of control by Minnesota townships because of annexation favoring cities.

City of Cottage Grove

Background

Cottage Grove has a population of approximately 32,000. The river defines the community's southern boundary, and the Critical Area consists of about 25% of the City's area. All of the Critical Area here is designated as Rural Open Space. Most of the riverfront has been designated as a green belt and the backwater areas are used for recreation. Grey Cloud Dunes SNA is located along the river in the southwestern portion of the City.

The City recently annexed Lower Grey Cloud Island. The newly annexed area is currently used for aggregate mining, and its post-mining future is still being debated.

History of Plan and Ordinance

The City of Cottage Grove first adopted a MRCCA plan in 1978, which EQB approved in 1982. This plan has not been updated. The City reviewed its plan in 2000 and determined that it was still in compliance with Executive Order 79-19 and therefore needed no updating. Although the

City reports updating its Comprehensive Plan in 1999, this update did not affect the Critical Area. Cottage Grove has no current plans to update its Critical Area plan.

Although the City reports adopting an ordinance in 1978, DNR records indicate it was not approved until 1980. The ordinance has not been revised, and Cottage Grove has no current plans to update it.

The City reports granting 21 and denying three variance applications in the Critical Area since ordinance adoption. The following table summarizes variance application and disposition information provided by the City of Cottage Grove.

Type of Variance	# applications	# granted	# denied
Bluff setback	15	15	0
OHWL setback	0	0	0
Lot setbacks	3	3	0
Slopes	0	0	0
Bldg Dimensions	2	0	2
ISTS	0	0	0
Grading and filling	0	0	0
Lot Density/Size	4	3	1
Other	0	0	0
Totals (1980-2007)	24	21	3

Community Perspectives

The City indicates the weakness of the Mississippi River Critical Area program lies in the fact that Cottage Grove is classified as rural and that rural standards applied to urban development require numerous variances. The City suggested that urban standards should be applied in its case.

City of Rosemount

Background

Rosemount is a city of approximately 14,500 in the southern section of the Corridor. The Mississippi River forms the City's northern boundary. Approximately 13% of the City, or 3000 acres, are in the Corridor, including 920 acres of water surface. The western two thirds of the corridor is Urban Diversified and the eastern third is Rural Open Space.

Predominant uses in the corridor include wooded open space and river dependent industry. Both residential use and agricultural use are limited. The largest single type of landowner in the western portion of the Corridor is industry: Flint Hills Resources and CF Industries together control about 75% of the riverfront land and operate three barge terminals on the river. Most of the land controlled by industry remains wooded. East of the Urban Diversified district, land use in the Corridor is primarily agricultural and recreational/public open space. Approximately 270 acres on the eastern edge of the district are included in Spring Lake Regional Park.

There are two well-defined bluff lines in the Corridor here. Pine Bend Trail passes through Rosemount and follows one of the blufflines.

History of Plan and Ordinance

The City of Rosemount first adopted a MRCCA plan in 1979; the plan was revised in 1998. Adoptions of Comprehensive Plan updates affecting the Critical Area took place in 1979 (the 1990 Comprehensive Plan), 1993 (the 2010 Comprehensive Plan), and 1998 (the 2020 Comprehensive Plan). The community intends to evaluate its upcoming Comprehensive Plan update to determine whether it will also be necessary to update the Critical Area plan.

Rosemount reports that its first ordinance was adopted in 1991. However, DNR files indicate that EQB approved the City's Critical Area ordinance in 1979, and Rosemount adopted it in 1980. In 1997, the DNR met with City officials and reviewed the City's ordinance; however, records do not indicate that this resulted in any final actions or recommendations. The City intends to update the ordinance after the 2008 Comprehensive Plan update.

The City reports granting four variance applications in the Critical Area since ordinance adoption. The following table summarizes variance application and disposition information provided by the City of Rosemount.

Type of Variance	# applications	# granted	# denied
Bluff setback	2	2	0
OHWL setback	0	0	0
Lot setbacks	0	0	0
Slopes	1	1	0
Bldg Dimensions	0	0	0
ISTS	0	0	0
Grading and filling	1	1	0
Lot Density/Size	0	0	0
Other	0	0	0
Totals (1980-2007)	4	4	0

Community Perspectives

The City indicates the strength and value of the Mississippi River Critical Area program is protection of Mississippi River bluff areas that are difficult to develop. A weakness is that it requires state oversight of development, which otherwise is a local issue.

Nininger Township

Background

Nininger Township is located in the northeastern section of Dakota County, and is bounded by the Mississippi River on the north, the City of Hastings on the east, and the City of Rosemount on the west. Population is approximately 250, and the primary land use is agricultural. Approximately 25% of Nininger Township is within the MRCCA. This area is entirely within the Rural Open Space district. A substantial part of the Township's area in the corridor is contained within the Spring Lake Regional Park Reserve. This park provides numerous aquatic recreational opportunities and includes a DNR public access with access to the lake and river.

The bluffs lining the Mississippi are significant natural features in Nininger Township. Erosion and runoff concerns associated with the steep slopes of bluff areas pose significant challenges for the township.

History of Plan and Ordinance
Nininger Township reported that it adopted its MRCCA plan in 2000. DNR records indicate that the township first adopted a Management Plan in 1980. The township amended its plan in 1982, 1995, and 1997, with a major update in 2000 to meet MNRRA standards. Nininger Township does not intend to update its Critical Area plan as part of its 2008 Comprehensive Plan Update.

The township adopted, and EQB approved, an ordinance in 1980. In 2000, the ordinance was updated. The township indicated that it currently has no plans to update its ordinance.

The township reports granting no variances and denying two variances since adoption of its ordinance. Both of the denials occurred in 2000; one was for a setback from the bluff, and the other was for a setback from the OHWL. The following table summarizes variance application and disposition information provided by Nininger Township.

Type of Variance	# applications	# granted	# denied
Bluff setback	1	0	1
OHWL setback	1	0	1
Lot setbacks	0	0	0
Slopes	0	0	0
Bldg Dimensions	0	0	0
ISTS	0	0	0
Grading and filling	0	0	0
Lot Density/Size	0	0	0
Other	0	0	0
Totals (1980-2007)	2	0	2

Denmark Township
The City did not respond to the community survey. Information is from DNR files.

Background
The Critical Area constitutes approximately 1250 acres in Denmark Township, Washington County, at the southeastern end of the corridor. The river flows along the southern and southwestern boundaries of the township, and includes the confluence of the Mississippi and St. Croix rivers. The entire Critical Area here is in the Rural Open Space district. Recreational boating and barge traffic use the river through the township, but the river is too narrow to support barge fleeting.

Nearly half of the Critical Area consists of significant natural features, such as bluffs and floodplains; development on these lands is prohibited or severely restricted due to these features.

The following table summarizes the township's recent land use in the Critical Area:

Land Use	MRCCA Acreage	% of Critical Area
Commercial	20	2
Developed Residential	152	12
Water/Slopes/Floodplain	524	42
Vacant Agricultural	105	8
Vacant Single-Family Estate	449	36

(source: Denmark Township Mississippi River Critical Area Plan, 1999).

History of Plan and Ordinance

DNR records indicate that the EQB may not have approved the township's original management plan adopted in 1982. The township's current plan was approved by DNR in 1999.

Available records indicate that the township has a Critical Area ordinance, which was approved in 1982. DNR worked with the township to update this ordinance in 1999; however, the updates were not finalized or approved.

City of Hastings

Background

The Critical Area occupies approximately 2.5 square miles in Hastings. The Corridor is divided into two districts here: the Urban Diversified portion of the corridor contains 564 acres and the remaining area is designated as Rural Open Space. The Rural Open Space is comprises undeveloped floodplain, parkland and designated open space, and adjoins the Hastings SNA.

The Urban Diversified district contains a mix of commercial, industrial, public and residential uses. The majority of residential is single family. Two marinas are located in Hastings; one is north of the river in Washington County and the other lies near the east edge of the developed portion of the City. Lock and Dam No. 2 is also in this district.

The following table summarizes the land use in Hastings' Urban Diversified district:

Land Use Category	MRCCA Acreage	% of District
Agriculture	89	16
Residential	57	10
Commercial	2	<1
Mixed Use	2	<1
Industrial	7	1
Public/Quasi-Public	37	7
Rural	234	42
Right of Way	39	7
Water	97	17

(source: City of Hastings Mississippi River Corridor Area Plan, 2001)

Parks and public spaces include Lake Rebecca Park, the Jaycees Park, a public access to the Mississippi River, Veterans Memorial Levee Park, Riverfront Trail, and Lake Isabel Park. There are also several scenic overlooks. Urbanization has completely altered the native vegetation here.

The Rural Open Space district includes the Vermillion River and extensive wetlands and floodplain. Much is undevelopable, but agriculture and mining occurs in the southern portion of the district. Existing land uses are primarily rural activities and scattered homes. There are some industrial and commercial uses, including a sand mining pit, a marina and a small bait/rental boat facility.

The following table summarizes the land use in Hastings' Rural Open Space district:

Land Use Category	MRCCA Acreage	% of District
Agriculture	162	13
Residential	102	8
Industrial	8	1
Mining	23	2
Rural	837	66
Public/Quasi-Public	2	<1
Right of Way	44	3
Water	93	7

(source: City of Hastings Mississippi River Corridor Area Plan, 2001)

There are two areas of steep slopes in the Critical Area: one bluffline is along the south side of Lake Rebecca and extends along the river to the northwest, where slopes exceed 18%. The second is in the southeastern section of the City.

There are three lakes in the corridor: Lake Isabel (spring-fed and river backwater), Lake Rebecca (spring-fed and river backwater), and Conley Lake (river backwater).

History of Plan and Ordinance

The City of Hastings reported that it had originally adopted its Critical Area plan in 2000. The Plan was subject to DNR approval and final adoption was completed in 2001. There were amendments to the Comprehensive Plan and zoning affecting the Critical Area Corridor in 2005 involving a rezoning from C3 Community Regional Commerce to DC Downtown Core contained in a two block area directly south of the Mississippi River between Ramsey Street to Baily Street. The City plans to update its Critical Area Plan as part of the 2008 Comprehensive Plan Update. The City reported that it had never adopted a Critical Area ordinance. DNR files show that Interim Development Regulations are still in effect for the City. (Note: Executive Order 79-19 includes Interim Development Regulations intended to control development after Critical Area designation but before communities adopt approved plans and ordinances. In communities that never adopted approved ordinances, the Interim Development Regulations are still in effect).

The City reports granting 11 and denying one variance application in the Critical Area since program inception. The following table summarizes variance application and disposition information provided by the City of Hastings.

Type of Variance	# applications	# granted	# denied
Bluff setback	1	1	0
OHWL setback	4	4	0
Lot setbacks	0	0	0
Slopes	0	0	0
Bldg Dimensions	0	0	0
ISTS	0	0	0
Grading and filling	0	0	0
Lot Density/Size	6	5	1
Other	1	1	0
Totals (1979-2007)	12	11	1

Community Perspectives

The City states that the strength of the Mississippi River Critical Area program is that it protects vegetation and intensive development. The City stated that a weakness of the Mississippi River Critical Area program was that it does not allow established cities the ability to develop or redevelop and creates many nonconformities leading to numerous variances. The City also stated that it would be helpful to allow established urban development to continue in certain areas. The City has attempted to establish a separate district on several occasions but has been turned down by the DNR. The City states that the program was valuable to the community in "Green Areas" but was a terrible burden in developed areas.

Ravenna Township

The City did not respond to the community survey. Information is from DNR files.

Background

Ravenna Township is at the southeastern end of the Corridor in unincorporated Dakota County. The Mississippi River forms the township's northern border. The township's population is approximately 2100. Approximately 40% of the township, or 5664 acres, is within the Corridor. All of this is in the Rural Open Space district.

The following table summarizes the township's recent land use:

Land Use	Township Acreage	% of Critical Area
Residential	1412	10
Residential Estate (>5 acre lots)	948	7
Commercial, Industrial	4	<1
Agriculture Preserve	1205	8
Other Undeveloped Land	5754	40
Wetland, Water, Floodplain	4837	35

(source: Metropolitan Council Report of the Community Development Committee, 1998)

The township projects its future land use as follows:

Land Use	Projected Township Acreage	Projected % of Critical Area
Rural residential	8517	60
Conservation	4438	32
Agriculture	1205	8

(source: Metropolitan Council Report of the Community Development Committee, 1998)

The Corridor lands are largely undeveloped and consist primarily of a floodplain forest, some of which is within the DNR's Gores Pool Wildlife Management Area. The area also has some bluffs, with the land above the bluffs developed as agriculture or single-family residential areas. Development is prohibited on slopes exceeding 12%.

History of Plan and Ordinance

DNR records indicate that Ravenna Township originally adopted a Critical Area plan in 1979. The plan was updated in 1998.

DNR records do not indicate when an ordinance was first approved by EQB; however, the township's current ordinance was adopted in 1999 and approved by DNR.

Summary of Survey Results

Twenty-two of 30 communities responded to the survey. All municipalities and townships except Cottage Grove have updated their Critical Area plans to include MNRRA Tier II standards, but only six communities have updated ordinances to implement the goals established in their plans (Dayton, Grey Cloud Island Township, Lilydale, Mendota Heights, Nininger Township, Ravenna Township).

Eleven communities indicated they would update their Critical Area plans during the 2008 Comprehensive Plan update. Ten communities indicated they would update their Critical Area ordinances. However, three of the communities planning to update their ordinances (Lilydale, Dayton, Grey Cloud Island Township) already have ordinances meeting Tier II standards. If the remaining seven (Ramsey, Anoka, Coon Rapids, St. Paul, Mendota, St. Paul Park, Rosemount) update their ordinances as planned, the total would reach thirteen. The DNR is aware of active efforts to update ordinances in Ramsey, St. Paul, and St. Paul Park.

Twenty-five communities in the MRCCA have zoning authority. Of these, twenty communities responded to the survey, and fifteen reported some variance activity. The communities reported 230 variance applications with 87% granted. Bluffline setbacks were the most often sought type of variance. If further information regarding variances is desired, a substantially greater effort would be needed. Communities not reporting voluntarily would require further impetus to respond, such as a legislative directive or a Data Practices Act request. It would also require a considerable DNR staff time investment to search through community files. In addition, a substantial investment of staff resources would be required to obtain more detailed information about the specific circumstances of each variance such as, areas of controversy, public input during variance hearings, or what mitigation might have been required as conditions of variances granted.

In general, communities responding to the survey reported positive attitudes toward the Critical Area designation and additional protections it provides. The negative responses included: not enough compromises during designation; lingering resentments about the designation; difficulty applying the standards in developing areas; confusion and overlap with other regulatory programs; minor variances are difficult to accommodate; the boundaries do not make sense in some cases; a perceived anti-urban, anti-high density bias at the DNR; inflexible guidelines that don't allow for possible better development scenarios; usurpation of local control; districts don't allow for urbanization, and the program is a burden when trying to redevelop urban areas.

SECTION 3 – Stakeholder Participation

The DNR determined stakeholders should be involved to assist in identifying issues and developing options for enhancing management of the Mississippi River Corridor Critical Area (MRCCA). The DNR entered into contracts with the non-profit Friends of the Mississippi River (FMR) and a consultant, Mr. Dave Dempsey, to develop a stakeholder input process, frame issues and options for the process, facilitate stakeholder meetings and develop a report on the process and outcomes.

FMR identified and invited 315 potential stakeholder participants to a series of meetings to discuss MRCCA issues and options. The stakeholders were grouped as River Corridor businesses and developers (39), environmental/civic groups and citizens (133), local, state and federal government (81). In addition, FMR invited 37 state legislators that represent corridor districts and the 25 members of FMR's board and council of advisors.

FMR held a meeting for each stakeholder group, then a final meeting of all stakeholders. A total of 60 individuals attended the first 3 meetings (12 business/developers; 24 environmental/civic groups; 24 government) and 24 attended the all-stakeholders meeting (2 business/developers; 13 environmental/civic groups; 9 government). Staff from the DNR, the National Park Service MNRRA, and FMR also attended all meetings.

The purpose of the first three meetings was to provide an overview of the process for the study, solicit views and comments from stakeholders on strengths and weaknesses of the Mississippi River Critical Area program, and develop a list of potential solutions and management options to address the identified weaknesses. At the final meeting, FMR presented a summary and analysis of common themes, areas of potential agreement, and areas where stakeholders had significant differences of opinion. FMR facilitated discussion of the differences and conducted an exercise to measure stakeholder preferences and priorities. FMR's complete report is attached as Appendix A.

FMR is an important MRCCA stakeholder. In serving as the facilitator for stakeholder meetings, FMR was not able to play an advocacy role. To insure its priorities, issues, and options receive due consideration, FMR submitted a letter under separate cover, addressed to the DNR. The letter is included as Appendix C of this report. FMR's concerns and recommendations are generally represented by those raised in the stakeholders meetings. FMR's additional recommendations are included at the end of this section.

<u>Stakeholder Issues</u>
Part of each of the first three meetings was devoted to identifying strengths and weaknesses of the existing MRCCA program, and identifying issues. Program components analyzed included:

- the Mississippi River as a resource
- Executive Order 79-19
- local government implementation
- DNR program administration, and
- DNR as the "home" for the MRCCA program.

FMR's summary of the strengths and weaknesses can be found in their final report. The key issues are excerpted below:

Mississippi River resource - Increased development along the river puts pressure on natural and historic resources. Places with high scenic, ecological, historic and cultural values (such as bluffs, floodplain areas, historic downtowns) are threatened by the attractiveness and market value they create, and in need of special attention and protection. Storm- and ground water pollution and polluted sites threaten the river's improved water quality.

Executive Order 79-19 vagueness - The goals and guidelines in Executive Order 79-19 are vague, general, and lack specificity; numerous and sometimes conflicting goals make implementation difficult. Stakeholders indicated the executive order is outdated regarding current technology and practices; that resource values and key terms are not well defined, and the district boundary change process/criteria is unclear.

Difficulty for Local Units to implement Regional Goals - Implementing the performance goals of Executive Order 79-19 through ordinance is complex, and not well understood, and it puts the burden of realizing regional, state and national goals on local units of government. The result is that many ordinances have not been updated to be consistent with critical area plans, causing confusion, heightened political lobbying activity, and inconsistency within and among city decisions.

Administrative challenges for DNR - Executive Order 79-19 lacks specific minimum standards, especially regarding building heights, which DNR could require local units to include in plans and ordinances. Stakeholders also cited limited DNR staffing and resources to implement the program, their perception that the program has low priority within the DNR, and indicated the absence of DNR authority regarding projects within the corridor and variances leads to inadequate corridor protection.

Weaknesses of DNR as "home" for MRCCA – DNR has limited expertise in historic resources, cultural landscapes and economic development issues, and more collaboration with other agencies is needed.

<u>Stakeholder Options</u>

In conjunction with the DNR, FMR developed a preliminary range of options for future MRCCA management, including:

- eliminating the program
- maintaining the existing program
- moving the program to a different program, DNR division, agency, or oversight body, and
- modifying the existing program

This range of options was used as a general framework for stakeholder discussion. Stakeholders were encouraged to suggest additional options, or enhancements to the preliminary list.

Program Elimination: Stakeholders overwhelmingly rejected the option of eliminating the Critical Area designation for the Mississippi River Corridor. They strongly stated the corridor should continue to be designated and protected as a unique resource.

Program Maintenance: Stakeholders also rejected the option of maintaining the existing program "as is". Although differing on what changes should be made, most agreed the program could be improved.

Moving Critical Area Administration: In general, stakeholders did not favor the option of moving the MRCCA program to another DNR program, agency, or oversight body. The potential moves are described in Section 4 of this report.

Program Modifications or Enhancements:
Stakeholders were most interested in modifying the existing program. Some program modifications or enhancements could be accomplished under existing authorities and some would require statutory or rule amendments. Either category would likely require staffing or funding adjustments as well.

Enhancements with Broad Stakeholder Support - Broad stakeholder support was expressed for enhancements that could be accomplished on a voluntary basis without statutory or rule changes. These included:

<u>DNR to regularly consult with other agencies:</u> DNR has limited expertise in historic and cultural resources and economic development, and the agency would benefit from consultation with agencies that have broader responsibilities, such as MNRRA, the Metropolitan Council, the Environmental Quality Board (EQB) and the State Historic Preservation Office (SHPO).

<u>Strengthen partnership with MNRRA</u>: MNRRA brings staff resources and expertise as well as National status, and the potential for Congressional appropriations.

<u>Increase funding for state and local implementation</u>: Additional funding is needed to assure the program works well for the interests of both development and conservation.

<u>Provide outreach, education, technical assistance</u>: Additional outreach, education and technical assistance to developers, local government and citizens in critical area corridor communities are needed to ensure they have the tools and understanding to implement the law.

<u>Survey and document scenic and cultural resources</u>: A clearer definition and understanding of, and agreement on the scenic and cultural resources to be protected and state-of-the art methods for doing so is needed. The National Park Service has a process for surveying and evaluating views that could be implemented for the MNRRA corridor.

<u>Hold annual stakeholders meeting, issue annual report</u>: An annual report on the implementation of the program (including the number of land use changes and variances), state of the resources,

key issues, and/or an annual meeting of corridor communities and stakeholders could improve program understanding and accountability and connectivity up and down the river.

Increased visibility, federal oversight, and authority for MNRRA – Stakeholders generally supported a stronger federal regulatory role in protecting the MRCCA/MNRRA. Stakeholders especially agreed the MRCCA should have higher visibility through public education and awareness programs, including signing.

There also was broad stakeholder support for four options requiring statutory or rule changes:

Set priorities among Mississippi River Critical Area goals: The executive order establishing the Mississippi River Corridor Critical Area calls for protection of natural, cultural, historical, scenic, recreational and economic resources of the corridor – goals that can conflict with each other. Stakeholders believed that a fixed set of priorities should be established indicating which resources should take precedence when there are conflicts. This would require a change to the standards and guidelines in the executive order, which do not give priority to one use over another.

Establish process for early input on development proposals: Local governments should involve DNR and other agencies with relevant expertise in early project planning and design discussions to help forestall some conflicts and lead to better understanding of MRCCA goals.

Boundary changes – The corridor boundaries were fixed by executive order. Stakeholders concurred there are some areas (Pilot Knob, specifically) which should be included in the corridor, and other areas that perhaps should not be included. There are currently no mechanisms for changing the corridor boundaries.

District changes - There are four districts within the MRCCA: Urban Diversified, Urban Developed, Urban Open Space, and Rural Open Space. Executive Order 79-19 currently allows for district changes within the critical area corridor provided the modifications are consistent with the executive order's general guidelines. Stakeholders generally agreed that only changes to more restrictive districts should be allowed.

Program Enhancements with Mixed Stakeholder Support - Stakeholder support was mixed among most options involving changes in standards, responsibilities, authorities, and program oversight, all of which would require statutory or rule amendments.

Changing the Regulatory Framework
State Rules: Minimum standards, definitions and authorities of local and state government would be established through rulemaking.

New Legislation: New legislation could include definitions and set a direction for minimum standards. It is likely that rules would follow.

Updated Local Ordinances: Under the current model, local units should update their ordinances to be consistent with their critical area plans. Most corridor communities have updated their plans in the past 10 years, incorporating MNRRA goals into their revisions, but only a few communities (6) have followed up with an updated critical area ordinance to ensure protections and standards are implemented. MNRRA staff have drafted a model ordinance that communities could use, and they plan additional outreach in 2008. In general, stakeholders supported increased efforts to update local ordinances to implement MNRRA goals.

<u>Performance versus numerical standards</u>

There was considerable stakeholder discussion regarding the merits of performance-based versus numerical, dimensional standards. Executive Order 79-19 generally prescribes performance-based standards (e.g., "protect views of and from the river") without providing specific height limits or setbacks. Some stakeholders continue to support the original design of the executive order, which allows flexibility among communities regarding how to achieve the standards and guidelines. Others stated that greater consistency among communities was desirable and that specific dimensional standards were needed to achieve it. FMR's report contains more detailed discussion of this issue.

<u>Land Use Decision Oversight</u>

Again, stakeholders expressed mixed views on whether greater oversight of variances granted by MRCCA communities was desirable. Currently, local units of government must notify the DNR of pending variance applications. The DNR has the opportunity to review the applications and provide comment to the LGU. If the DNR (or any other individual, organization, or agency) believes a variance should not have been granted, it can appeal in district court.

Stakeholders discussed two oversight/appeal options: an administrative appeal board or panel, and a requirement that DNR certify all variances issued. Any options involving oversight or reversal of local unit decisions would require statutory authorization and rulemaking.

Technical Review Panel/Appeal Board: Some stakeholders believe that an appeal board could help resolve and depoliticize contentious variance disputes and provide a technical perspective for the entire corridor. If modeled after the Technical Evaluation Panels (TEPs) authorized by the Wetland Conservation Act, the panel would comprise experts in relevant fields. It could also include membership from the regional/state agencies, MNRRA and other stakeholders.

Variance Certification: Variance certification would require the DNR to review and approve or deny project variances granted at the local level. The DNR currently has this authority under the Wild and Scenic River program, but not in the Shoreland or Floodplain management programs.

<u>FMR Perspectives</u>

As indicated above, FMR submitted an advisory letter to the DNR (included as Appendix C of this report).

FMR provides the following recommendations in concurrence with other stakeholders: maintain a unique management framework for the MRCCA; retain program and authorities within DNR; provide greater outreach and technical assistance to local communities; greater DNR consultation with other agencies and stakeholders, and identify, document, rank and map priority natural, cultural, recreational, and historical resources.

FMR also provides a number of recommendations similar to those discussed by stakeholders for which there was mixed support. FMR advocates state-level legislation and rulemaking to establish consistent dimensional and procedural standards for the entire corridor, and clarify definitions. FMR recommends the legislature establish decision-making oversight requirements (appeals board, early coordination, variance certification, etc.), and provide a boundary amendment process for “extreme cases only”. They recommend MRCCA statutes and rules analogous to those for state shoreland and/or wild and scenic rivers. FMR strongly recommends against district boundary changes simply to accommodate urban growth.

Finally, FMR recommends that DNR consider shifting MRCCA administration from the Division of Waters to the DNR Central Region, with oversight by the Regional Director rather than the Waters Division Director.

SECTION 4 – Options and Recommendations

The Legislature required the DNR to include in this report: "recommendations that adequately protect and manage the aesthetic integrity and natural environment of the river corridor" (Laws of Minnesota 2007, Chapter 57, Article 1, Section 4, Subdivision 8). The DNR has developed a number of options and recommendations for changing the management of the Mississippi River Corridor Critical Area. The DNR anticipates that in combination, or separately, all could provide for adequate management and protection.

Need for changes

Local governments responding to the survey did not suggest many changes to the existing program (see Section 2). In general, they reported the program provides a useful tool for protecting resources. In contrast, stakeholders who attended the meetings said the current program needs improvement. They expressed concern about degradation of resources, especially scenic and cultural resources.

Stakeholders named several example projects they believe are inappropriate for the MRCCA, including the floodwall at Holman Field, the townhomes proposed to replace the Lilydale racquet club, the Upper Landing townhome development in St. Paul, the Bridges of St. Paul, and the Rivers Edge proposal in St. Paul Park.

The proposals have all been controversial, but some are consistent with local MRCCA plans and regulations, while others are not. Where projects of concern are consistent with local regulations, stakeholders would generally assert that the governing regulations are inadequate to protect the MRCCA (floodwall, Upper Landing, townhomes in Lilydale). Where projects are not consistent with extant plans and regulations, many stakeholders expect local governments and the DNR to deny plan amendments, rezoning, variances or other required approvals (Bridges, Rivers Edge), and they blame systemic or enforcement flaws if they are approved. Stakeholders wanted oversight of local decisions so there is an administrative (rather than judicial) avenue for appealing decisions.

'Civic/environmental' stakeholders at the meetings seemed to be most concerned about individual projects: that LGUs allow the projects; that DNR rarely submits comments on projects, and that DNR does not sue to stop projects they believe violate MRCCA standards. They also were concerned there is 'inconsistency' among the standards in the various MRCCA communities, and inconsistent community enforcement.

The stakeholders seemed generally less concerned about plans and ordinances, although there is agreement on the significant gap between what is envisioned in the community plans and the outdated ordinance standards. Only six communities have ordinances adopted in the last ten years; the others have ordinances originally approved by EQB or no approved ordinances at all. If the ordinances were updated, perhaps some projects of concern would not be permissible.

The DNR's administration of the MRCCA meets the minimum requirements of statute, rule, and executive order. The DNR reviews plans and ordinances for consistency with the standards in Executive Order 79-19 and either approves them or remands them to the local unit of government for revision. A number of stakeholders indicated their view that DNR's administration, while meeting the minimum requirements, is inadequate. Regarding local implementation, the DNR does not routinely monitor implementation and enforcement of MRCCA plans and regulations, and cannot offer an opinion on its adequacy.

The majority of stakeholders who attended the meetings would like to see more required of the DNR as well as more staff and resources devoted to the program, so staff can take on discretionary activities like community outreach and training. The DNR agrees that program administration could be enhanced, but shifting existing staff to this program will mean redirecting them from other efforts.

Stakeholders direct blame for perceived MRCCA program inadequacy at: DNR administration and oversight; LGU implementation and enforcement, and vagueness in the executive order. While the DNR finds some administrative difficulties with the current program, it does not believe substantial changes are mandatory for adequate resource protection. The problems relate primarily to vagueness about what the DNR can require in local ordinances, the subjective standards and guidelines in the executive order, limited LGU resources and support for the program, and limited staff availability for assisting LGUs.

<u>Options</u>
DNR staff, partner agencies and stakeholders identified over thirty potential options for changing the program. The DNR expects that all of the options, some alone and some in combination, could adequately protect and manage the aesthetic and natural resources in the MRCCA.

They range from very specific, such as including clearer definitions and precise standards in statute or rule, to broad changes in program management. The options are included in the following table, with an indication of whether statutory or rule changes would be required, whether the option would necessitate a change in staffing or funding and whether there was support from stakeholders who attended the meetings. Although brief notes are included in the table, further discussion of the recommendations follows in the text.

The options for program change are grouped by:

- options that move MRCCA administration (to other DNR land use programs, to other units of the DNR, or to other state or local agencies);
- enhancements within the existing program structure and authorities;
- modifications to the current program or process, and
- options that would increase oversight of local decisions

Options for changing administration and management of the Mississippi River Corridor Critical Area

	Option	Statute Change	Rule Change	Staff or Funding Needed	Supported by Stakeholders	Notes (Additional discussion of each option follows this table)
	No changes to existing program	No	No	No	No	Program implementation and oversight would not change. Current staffing is .10 FTE central office and .10 FTE field (spread among 4 area hydrologists and regional hydrologist).
Group1 - Options that move the administration of the MRCCA						
1A	Move MRCCA to another DNR land-use program (e.g., shoreland, wild & scenic)	Yes	Yes	Yes – for rulemaking	Mixed	If moved to shoreland, the shoreland zone would need to be extended from current 300'; if to wild & scenic, a new category might be needed. Rulemaking would require funding.
1B	Move MRCCA to another division of the DNR	No	No	No	Mixed	Could be accomplished administratively within DNR. Program, limitations and strengths would remain the same; and DNR policy and priorities would not change.
1C	Move MRCCA to DNR Central Region	No	No	No	Not discussed	More emphasis on regional goals; possible better integration across disciplines; consistent with existing community assistance focus.
1D	Move MRCCA administration to another agency (EQB, Met Council)	No	No	Yes	No	Program could be moved to another state agency through administrative/reorganization order. EQB has multi-agency representation. Other agencies not staffed to accommodate the program.
1E	Create a new administrative body, such as a Joint Powers Organization	Yes	Yes	Yes	No	Communities would jointly and cooperatively manage MRCCA. Stakeholders believed it would be unworkable. A functional JPO could provide more consistency.
Group 2 - Options for enhancements within existing program structure and authorities						
2A	Increased consultation among DNR and other agencies in reviewing plans, ordinances and projects	No	No	Maybe	Yes	DNR currently consults with NPS-MNRRA and the Metropolitan Council; this could be broadened to include EQB, Minnesota Historical Society/SHPO, or other entities with relevant expertise.
2B	LGUs increase consultation with state and regional agencies.	No	No	Yes	Not discussed	LGUs are required to notify DNR 30 days before a variance hearing; and to send plans and ordinances to Met Council and DNR for approval. LGUs could voluntarily increase the involvement of state and regional agencies in critical area planning, project planning, and site plan review.
2C	Strengthen DNR/MNRRA partnership for work with communities	No	No	Yes	Yes	DNR would collaborate with MNRRA for outreach to communities. Some additional DNR staff time required; MNRRA would need to reassign resources.

	Option	Statute Change	Rule Change	Staff or Funding Needed	Supported by Stakeholders	Notes
2D	Provide outreach, education, and technical assistance to communities.	No	No	Yes	Yes	Greater DNR staff emphasis on working with MRCCA communities; could include partnerships with MNRRA, or NGOs such as FMR, Great River Greening, etc.
2E	Annual meeting of MRCCA LGUs; could include training and reporting	No	No	Yes	Yes	Part of outreach; meeting would be voluntary, opportunity for discussion among LGUs, training.
2F	Increased funding to LGUs for improved planning, zoning, implementation, and enforcement.	No	No	Yes	Not discussed	Small cities and townships often have minimal or no planning and zoning staff. The state would provide financial resources to support LGU planning activities, to complete resource inventories, provide staff for technical consultation, and to develop, implement and enforce ordinances.
2G	Inventory and document scenic and cultural resources	No	No	Yes	Yes	A significant undertaking; partnership with MNRRA which is considering this effort; goals could be to establish baseline, or to identify resources requiring additional protection.
2H	Greater protection for significant resources (easements and acquisition)	Yes	No	Yes	Not discussed	Easements or acquisition of private property with highly significant or unique resources. Mandatory protection of existing public open space.
2I	Increase public awareness of MRCCA and MNRRA	No	No	Yes	Yes	Awareness campaign, including signing.
2J	Annual stakeholders meeting	No	No	Yes	Yes	Could include NGOs, agencies, citizens and LGUs; some costs associated with logistics and staff time.
2K	Increase MRCCA priority within DNR	No	No	Yes	Yes	Stakeholders repeatedly called for more vigorous oversight by DNR; and more resources directed to MRCCA administration.
2L	Systematic inclusion of MRCCA guidelines in the Metropolitan Council's *2030 Regional Development Framework* document and policies.	No	No	No	Yes	Executive Order 79-19 requires the Met Council to follow the standards and guidelines in reviewing or approving plans, regulations, or permit applications. The Council's current plan, *2030 Regional Development Framework* does include MRCCA consideration. Council staff have asked communities to review MRCCA plans as part of their 2008 Comprehensive Plan updates.
2M	Systematic variance tracking	No	No	Yes	Not discussed	EO 79-19 requires LGUs to notify DNR of pending variance applications; and requires them to have a procedure to notify DNR on variance disposition. DNR does not systematically track variance applications or outcomes.
Group 3 - Options that modify the current program or process						

	Option	Statute Change	Rule Change	Staff or Funding Needed	Supported by Stakeholders	Notes
3A	Set priorities among critical area goals and uses	Yes	Yes	Yes	Yes	EO 79-19 currently protects many uses, without assigning priority. Public process would determine which uses or goals would prevail when they compete. Particularly focused on preservation vs. development; or cultural resources vs. scenic and natural resources values.
3B	Establish process for early input on proposals (by DNR or other agencies)	Maybe	Maybe	Yes	Yes	DNR involvement in reviewing development plans already occurs in some cases where DNR permits are required or where environmental review is conducted. This would increase DNR involvement when there is not an EAW or DNR permit. LGUs could voluntarily involve DNR; or there could be mandatory early involvement. Increased DNR staff time required; also may exceed DNR's scope of expertise.
3C	Provide for Boundary Changes	Yes	Yes	Yes	Yes	Currently no mechanism for changing Critical Area boundaries; concern some areas should be included and others removed. Staff resources need to evaluate potential changes and complete rulemaking.
3D	Restrict District Changes	Yes	Yes	No	Yes	EO 79-19 provides for changing district boundaries within the MRCCA; stakeholders generally wanted district changes limited to changing from less restrictive to more restrictive districts; not for accommodating additional development.
3E	Provide mechanism to change executive order	Yes	Maybe	Yes	Not discussed	There is not a clear mechanism for amending the executive order governing the MRCCA, for instance if DNR wanted to add a definition.
3F	Clarify DNR authority to require ordinance updates or more restrictive ordinances.	Yes	No	Maybe	Not discussed	MS § 116G.10 and EO 79-19 require a review of ordinances and plans 2 years after initial adoption, but does not provide for mandatory review and updating afterward. Discretionary updating is provided for by MS § 116G.10, subd. 1. Mandatory updating and type and extent of updates required could be specified by statute.
3G	Clarify DNR authority to review plans and ordinances that affect land in the MRCCA.	Yes	No	No	Not discussed	Currently disputed whether all plans and ordinances potentially affecting land within the MRCCA are subject to Met Council and DNR review and approval.
3H	Rulemaking (or legislation) to establish minimum development standards within the MRCCA. Rules also would provide additional definitions.	Yes	Yes	Yes	Mixed	Eliminates variation among communities. Establishes consistent standards and definitions. Could be accomplished through legislation. Rulemaking would require staff and funding. Definition of "bluff" explicitly identified by stakeholders as needed.

	Option	Statute Change	Rule Change	Staff or Funding Needed	Supported by Stakeholders	Notes
3I	Evaluate, consolidate and integrate all state land use requirements for the MRCCA	Yes	Yes	Yes	Not discussed	Develop comprehensive stand-alone rules for MRCCA that integrate relevant aspects of all state land use programs (shoreland, floodplain, critical area, wild & scenic).
3J	Comprehensive MRCCA Planning	Yes	Maybe	Yes	Not discussed	Initiate a cooperative planning effort among EQB, Met Council, DNR, NPS, and LGUs with stakeholder involvement; include resource inventory, priority setting, and districting.
3K	Remove Critical Area Designation from Mississippi River Corridor Critical Area	Yes	No	No	No	Management would default to Shoreland Management (much smaller land area protected); implications for MNRRA, which has same boundaries as MRCCA and relies on state controls.
Group 4 - Options to increase oversight of local decisions						
4A	Variance certification required.	Yes	Yes	Yes	Mixed	Variance certification currently exists in WSR program; not in shoreland or floodplain programs. Shifts final decision making to DNR. Challenges to variance non-certification would require additional funding for staff time and legal fees.
4B	Establish administrative appeal mechanism such as Technical Review Board	Yes	Yes	Yes	Yes	Would provide a mechanism for citizens or others to appeal variance decisions. Similar to TEP panel. Review Board make-up to be determined.
4C	Require annual reporting	Yes	Yes	Yes	Yes	MRCCA communities would be required to report annually to DNR or the current oversight body. Reports would include permits, variances, status of plans and ordinances, resources developed or protected, etc. Increased costs of reporting and compliance borne by both DNR and LGUs.

Discussion of Options

Group 1 – Options that move MRCCA Administration

Option 1A – Move the MRCCA to another land use program. Stakeholders were concerned that the Mississippi River Critical Area would lose its unique identity and would receive lower priority if it were moved into another DNR managed land use program such as Shoreland or Wild and Scenic Rivers.

The DNR expects this option could be workable, and that the Critical Area would be easier to manage if it had statutes and rules analogous to those in existing programs. In either Wild and Scenic or Shoreland, statutory and rule changes would be needed to maintain the MRCCA's identity. An expanded shoreland district would be required to include the entire Critical Area corridor. In the Wild and Scenic program, a new river classification might be required, and a separate section of rules would be needed to accommodate the existing urban uses of the river.

Under Shoreland or Wild and Scenic, the program would likely lose its connection with regional planning, currently overseen by the Metropolitan Council which reviews Critical Plans for consistency with the executive order and regional plans.

Option 1B – Move MRCCA administration to another division of the DNR. This option primarily responds to stakeholder concern that the DNR Division of Waters places lower priority on environmental protection than other DNR divisions such as Ecological Resources. The view among some stakeholders was that another division would be more rigorous in reviewing ordinances and variances, and would better evaluate potential impacts to bluff stability, visual quality, and habitat along the corridor. The DNR does not concur moving MRCCA administration to another division would increase protection. The DNR maintains consistent policies and priorities across disciplines. The tradeoff would be greater expertise in biological and ecological resources, but less staff experience in ordinance administration or local government operations. The DNR could increase multidisciplinary review of plans, ordinances and projects by increasing internal coordination, and increasing staff time allocated to this review.

Option 1C – Move MRCCA administration to the DNR Central Region – The stakeholders did not discuss this option. It was raised in the FMR letter to DNR and in internal DNR discussions. The MRCCA is entirely within the DNR's Central Region. The Region has Community Assistance expertise and experience working with local units of government on protecting and enhancing natural resources. The region would need an additional staff person to enhance the program through greater community assistance and technical support.

Option 1D – Move MRCCA administration to another agency – This option did not receive much support among stakeholders. It is generally believed that moving it to another agency would not solve problems inherent in the program. An advantage to moving the program back to the EQB is the EQB's multi-agency membership, and state environmental policy and planning focus. It would reintegrate the MRCCA with the "mother" Critical Area program, which still resides with the EQB. The EQB currently does not have staff to manage the MRCCA, particularly if program enhancements such as additional outreach and education were required. Staffing limitations was a primary reason the MRCCA was moved to the DNR in 1995.

Option 1E – Create a new administrative body – This option would be similar to the Mississippi Headwaters Board or Project Riverbend along the Minnesota River, which have been successful to varying degrees. There is some stakeholder concern about the effectiveness of either of these management approaches. A possible advantage of a joint powers organization would be control assumed by communities with a common interest in the river, and a broader, more regional, perspective than the current collection of local ordinances. The administrative body would need funding to provide for staffing, planning, and administrative activities. Stakeholders, who thought it would be unworkable, and too difficult for the nearly 30 communities to coordinate and cooperate, did not support this option. Stakeholders indicated that a state-level resource like the MRCCA warrants investment by the state with state-level oversight.

Group 2 – Options that enhance the existing program
Generally, the DNR finds all options in this group have merit. The ability to implement them is limited by staff resources, competing management responsibilities, and the amenability and priorities of MRCCA units of government.

Option 2A – Increase interagency consultation – Stakeholders correctly identify that DNR has limited expertise in some MRCCA issues and resources, including scenic evaluation, cultural and historic resource preservation, navigation, transportation, and municipal and regional economic development considerations. When the DNR reviews plans and ordinances it could be helpful to obtain greater input from agencies or entities with professional expertise in these areas. Collecting this input is primarily a matter of sufficient advance notice and staff time to coordinate with other agencies (both DNR staff time and the resources of the consulted agencies). DNR currently consults with the Metropolitan Council and the National Park Service. This coordination could be enhanced with a relatively minor staff addition.

Option 2B – Increase LGU consultation with state and regional agencies – Local units of government could seek involvement, advice and input from regional or state agencies, as well as planning assistance from non-profit entities. Generally, very few communities seek DNR or NPS input while community plans or projects are being developed. They could also seek assistance with stormwater management and cultural resources identification and protection from the MPCA, SHPO, or other agencies.

Option 2C – Strengthen MNRRA partnership – This option relies on cooperation between DNR and MNRRA staff, and other partners to work with local units of government, encouraging them and training them to develop more protective plans and ordinances and to more rigorously enforce their ordinances. Similar to other options in this section, success would rely on additional staffing at both the NPS and the DNR.

Options 2D & 2E – Outreach to MRCCA communities - In DNR’s experience, the effectiveness of land use programs depends directly on the commitment of the local units of government. Additional oversight or more specific state-level regulations generally do not increase the rigor with which local units of government enforce their ordinances. The DNR would need additional staff resources to monitor and review all projects or local land use decisions, or to regularly appeal them.

The most effective approach to encouraging communities to adopt and enforce more protective ordinances is by working with them directly and providing information and technical assistance. Providing a model ordinance (MNRRA has prepared a draft) would help ensure that standards, guidelines, and MNRRA Tier II standards are included in ordinances.

Annual meetings of MRCCA communities could help them work together and foster a sense of common stewardship towards the resource. They could share how they have handled development proposals that are not consistent with MRCCA goals; and jointly advocate for more technical and financial support, recognition of good work, and program changes that would improve MRCCA management.

Option 2F – Increased funding to LGUs – Small cities and townships have very limited resources and need additional state funding to pay for planning, zoning, resource inventory, implementation and enforcement. Alternatively, the state could fund a community assistance program to support these activities. While a regional and national resource, MRCCA management takes place at the local level. The state should focus resources there.

Option 2G – Inventory and document cultural and scenic resources – Stakeholders recommended an inventory of cultural and scenic resources in the corridor, including photo-documentation of the current state of the river. This would establish a baseline for future evaluation of program effectiveness, and also help identify resources that may need additional protection. It also would identify candidate resources for easement or acquisition. An inventory would require a contract with a qualified agency or entity, as the DNR does not have this expertise. MNRRA reports it has started an initiative to adapt a scenic assessment tool for use in the MRCCA, which could eventually be useful in this effort.

Option 2H – Greater protection for significant resources – This is a recommendation to fund acquisition or easements to protect significant resources on private land, and to require preservation of resources on public lands within the MRCCA. Resources could be natural, esthetic, cultural or historic. While not discussed with stakeholders, the DNR expects this option would find broad support.

Option 2I – Increase public awareness – Stakeholders raised the issue that many citizens living within or near the MRCCA are not aware of its state or national significance. The NPS indicates MNRRA has equivalent standing to other National Parks. The NPS should be encouraged and supported in efforts to publicize the existence and significance of MNRRA, including signing and ongoing interpretive programs.

Option 2J – Annual stakeholders meeting – Stakeholders recommended an annual meeting of MRCCA stakeholders, with an invitation list similar to that used by FMR for the stakeholders meetings.

Option 2K – Increase MRCCA priority within the DNR – A number of stakeholders expressed their view that the DNR does not place high enough priority on protecting the MRCCA. This could translate to either staffing levels or perceived commitment to protection. There were several calls for a greater commitment of resources and "fire in the belly" on the part of DNR staff and management, particularly in reviewing and commenting on projects requiring variances.

DNR staff time dedicated to the MRCCA Area has been reduced or shifted over the last 12 years. In 1995, Governor Arne Carlson reassigned MRCCA administration from the EQB to the DNR. Concurrently, the NPS provided funding to the DNR for two full-time staff to work solely on the Critical Area, with a primary goal of encouraging and assisting Critical Area communities to bring their plans and ordinances into compliance with the goals in the new MNRRA Comprehensive Plan. These goals are referred to as "Tier II" standards; while the original guidelines and standards in Executive Order 79-19 are referred to as "Tier 1". Over the next five or so years the NPS provided approximately $625,000 to the DNR for this work, as well as grant funds for the participating communities. Nearly all Critical Area communities brought their plans into "Tier II" compliance; only six updated their ordinances.

For an additional five years after the federal funding expired, DNR maintained one full-time staff position dedicated to the Critical Area. Because most plans had been updated, and few communities were actively revising their ordinances, the position focused on reviewing project-related zoning changes, annexations, development plans, environmental reviews and variance applications. During this time, the DNR developed detailed comments on a number of environmental review documents and variance applications, which were helpful to citizens concerned about the projects. Citizens and communities also found it convenient to have one DNR point-of-contact for Critical Area issues. The position was vacated in 2005 and the DNR did not fill it due to funding limitations. A number of citizens expressed concern about the loss of the dedicated staff person for reviewing projects and developing comment letters, and felt they had lost an advocate for the program.

The DNR has since shifted staffing for the Critical Area program primarily to regional staff. While Critical Area plan amendments are reviewed by Central Office staff (approximately .10 FTE), ordinance amendments, environmental review documents, and variance applications are reviewed primarily by Waters Division staff in DNR's Central Region (another .10 FTE), a practice consistent with administration of DNR's other water-related land use management programs such as shoreland and wild and scenic rivers. Regional Waters staff time is allocated among many responsibilities, including floodplain management, critical area, wild and scenic rivers, shoreland management, wetlands, public waters work permits, and water supply issues.

Option 2L – Metropolitan Council – Executive Order 79-19 requires the Metropolitan Council to follow the standards and guidelines contained in the Order when reviewing and approving plans, regulations, and development permit applications. MRCCA guidelines should be included in the Metropolitan Council's regional systems plans and policies for transportation (including aviation), parks and wastewater.

The Council's *2030 Regional Development Framework* policies for the region's geographic planning areas (urban, rural) guide the metropolitan area's growth and support the regional systems plans. Urban infrastructure expansion directly influences development density, and may not necessarily be desirable in parts of the Critical Area corridor, particularly in the Rural Open Space District.

Option 2M – Systematic variance tracking – DNR is not required to track variance applications or disposition after notification by the MRCCA communities. In addition, the DNR may not be notified of all variances as currently required by EO 79-19. To implement this option, DNR would need additional staff resources. Staff would develop and maintain a system for tracking variances and their disposition, monitor LGU meeting agendas and actions to determine whether proper notification was occurring, contact LGUs to obtain copies of variance applications, and record DNR comments, if any, on consistency of the applications with Executive Order 79-19 standards and guidelines.

Group 3 – Options that modify the current program or process

Option 3A – Prioritize goals and uses in the MRCCA – The general guidelines in Executive Order 79-19 call for multiple resource management, providing for development of a variety of urban, industrial, commercial and residential uses where appropriate, as well as conserving scenic, environmental, recreational, mineral, economic, cultural and historic resources and functions of the river corridor. Some stakeholders expressed their view that local governments give higher priority to economic development (especially high-density residential) than to preserving scenery or open space, or that cultural resources protection must compete with scenic or natural resources restoration or protection. Stakeholders recommended the legislature require a public process to establish a hierarchy of uses for the MRCCA. One set of priorities could be established for the entire corridor, or for each district within the corridor, or each community could establish its own priorities.

Option 3B – Establish process for early input on proposals – Local units of government are required to notify DNR of developments requiring discretionary actions at least 30 days prior to taking action. Based on Minnesota Rules part 4410.9800, "discretionary action" means permits for which a local unit of government is required to hold a hearing, generally variances. Advance notice to DNR is not required for development proposals that do not require a hearing, nor is there a requirement for local units of government to solicit DNR input during the preliminary stages of project planning even when a variance application is anticipated. While LGUs do occasionally consult with the DNR about projects in-design, they are not required to. A statutory change would be necessary to make early coordination mandatory.

Option 3C – Provide for boundary changes. The Critical Area boundary was described in the executive order and made permanent by the Metropolitan Council. It has since been codified as having the same boundary as the MNRRA (MS § 116G.15). There is no administrative mechanism for changing the corridor boundary. There is interest in including additional land (specifically Pilot Knob) in the MRCCA boundary. Some communities have indicated they have lands that should not have been included, for example if they are some distance from the river and not visible from either the river or the opposite shore. Boundary changes could be made directly by the legislature or through statutorily authorized rulemaking. There is general unease on the part of stakeholders regarding opening the boundary to change.

Option 3D – Limitations on District Changes. There are four land use districts designated by Executive Order 79-19: Urban Diversified, Urban Developed, Urban Open Space and Rural Open Space (in order from more developed to less developed). The boundaries of each district are established by the executive order. Section C.10.c. of the executive order Standards and Guidelines allows local units of government to modify the district boundaries if they can demonstrate the consistency of the modifications with the general guidelines. A number of stakeholders indicated that district modifications should only be allowed if the change were to a less developed designation, providing more protection from development.

Option 3E - Changing the Executive Order 79-19. Unlike statutes and rules, there is not a clear mechanism for amending the executive order, which designated the MRCCA and which still guides planning and development in the Corridor. It is clear that stakeholders and LGUs alike desire a definition of "bluff", but there is no administrative process for adding it to the executive order. While the Critical Area statutes authorize rulemaking to implement the Critical Area program (MS§116G.04), it is not clear whether the DNR could alter provisions in the executive order through rulemaking without specific statutory authorization.

Option 3F – DNR authority to require ordinance updates or amendments. Executive Order 79-19 and Minnesota Statutes § 116G.10, subdivision 2 require a resubmission (and state review and approval) of plans and regulations two years after initial adoption. Afterwards, local units of government may amend their plans and regulations if they find it necessary or desirable ("permissive resubmission" provided by MS § 116G.10, subd. 1). Neither statute nor executive order provides for mandatory periodic review after the initial 2 years have passed. The legislation should also specify that plans and ordinances must meet or exceed the standards in Executive Order 79-19 or state rule if the standards are promulgated in rule per Option 3H.

Option 3G – Scope of DNR authority over plans and ordinances. There are ongoing disagreements regarding whether plans and ordinances that may affect land in the Critical Area but that are not specifically Critical Area plans and ordinances (such as a city-wide ordinance) are subject to DNR review and approval. Legislation or precedential legal decisions would clarify DNR's review and approval authority.

Option 3H – Minimum standards (and definitions) through rulemaking or legislation. The current standards and guidelines for plans and developments are often performance-based. For example, local units of government must prepare plans and regulations to protect and preserve the aesthetic qualities of the river corridor. In these plans and regulations, structure size and location shall be regulated to minimize interference with views "of and from the river". However, minimization of interference with views is subjective. A minimum standard would be less open to interpretation, for instance a building height restriction of 30 feet in Urban Open Space districts.

Currently, local units of government are authorized to develop their own plans and regulations, which may differ from community to community, as long as they are consistent with regional plans and with the executive order. A number of stakeholders have suggested that establishing minimum standards (either through rulemaking or legislation) would provide consistent protection for resources throughout the length of the MRCCA. Standards would include additional definitions, plus slope protections, setbacks, building heights, vegetative clearing standards, etc., that use specific numbers as standards.

The DNR notes that performance-based standards were popular as a planning tool when the MRCCA was established. They intentionally give local units of government flexibility. The Critical Area program was designed to be locally implemented through plans and ordinances, so long as the plans and ordinances are consistent with the performance standards in the executive order. Each community must develop its own standards. Consequently, the program has "built-in" variation among communities.

The DNR notes that the uniqueness of each community's plans and standards makes administration more complicated, since a DNR staff reviewer must be familiar with the standards in each ordinance, rather than a statewide standard such as in the shoreland program. Also, since the standards and guidelines in Executive Order 79-19 are performance based rather than numerical, whether plans and ordinances (and by extension projects) are consistent with the executive order is often a subjective judgment. In general, stakeholders do not believe the performance-based standards of the executive order provide sufficient protection for the corridor.

Option 3I – Evaluate, consolidate and integrate all state land use requirements for the MRCCA. This option would develop a MRCCA rule incorporating standards from all applicable state land use programs: shoreland, floodplain, wild and scenic, and critical area. Municipal regulations could include a stand-alone river corridor section rather than overlays for each set of standards. Currently, LGUs are not prohibited from adopting comprehensive ordinances, but this change would make comprehensive river ordinances mandatory. (By comparison, the rule package listed as 3H would be primarily limited to setting minimum standards and clarifying definitions.) This option was described in the Minnesota Planning 2002 report to the legislature "Connecting with Minnesota's Urban Rivers".

Option 3J – Comprehensive MRCCA planning. This option was raised at a meeting including representatives from the DNR, the EQB, House Research and FMR, shortly after the legislative directive to prepare the report was enacted. The legislature could authorize and fund a collaborative MRCCA planning process among the DNR, the EQB, the Metropolitan Council, the NPS, LGUs and stakeholders. The plan would include an inventory of MRCCA resources, priority setting, and possibly redistricting. The plan could include objectives, guidelines and minimum standards for each distinct segment of the river.

Option 3K – Remove Critical Area designation. This option was discussed and roundly dismissed by the stakeholders who want the MRCCA to maintain its unique identity. The DNR notes that if the corridor were no longer designated a critical area, it would be protected under the State's shoreland program (MS§103F.201). However, the shoreland district along rivers is only 300 feet deep on each side, so the entire critical area corridor as currently designated would not be included. A number of communities within the MRCCA do not have shoreland ordinances protecting the Mississippi River, so would need to develop and adopt them. The federally designated Mississippi National River and Recreation Area (MNRRA) has the identical boundary to the Mississippi River Corridor Critical Area. MNRRA also was designated with reliance on the state protections. Removing the state designation and protections would leave MNRRA without protective regulations in areas outside the 300-foot shoreland zone.

Group 4 – Options that increase oversight of local decisions.

Option 4A – Require variance certification. A number of stakeholders suggested that all variances issued by local units of government in the MRCCA should be certified (or approved) by the DNR. This is an authority the DNR has in the wild and scenic river program, but not the shoreland or floodplain management programs.

Stakeholder support for variance certification was mixed. Those supporting certification believe it will result in better local decisions, since there is DNR oversight; and if incorrect decisions are made, the DNR can serve as the "safety net" to overturn them. Many stakeholders believe that a resource of statewide significance, such as the MRCCA warrants state-level oversight.

DNR concerns regarding certification generally stem from experiences in the wild and scenic river program, where the tendency of local governments is to make "popular decisions" (i.e., granting variances to their citizens), knowing that the DNR can overturn poor, unsupported decisions. This relieves the local unit of government of making unpopular or controversial decisions to deny variances and requires the state to bear the legal cost of defending the variance denial.

Option 4B – Technical Review Board. Stakeholders suggested an alternative or additional appeal mechanism such as a Technical Review Board that could be assembled to hear administrative appeals of local decisions on variance applications. The TEP panels convened for Wetland Conservation Act oversight could serve as a model. The review boards could be standing or *ad hoc*, and could comprise agency, citizen, or other members. They could have the authority to overturn decisions or to remand them to the LGU for reconsideration. Administrative appeals are time-consuming, but are substantially less expensive than judicial appeals, and provide greater access to citizens. The legislature would need to authorize appeal boards, and explicitly describe their role; funding to support the boards would be required.

Option 4C – Mandatory annual reporting. The current MRCCA program does not require systematic reporting by local units of government on the status of plans or ordinances, permits issued, resources protected, or any other aspect of program implementation. In addition, there is no mandatory reporting required of the Metropolitan Council or the DNR. The communities are required to notify DNR about upcoming variances and their disposition, but reporting is inconsistent. Mandatory annual reporting, by any of the involved parties or stakeholders, would require legislative action.

Recommendations
As indicated earlier, the DNR expects that all of the options, some alone, and some in combination could adequately protect the aesthetic and natural resources in the MRCCA. The DNR's experience in land use programs is that the enthusiasm and commitment of local units of government, provided they have sufficient staff and technical resources, is the most important contributor to successful implementation. Consequently, *the DNR is supportive of options that enhance the skill and resources of local governments.*

Group 1 – Options that move administration of the MRCCA. Moving the MRCCA "home" does not improve the perceived weaknesses inherent in the executive order or the implementation by local governments. With reservations, the DNR recommends:

Option 1C – Moving MRCCA administration to DNR's Central Region, reporting to the Community Assistance Program.

Group 2 – Options that enhance the existing program. The DNR believes the greatest benefit for the lowest cost can be accomplished through options that help local units to manage the MRCCA or help increase public awareness and support for the program. Group 2 contains a number of these options.

As low cost options, the DNR recommends:
- Option 2B – increased consultation by LGUs
- Option 2C – increased partnership with MNRRA
- Option 2E – annual LGU meeting/training
- Option 2I – increase public awareness that the MRCCA is a unit of the National Park Service
- Option 2L – Metropolitan Council inclusion of MRCCA guidelines in the 2030 Regional Development Framework document and policies

At higher cost (at least one additional DNR staff position, plus funding for activities), the DNR recommends:

- Option 2D – additional outreach to communities (likely coupled with Option 1C, moving the program to the Central Region's community assistance program)

With substantial additional funding for LGU assistance and protection of significant resources, the DNR recommends:

- Option 2F – increased state funding to small LGUs for MRCCA implementation and enforcement
- Option 2G – Systematic inventory and documentation of scenic and cultural resources
- Option 2H – Greater protection for significant resources (through easement and acquisition)

Group 3 – Options that modify the current program or process. The DNR recommends the following options that provide mechanisms for amending boundaries and the executive order, and provide clarification of DNR authorities:

- Option 3C – provide an administrative mechanism for boundary changes; alternatively, the legislature could make boundary changes in statute.
- Option 3E – provide an administrative mechanism to amend the executive order
- Option 3F& 3G – legislative clarification of DNR authorities regarding ordinance approval

Group 4 – Options to increase oversight of local decisions. In this group, the DNR recommends:

- Option 4B - Locally-established, independent administrative appeal boards (perhaps one per county) to hear variance appeals.

The following table summarizes the DNR's recommendations:

Cost to State	Option	Description
Low	1C	Move MRCCA to DNR Central region (no new staff)
Low	2B	Increased consultation by LGUs
Low	2C	Increased partnership with MNRRA
Low	2E	Annual LGU meeting/training
Low	2I	Increase visibility (costs borne by MNRRA)
Low	2L	Metropolitan Council inclusion of MRCCA
Medium	2D	Additional outreach; (likely combined with Option 1C)
High	2F	Increase funding to small LGUs
High	2G	Inventory scenic and cultural resources
High	2H	Protection through easement and acquisition
High	3C	Boundary changes; high cost if rulemaking required; low if accomplished by statute
High	3E	Administrative mechanism for amending E.O.79-19; high cost if through rulemaking
Low	3F & 3G	Clarify DNR authorities through statute
High	4B	Appeals boards to oversee LGU decisions

SECTION 5 – Conclusions

Pursuant to the legislative charge, the DNR has assessed and reported on the status of Critical Area plans and zoning ordinances; community plans for revising these plans and ordinances; the nature and number of variances sought, and developed a number of options and recommendations for managing the Mississippi River Corridor Critical Area (MRCCA).

Most communities have Critical Area plans that not only meet the minimum standards and guidelines in Executive Order 79-19, but have updated their plans to include the more protective MNRRA Tier II standards developed by the National Park Service.

Communities have been less consistent in updating their MRCCA ordinances to incorporate more protective standards. Only six of the 25 communities with zoning authority have updated ordinances.

Fewer than half the communities plan to update their Critical Area plans and regulations in the near future.

Communities report 230 variance applications since establishment of the MRCCA. Unfortunately, not all communities responded to the survey, so variances issued by larger cities like Minneapolis, South St. Paul, and Fridley are unreported. As noted earlier in Section 2, the City of St. Paul at one time issued "Special Conditional Use permits" instead of variances; these permits are not reflected in the variance information.

Without knowing more about the circumstances necessitating the variances, the degree of non-conformity approved, the public hearing record, or the mitigation required as conditions of variance approval, little understanding of whether variances are a problem in the MRCCA was gained through this simple tally.

The DNR also found that most communities responding to the survey believe there is value in the MRCCA designation, primarily that it gives them another tool for protecting the river corridor.

With substantial community and stakeholder input, the DNR identified over thirty options for changing Critical Area administration and implementation. The DNR expects that all options, some in conjunction with the existing program, some in combination with others, could be employed to "adequately protect and manage the aesthetic integrity and natural environment of the river corridor".

The DNR recommends a number of the options, including options that move the location of MRCCA administration, enhance the existing program, modify the existing program, and that provide for greater oversight of local decisions.

Appendix A

Friends of the Mississippi River

Stakeholder Report

Mississippi River Corridor Critical Area Program:

SUMMARY OF STAKEHOLDER ENGAGEMENT AND POTENTIAL MANAGEMENT OPTIONS

Report Prepared by Friends of the Mississippi River

For the Minnesota Department of Natural Resources

November 27, 2007

ACKNOWLEDGEMENTS

Friends of the Mississippi River (FMR) would like to thank the individuals who participated in the stakeholder meetings described in this report. This process would not have been successful without the time and thoughtful input provided by stakeholders from a variety of backgrounds and vocations.

FMR also acknowledges the following organizations for their advice and assistance in the design and conduct of the Mississippi River Corridor Critical Area program stakeholder engagement process:

Minnesota Department of Natural Resources
Minnesota Environmental Quality Board
Metropolitan Council
National Park Service, Mississippi National River and Recreation Area

The above agencies and individuals in no way bear responsibility for this report. Findings and conclusions are the responsibility of Friends of the Mississippi River, and questions about the report should be directed to FMR as provided below:

Irene Jones, Outreach Director
Friends of the Mississippi River
360 North Robert Street
Suite 400
Saint Paul, MN 55101
651-222-2193 ext. 11
651-222-6005
E-mail: ijones@fmr.org

Dave Dempsey assisted in the preparation and drafting of this report.

INTRODUCTION

In October and November 2007, Friends of the Mississippi River (FMR) organized and facilitated a series of stakeholder meetings designed to assist the Minnesota Department of Natural Resources (DNR) in responding to a mandate from the Legislature to report on the status of the state critical area program for the Mississippi River corridor in the Twin Cities region.

The Legislature appropriated funds for and directed the DNR to conduct a study of and report on the program in Minnesota Session Laws 2007 as follows:

SF 2096 – Article 1, Section 4 – Line 28.3 -- *$50,000 in the first year is for the commissioner, in consultation with the Environmental Quality Board, to report to the house and senate committees having jurisdiction over environmental policy and finance by February 1, 2008, on the Mississippi River critical area program. The report shall include the status of critical area plans, zoning ordinances, the number and types of revisions anticipated, and the nature and number of variances sought. The report shall include recommendations that adequately protect and manage the aesthetic integrity and natural environment of the river corridor.*

DNR contracted with FMR to assist in the study by facilitating a stakeholder engagement process. The purpose of the stakeholder process was to gather and document input from corridor cities, river businesses and developers, and environmental, civic and neighborhood groups about the strengths and weaknesses of the Mississippi River Critical Area program and possible solutions to ensure protection of this local, state and national resource.

DNR also contracted with Dave Dempsey to research potential management options and to assist with writing this report on the stakeholder process, a description of management options generated through the process, and the identification of needs and potential obstacles to implementation of each option, such as dollars, staff, statutory authority, rulemaking, change of approach, change in attitudes, education, and incentives.

This report documents the stakeholder engagement process facilitated by FMR, catalogues the opinions and observations of meeting participants, summarizes the identified strengths and weaknesses, and analyzes management options developed in the stakeholder engagement process. It also contains as appendices a comprehensive set of materials associated with the process, including meeting attendees, meeting summaries, and other items.

STAKEHOLDER ENGAGEMENT PROCESS AND PARTICIPATION

FMR conducted outreach to 315 stakeholders through letters, email reminders and phone calls. The stakeholder list, which was reviewed by DNR and MNRRA, included stakeholders in the following quantities: River Corridor Businesses and Developers – 39, Environment/Civic Groups and Citizens – 133, Local, State and Federal Government – 81. In addition, 37 state legislators that represent corridor districts were mailed an invitation letter and the 25 members of FMR's board and council of advisors were invited. A complete list of stakeholders notified is included in Appendix IV.b.

FMR organized and facilitated four meetings to solicit stakeholder input. The first three meetings were organized by stakeholder group:

- River Corridor Businesses and Developers (October 25, Minneapolis)
- Environment/Civic Groups and Citizens (October 30, St. Paul)
- Local, State and Federal Government (October 31, St. Paul)

FMR summarized themes and management options discussed at the three meetings and organized a meeting for all stakeholders to review, refine and further discuss the collated stakeholder input. This meeting took place on November 7, 2007 in St. Paul.

A total of 60 individuals attended the first three meetings. Twelve stakeholders attended the meeting for river corridor businesses and developers and 24 stakeholders attended each of the meetings of environment/civic groups and citizens, and local, state and federal government officials. Twenty-four individuals attended the all-stakeholders meeting on November 7, including six people that did not participate in the first round of meetings. Environment/civic groups and citizens stakeholders numbered the most at the Nov 7 meeting with 13 stakeholders. Two members of the developer/business stakeholder group attended; one was an architect and the other was from St. Paul Riverfront Corporation. Government representation at the Nov. 7 meeting included 9 stakeholders, seven from local units (St. Paul, Minneapolis, Rosemount, Lilydale, Grey Cloud Island Township and the University of MN). Representatives Rick Hansen, Erin Murphy and Sheldon Johnson attended the October 30 meeting and Representatives Murphy and Johnson also attended the all-stakeholder meeting. Five FMR board members participated in the meetings and were counted among the stakeholder participant totals. Two to five DNR staff attended each meeting and Steve Johnson of MNRRA attended all four meetings. Project staff from DNR, MNRRA and FMR were not counted in the participation totals.

A list of all individuals attending the meetings and their affiliations is included in Appendix IV.c.

In addition to the meetings, FMR created a page on its website to provide stakeholders with background information about Mississippi River Critical Area and the DNR study. The website also served to inform the public about the meetings and the stakeholder process.

SUMMARY OF STAKEHOLDER MEETINGS

The purpose of the first three meetings was to provide an overview of the process for the study, solicit views and comments from stakeholders on strengths and weaknesses of the Mississippi River Critical Area program, and develop a list of potential solutions and management options to address the identified weaknesses. At the final meeting, FMR presented a summary and analysis of common themes, areas of potential agreement, and areas where stakeholders had significant differences of opinion. FMR then facilitated discussion of the differences and conducted an exercise to measure stakeholder preferences and priorities. Agendas and handouts from the stakeholder meetings can be found in the appendices of this report.

Stakeholder Group Meetings: October 25, 30, 31, 2007
Each meeting began with a brief overview and history of the Mississippi River Critical Area program, the purpose of the stakeholder meetings and FMR's role as process convener.

Steve Johnson of the Mississippi National River Recreation Area (MNRRA) discussed the relationship between the state critical area and the corridor's designation as a National Park. He pointed out that MNRRA's comprehensive management plan "adopts and incorporates by reference the state critical area program, shoreland program, and other applicable state and regional land use management programs" that implement the plan's vision. The plan adds, "This plan does not create another layer of government but rather stresses the use of existing authorities and agencies to accomplish the policies and actions developed for the corridor."

DNR staff described the origin and purpose of the critical area study, the direction they were given by the state legislature and how the stakeholder engagement process fits into the overall study.

FMR then facilitated the group discussion by asking stakeholders to comment on strengths and weaknesses of the Mississippi River Critical Area program in each of the following areas:

- Executive Order 79-19: critical area law, language, intent, authorities
- Condition and significance of corridor resources
- Local government planning and enforcement
- DNR oversight and enforcement
- MNRRA role
- Standards and guidelines
- Boundaries

The remainder of the meeting was devoted to reviewing a range of potential management options, and discussing which solutions addressed weaknesses identified by stakeholders. The following broad options and the advantages and/or disadvantages of each were discussed:

<u>Eliminate the Mississippi River Critical Area designation</u>
This option would leave protection of critical area lands and associated cultural, natural, historical and other resources within the purview of local government planning and zoning options. Critical area lands within 300 feet of the river would have protections under the existing state shoreland program.

<u>Maintain the existing Mississippi River Critical Area program</u>
This option would preserve the existing DNR program at the current level of funding, staffing and priority.

<u>Enhance the Mississippi River Critical Area program</u>
This option would include one or more enhancements to the program, including additional funding for staff and/or technical assistance, training and outreach; rulemaking that would define terms (such as bluff line and bluff toe) and establish minimum land use standards; use of state-of-the-art tools such as the National Park Service viewshed analysis methods to help identify scenic resources to be protected; and other measures.

Change and/or move metro river corridor protection

This option would shift protection of the critical area corridor to another program and/or home either within DNR or another state or a regional agency. Alternatives discussed were:

- House the Mississippi River Critical Area program elsewhere (EQB and Met Council were mentioned as possible agencies to house critical area).
- Change metro river corridor protection to a different DNR program (specific mention was made of the DNR shoreland protection program and the wild and scenic rivers program).
- Change corridor protection program and house program in a different agency
- Create new program or agency (specific mention was made of a new joint powers organization consisting of all municipalities within the corridor, or an agency modeled after the Mississippi River Headwaters Board).

Synthesis/Discussion of Input from Stakeholder Group Meetings

FMR staff recorded all views expressed during the three stakeholder group meetings and compiled a complete set of notes for each meeting, That information was collated into a table that compared and contrasted issues and views expressed by the different stakeholder groups, and a synthesis of identified problems and proposed solutions was prepared. FMR also prepared a list and brief description of the proposed management options for the final discussion. All of these materials were given to stakeholders at the all-stakeholder meeting and can be found in the appendices of this report.

There was a surprising amount of agreement or overlap among stakeholder groups with regard to the strengths and weaknesses of the program, but there was less agreement about how and what potential solutions would best address protecting corridor resources. In spite of some differences, several options proposed had general agreement from all groups, including maintaining a unique state management framework for a significant resource, strengthening the partnership with MNRRA, increasing interagency coordination, establishing a process for early input by DNR and other stakeholders, and providing outreach and technical assistance to corridor communities. There was also general agreement on the need for a particular approach regarding some of the options, but it appeared there would be considerable conflict among stakeholder interests about the details of implementation. These options include the establishment and ranking of priorities among resource values, clear definitions of key terms and features, the implementation of consistent standards with some local flexibility, and a process for amending boundaries.

In preparing the proposed management options to be discussed at the all-stakeholder meeting, FMR analyzed the stakeholder input on strengths and weaknesses of the program, and tied concerns and issues to identified solutions with the potential to address those issues. A synthesis of this information was summarized in a handout for stakeholders that can be found in Appendix II.c.

In addition to the notes and summaries provided in the appendices of this report, the following is a discussion of the strengths and weaknesses identified by at least two of the three stakeholder groups.

Mississippi River Resource

Strengths

Water quality has improved, mostly from the clean up of point source pollution; parks, trails and access to the river have expanded significantly; and industrial uses are being converted to residential and commercial development; all of these things bring more people to the river.

Weaknesses

Increased development along the river puts pressure on natural and historic resources. Places with high scenic, ecological, historic and cultural values (such as bluffs, floodplain areas, historic downtowns) are threatened by the attractiveness and market value they create, and in need of special attention and protection. Storm- and ground-water pollution and polluted sites threaten the river's improved water quality.

Other Realities

The metro region is growing, triggering the urbanization of rural/exurban corridor lands and greater stormwater impacts to the river from well beyond the corridor.

Executive Order 79-19

Strengths

The values expressed in the purpose and intent remain important today, and the unique identity and conformance with the MNRRA boundary are key strengths.

Weaknesses

The goals are vague, general, and lack specificity; numerous and sometimes conflicting goals make implementation difficult. The E.O. is outdated regarding current technology and practices, resource values and key terms are not well defined, and the district boundary change process/criteria is unclear.

Local Government Role

Strengths

Local values and landscapes are reflected in plans and ordinances customized to each community.

Weaknesses

Implementing the performance goals of Executive Order 79-19 through ordinance is complex, and not well understood, and it puts the burden of realizing regional and national goals on local units. The result is that many ordinances have not been updated to meet local critical area plans, causing confusion, heightened political lobbying activity, and inconsistency within and among city decisions.

DNR Role/Program Enforcement

Strengths

DNR has authority over plans, plan amendments and ordinances, important decision-making tools for corridor protection.

Weaknesses

Executive Order 79-19 lacks specific minimum standards, especially regarding building height, that DNR can apply in reviewing local government plans and ordinances. Limited DNR staffing and resources to implement the program, low priority for the critical area program within the department, and the absence of state oversight on corridor projects and local variances leads to inadequate corridor protection.

Program Home

Strengths

Key DNR strengths include experience overseeing other water-related land use programs that are implemented by local units of government through ordinance, and field staff who work directly with the local units within their region.

Weaknesses

DNR has limited expertise in historic resources, cultural landscapes and economic development issues, and more collaboration with other agencies is needed. Some stakeholders questioned what priority the DNR places on the critical area program and raised concerns that staffing levels and resources are insufficient to protect the corridor.

All Stakeholder Meeting - November 7, 2007

At the all-stakeholder meeting, FMR staff gave an overview of the stakeholder participation, meeting notes and other materials, and initial findings and themes from the first three meetings. After a brief review of the identified strengths and weaknesses, FMR presented a summary of the proposed management options with potential agreement, and areas where stakeholders had significant differences of opinion. A summary of the options presented with potential agreement and stakeholder discussion is included below, in this section. The final hour of the all-stakeholder meeting was devoted to discussion of the management options with opinion differences and an exercise to measure stakeholder preferences and priorities. A summary of those options, and the results of the exercise are also included in this section, and in the report appendices.

Potential Solutions with General Agreement

Maintain the critical area framework: The intent of the original corridor designation, to conserve the corridor's natural, historical, cultural, economic and other resources – remains valid. The corridor framework is unique and well suited to a corridor of local, regional, statewide and national significance.

Continue to house program at DNR: DNR has staff, expertise and systems in place for management of rivers and natural and scenic resources. The program should stand on its own merits and work wherever it is housed.

DNR to regularly consult with other agencies: DNR has limited expertise in historic and cultural resources and economic development, and the agency would benefit from consultation with agencies that have such expertise, such as MNRRA, Met Council, Environmental Quality Board (EQB) and the State Historic Preservation Office (SHPO).

Strengthen partnership with MNRRA: MNRRA brings staff resources and expertise as well as National status, and the potential for Congressional appropriation of funds.

Increase funding for state and local implementation: Additional funding is needed to assure the program works well for the interests of both development and conservation.

Provide outreach, education, technical assistance: Additional outreach, education and technical assistance to developers, local government and citizens in critical area corridor communities are needed to ensure they have the tools and understanding to implement the law.

Survey and document scenic and cultural resources: A clearer definition and understanding of, and agreement on the scenic and cultural values to be protected and state-of-the art methods for doing so is needed. The National Park Service has a process for surveying and evaluating views that could be implemented for the MNRRA corridor.

Set priorities among Mississippi River Critical Area goals: The Mississippi River critical area program calls for protection of natural, cultural, historical, scenic, recreational and economic resources of the corridor – goals that can be in conflict with each other.

Establish process for early input on development proposals: Early involvement of DNR and other agencies with relevant expertise in discussions with local governments and developers about project planning and design would help forestall some conflicts and lead to better understanding.

Hold annual stakeholders meeting, issue annual report: An annual report on the implementation of the program (including the number of land use changes and variances), state of the resources, key issues, and/or an annual meeting of corridor communities and stakeholders could improve program understanding and accountability and connectivity up and down the river.

Stakeholder Discussion

Although there was no significant objection to the identified areas of general agreement, several meeting participants provided additional views:

- Representatives of some municipalities indicated an interest in using the DNR shoreland program framework and standards to protect the critical area corridor.

- Some citizens expressed concern about the program being administered by DNR, and the need for coordination with EQB, Met Council and other agencies was reiterated. In general, stakeholders held the belief that where the program is housed – DNR or another agency – is less important than the presence of adequate management priority, funding and commitment to Mississippi River Critical Area protection in that agency. The need for DNR to be better positioned to play an advocacy role was expressed by several stakeholders, including one legislator; and one stakeholder pointed out that the lack of adequate funding and priority comes from the governor and the legislature.

Potential Solutions with Opinion Differences

The final discussion at the all-stakeholder meeting probed participants' views on potential solutions with opinion differences identified at the first three stakeholder meetings. The purpose of the discussion was not to build consensus, but to further illuminate the solutions and differences of opinion. Solutions covered:

Regulatory Framework

- *State Rules:* Minimum standards, definitions and authorities of local and state government would be established through critical area rulemaking.

- *New Legislation:* New legislation could include definitions and set a direction for minimum standards. It is likely that rules would follow.

- *Update Local Ordinances:* Under the current model, local units could update their ordinances to be consistent with their critical area plans. Most corridor communities have updated their plans in the past 10 years, incorporating MNRRA goals into their revisions, but only a few communities have followed up with an updated critical area ordinance to ensure protections and standards are implemented. A model critical area ordinance has already been developed by MNRRA, and there is some outreach planned to local communities in 2008.

Regulation Standards

- *Dimensional Standards:* Provides consistency through standards for heights, setbacks, slopes, etc., that are numerical and are straightforward to measure/understand/enforce, but does not well accommodate differences in local conditions. Rulemaking would be required.

- *Performance-based Standards:* Provides flexibility through standards that require specific goals are met, such as preservation of scenic views, maintaining a natural shoreline/buffer or preventing erosion. These standards can be subject to debate and difficult to enforce. The existing Executive Order 79-19 standards and guidelines are generally of this type.

- *Combination:* Combines dimensional and performance standards to allow flexibility where it is most needed or logical. For example, standards for slopes and setbacks could be dimensional, and standards for heights and viewshed protection could be performance-based. Stakeholders expressed the need to have clear and specific resource values, priorities and definitions in order for performance standards to be effective.

Land Use Decision Oversight
Some mechanism for oversight of variances granted by local corridor communities could increase resource protection.

- *Technical Review Panel/Appeal Board:* An appeal board could help resolve and depoliticize some contentious variance disputes and provide a technical perspective for the entire corridor. If modeled after boards authorized by the state Wetland Conservation Act, the panel would comprise experts in relevant fields. It could also include membership from the regional/state agencies, MNRRA and other stakeholders.

- *Variance Certification:* Variance certification gives the DNR the authority to deny project variances granted at the local level. The Wild and Scenic Rivers program has variance certification. Shoreland rules do not. The legislature would need to authorize variance certification for the Mississippi River Critical Area, and the process for implementation would be spelled out in rule.

- *Local Control/Authority:* Under the current model, local units have authority over variances, but are required to notify/consult with DNR. If DNR disapproves, the agency has the option to take a local unit to court.

Boundary Amendment Process
Some stakeholders believe methods of altering the boundaries of the four land use districts within the corridor should be explored to take into account rural-to-urban transformation, contiguous natural resources, streams and watersheds, and other factors, while other stakeholders believe the intent of the program was to preserve the character of the resources as they existed at the time of the program's inception, and thus changes in land use districts may not be desirable.

- *Corridor Boundary:* linear boundary that runs parallel to the river.

- *Corridor Districts:* boundaries between the four Mississippi River Critical Area districts: urban diversified, urban developed, urban open space and rural open space.

Stakeholder Priorities and Preferences (Dot Democracy)
During an exercise at the conclusion of the all-stakeholder meeting, participants were asked to state priorities among the potential solutions and management options. Each participant was given five adhesive dots or "votes" to state their priorities. Participants could place up to two dots on one preference. The options selected in order of priority were:

- Set priorities among Mississippi River Critical Area goals (22);
- Update regulatory framework (15)
- Establish land use decision oversight (14)
- Establish process for early input on development proposals (12);
- Provide outreach, education, technical assistance (10);
- Survey and document scenic and natural resources (10);
- Hold annual stakeholders meeting, issue annual report (9).
- Update regulation standards (5)
- Corridor boundary amendment process (3)
- District boundary amendment process (1)

The above results should not be taken as representative of stakeholders, only as a general statement of priorities among participants able to attend the meeting.

Each participant was also asked to express preferences among proposed solutions with opinion differences in the same manner as they were asked to rank proposed solutions with general agreement. Each participant had one dot for each category, and the results of the exercise were:

Regulatory Framework
- State Rules (3.5)
- New Legislation (14)

- Ordinance Updates (4.5)

Regulation Standards
- Dimensional (8)
- Performance
- Combination (13)

Land Use Decision Oversight
- Technical Review Panel/Appeal Board (16.5)
- Variance Certification (4.5)
- Local Control/Authority (3)

Corridor Boundary Amendment Process
- Yes, but boundary changes must be written into legislation or executive order (8)
- Yes, but the legislature should authorize a process whereby DNR has authority to approve corridor boundary amendments. (11)
- No, never

District Boundary Amendment Process
- No, districts meant to be permanent
- Yes, but only to a more protective district (16)
- Yes, districts meant to change with urban growth (3)

Again, these results should not be taken as representative of all stakeholders who attended the four meetings. The developer/business and local government interests were not well represented at the all-stakeholder meeting, so the dot democracy exercise was primarily reflective of citizen and civic/environmental group stakeholder interests.

DISCUSSION AND ANALYSIS OF POTENTIAL MANAGEMENT OPTIONS

The final section of this report is intended to synthesize stakeholder views and policy research into an analysis of the overall process. Each management option identified through the process is described along with a synopsis of the obstacles to and needs for implementation of each option, such as dollars, staff, statutory authority, rulemaking, change of approach, change in attitudes, education, and incentives. Advantages and disadvantages are also noted, especially where stakeholders discussed them. Matrix 1 and Matrix 2 in Appendix III.c. provide an overview of the obstacles and needs for each option

At all of the stakeholder meetings, there was little support for eliminating the Mississippi River Critical Area designation. Stakeholders generally agreed that the resources that the designation was created to protect are at least as significant on a regional and statewide basis as they were at its inception in the 1970s.

It was also generally agreed that the current approach to maintaining the existing program is not satisfactory to stakeholders from the perspectives of both economic development and resource protection.

Further, there was little support for moving the state Mississippi River Critical Area program from its current location within DNR or creating a new program within a different agency. Most stakeholders feared a move of the program elsewhere within DNR or to another agency would cost significant program institutional memory and could result in a weakening of corridor conservation. Some stakeholders expressed concern that elimination of the critical area designation with regulatory authority assumed by another DNR program (such as shoreland protection) would sacrifice the uniqueness of the corridor area approach. At the final meeting, several stakeholders, pointing out that DNR has lacked sufficient resources and/or institutional interest in the program, said they support its continuation in the agency provided that DNR renews its commitment to the critical area program and seeks additional resources for its implementation.

Given the above, stakeholders devoted most of their suggestions to enhancements of the existing DNR program. There was substantial support for several reforms that could resolve uncertainties and controversies associated with the program. These included:

Developing a process and/or methodology by which to rank resources to be protected within the Mississippi River Critical Area corridor, potentially with different rankings in different reaches of the river. However, there was not enough time during the stakeholder engagement process to explore how this could be done in a way that would promote general agreement and the resources required to do so. Some stakeholders suggested that communities should have the opportunity to individually establish priorities for the corridor resource values within their jurisdiction, and to create a vision that defines what they are protecting. Other stakeholders suggested that resource values should be identified, evaluated for their regional and local significance, and prioritized on a corridor-wide basis.

Stakeholders identified a number of different values that Mississippi River Critical Area decision-making should take into account, including economic development and attention to water quality, as well as protecting natural, scenic and cultural resources. To address and resolve this issue, DNR would need additional resources to facilitate further stakeholder discussions and/or conduct a rulemaking process. The legislature could also be asked to develop statutory language specific to the Mississippi River Critical Area Corridor clarifying the priority of resources to be protected and/or a process for applying different priorities within different reaches of the corridor.

Establishing a process by which DNR and other state and federal agencies can be consulted in corridor development proposals before a final local decision is made in order to improve both the proposals and decision-making. Stakeholders generally agreed that limiting DNR's role to reviewing project designs and variance requests for consistency with local critical area plans and ordinances after a local issue has passed through most of the process does not promote optimal project design or corridor conservation, and does not necessarily lead to public acceptance of the decision. The 60-day rule for proposals to local units sometimes puts a complex process on a timeline too tight to allow for adequate DNR and stakeholder review.

This program enhancement could be implemented with new formal or informal administrative procedures and/or rulemaking. The technical review panel, suggested for an appeal board below, is one possible strategy for implementing early input on proposals. Projects would need to go before the panel prior to formally submitting their applications to local units, in order to prevent a conflict with the quasi-judicial role required should a variance for the same project be later appealed to the board. This could be a barrier to early consultation by developers, but it would solve some of the tight timeline issues mentioned above.

This approach would likely require additional DNR staff resources, and potentially additional local resources, to foster increased early consultation.

Increasing outreach, technical assistance and education to developers, local governments in the corridor, corridor landowners and citizens in general to improve understanding and implementation of the law. Stakeholders generally agreed that these services would increase awareness of the requirements of the law, improve project design, enhance corridor conservation, and resolve some disputes. For example, local units need assistance with updating their ordinances to meet the goals of critical area plans and state law. A model critical area ordinance is one potential tool for this outreach. Also needed is ongoing education to elected and appointed officials, many of whom are new to their positions. Small cities and townships in particular need technical assistance to implement critical area goals for the corridor.

Because the Mississippi River Critical Area designation is 30 years old, stakeholders raised the importance of renewing commitment to the corridor through broad outreach to the public about Mississippi River Critical Area and the corridor's status as a National Park. Strategies to increase awareness of the river's unique values and national significance include more signage to let people know they are entering a National Park, more emphasis and frequent mention of the MNRRA during the many education and stewardship activities that take place in the corridor, and increased outreach to corridor communities through printed and electronic means, slide presentations and workshops focused on the river and MNRRA.

Substantial additional resources (federal and/or state appropriations and staff or consulting services) would be required to implement this recommendation, although asking local park implementing agencies and others who offer public programs in the corridor to give more emphasis to MNRRA could be accomplished through better understanding, partner communication and commitment to the goals and purposes of the National designation.

Defining, surveying, and documenting scenic and cultural resources in the corridor. Several stakeholders believe the technology and available models for identifying these resources, including viewsheds, has improved dramatically since the corridor was designated. Stakeholders in the business/developer group expressed the need to have science and specificity behind the identification of resources and potential threats to their integrity. This is particularly difficult with scenic resources because of unavoidable subjectivity. However, the National Park Service developed a multi-state process for evaluating viewsheds and implementing protection along the Blue Ridge Parkway, and MNRRA is considering its potential applications here.

Coordination with the National Park Service, extensive participation by stakeholders and additional resources for DNR and local units would be needed to accomplish this goal. Once agreed upon, resource value definitions might need to be formally set through legislation or rules.

Adopting specific standards and definitions through legislation and/or rule. There was considerable discussion about the need to establish minimum standards and clear definitions to guide land-use decisions throughout the corridor. Several citizens at the all-stakeholder meeting indicated a preference for putting definitions and standards directly into legislation, while other stakeholders were concerned about the uncertainties of the timing and outcome of the legislative process. Some stakeholders favored the agency rulemaking process, while potentially more time-consuming, because the process is more predictable. There is some debate about whether new legislation would be needed to authorize rulemaking for the Mississippi River Critical Area. If legislators wanted specific rules with specific content, and a specific timeline they would need to pass legislation with those specifications, and the process would require dedicated staff resources and funding. Although the importance of local control was raised, stakeholders seemed to be in general agreement that clear, consistent standards and definitions would benefit all three stakeholder groups. It was also noted that local ordinances would also need to be updated if rules were implemented.

There was also debate around the use of dimensional versus performance standards. Some stakeholders like the flexibility to be creative through performance standards, but noted that the standards and protection values need to be well defined. Other stakeholders suggested the variance process allows for some flexibility if it is warranted, but the norm should be specific minimum standards applied consistently throughout the corridor.

Creating a process by which the linear boundary of the corridor, generally running parallel to the river, can be adjusted. Some specific locations were identified where boundaries could or should be adjusted to exclude existing land from the corridor or to include new land within the boundary that is adjacent the corridor. Parts of Cottage Grove and Ramsey were mentioned as possible candidates for exclusion because they lack an obvious relationship to the river. Pilot Knob and some of the tributary valleys were suggested as possible additions to the corridor because of their natural resource values and relationship to the river corridor.

Implementing this recommendation would require legislation and/or an executive order to adjust the legal boundary or define an administrative process by which they can be adjusted. There is some concern among stakeholders that opening up boundary definitions could result in less protection overall for the corridor.

Implementing a process by which the district boundaries can be adjusted. Some discussion took place at the stakeholder meeting about allowing modifications of the use district boundaries. The main theme of this discussion centered on whether the Mississippi River Critical Area was intended to remain static or to change as urbanization extends to the ends of the corridor. Cities that include the rural open space district face a variety of obstacles to implementing the goal of this very protective district, including Metropolitan Council policies that require urbanization, the need to eliminate septic pollution, and concerns about meeting economic development interests and needs.

At the final stakeholder meeting, it was noted that Executive Order 79-19 allows for local governments to propose "modifications of the use district boundaries as described in the interim guidelines if local units of government can demonstrate…the consistency of the modification with the general guidelines." However, in the stakeholder exercise that took place at the conclusion of the all-stakeholder meeting, strong majority sentiment was to allow such modifications only if they were in the direction of greater resource protection.

Providing a process through which local government decisions on Mississippi River Critical Area land use variances can be appealed to and/or reviewed by the DNR or another body. Stakeholders at both developer and citizen meetings expressed concern that local government decisions to approve or deny projects and variances within the critical area corridor are too often political. Both groups want to see decisions based on standards that have clear information and solid rationale behind them, but there is likely disagreement about what that means. Both groups also lamented situations in which the other group got the upper hand with elected officials through political connections. Although there was not enough time in the stakeholder engagement process to identify any area of general agreement on a remedy, substantial interest was expressed in two options, either independently or in tandem:

- **A technical review panel or appeal board** consisting of members representing appropriate expertise, a regional point of view, and perhaps specified constituencies. This suggestion was originally identified as following the Wetland Conservation Act technical review panel as a model. Any aggrieved party (developer or citizen) could appeal a local Mississippi River Critical Area variance decision to the board and, provided the appeal had merit, could receive a timely and independent review. Action by the Legislature would be required to establish such an appeal board, and rules to guide its implementation would need to follow.

- **Variance certification by DNR**. DNR would review and approve or deny all local variances. The only way for DNR to disapprove a local variance at present is by suing the local unit of government. This has not happened in the history of the program. The legislature would need to authorize variance certification for the Mississippi River Critical Area by statute, and rules would spell out implementation. Some discussion occurred about moving the program to the Wild and Scenic Rivers program because variance certification is already authorized in those rules. Some stakeholders expressed concern that these cases can end up in court anyway and can be costly for local and state government.

ADDITIONAL MANAGEMENT OPTIONS

Although they were not as extensively discussed at the stakeholder meetings, FMR presented several additional management options that involve managing the river corridor through a new or different state program, and received limited comment on them. All of these additional options involve programs and concepts with which many stakeholders were unfamiliar. There was not enough time to properly orient meeting participants to these options, and stakeholders generally did not seem strongly inclined to support any of these management options without additional information. Stakeholders raised some concerns about options that would move authority to a different or new program or agency, because of the potential time involved and fear of losing the uniqueness of the Mississippi River Critical Area if it were incorporated into an existing statewide program. Below is a summary of these options.

Manage the Mississippi River Critical Area through the state shoreland program: Management of the Mississippi River Critical Area corridor could be administered by DNR under the state shoreland program, but distinguish the program from other shorelands by identifying a special district for the corridor. The shoreland program provides statewide standards that local governmental units must adopt into their own land use controls to provide for the "orderly development and protection of Minnesota's shorelands (both rivers and lakes)." DNR provides technical assistance to local governments in the adoption and administration of their shoreland controls. A possible advantage with this option is that the shoreland program has parallels and some overlap with the critical area program. Much of the corridor, especially blufflands, would not be covered under the shoreland program's current definition of within 300 feet of the river, so statutory changes to incorporate the critical area boundaries and protections into a special district would need to be authorized by the legislature, and rule changes would follow. Staffing resources may need to be shifted and/or increased to implement this option.

Move management of the Mississippi River Critical Area to the State Wild and Scenic Rivers program: This alternative would shift management of the Mississippi River Critical Area corridor to the Wild and Scenic Rivers program, created in 1973 to protect rivers that have outstanding natural, scenic, geographic, historic, cultural, and recreational values. Under a Wild and Scenic designation, DNR develops management plans to protect the scenic, recreational, natural, historical, and cultural values upon which state rules and subsequent local ordinances are based. By rule, DNR could designate the Mississippi corridor as a Recreational River, one of three allowable categories for wild and scenic rivers. Recreational Rivers may have undergone some impoundment or diversion in the past and may have adjacent lands that are considerably developed, but are still capable of being managed so as to further the purposes of this act. Staffing resources may need to be shifted and/or increased to implement this option.

Create a new Joint Powers Board made up of local government units within the corridor: Existing state law allows two or more governmental units, by agreement through action of their governing bodies, jointly or cooperatively to exercise any power common to the units. All 25 municipalities or the five counties within the critical area corridor could initiate such a board and organization. The number of local governments whose participation would be needed to cover the entire corridor is further complicated by the diversity of jurisdiction types, including cities, townships, counties, and the University of Minnesota. Additionally, stakeholders expressed concerns that this model would not give the needed emphasis to protecting state and national resources. New local and/or state funding, and potentially new legislation, would be required to implement this option.

Establish new authority for federal oversight by MNRRA: By an act of Congress, the National Park Service / MNRRA could assume authority for protecting nationally significant resources and values in the Mississippi River corridor and implementing the MNRRA Comprehensive Management Plan. The NPS has land use regulatory powers in some parks.

The process facilitated by FMR demonstrated that there is considerable interest among diverse constituencies in elevating the priority of the program at both the state and local level, assigning additional resources to it, clarifying definitions and terms to prevent and resolve disputes, and enhancing local decision-making oversight and accountability. The Mississippi River Critical Area program, after more than 30 years, remains an important tool for protection of the unique natural, historic, cultural, recreational, aesthetic and economic resources of the corridor.

Appendices

I. **Agendas**
   a. Stakeholder groups meetings – Oct 25, 30, 31
   b. All Stakeholder meeting – Nov 7

II. **Meeting Notes/Summaries**
   a. Flipchart Notes from three stakeholder group meetings
   b. Collated Notes (comparison of themes by stakeholder group)
   c. Synthesis of Issues (strengths, weaknesses, and solutions)
   d. Flipchart notes from all stakeholder meeting

III. **Summary of Options**
   a. Overview of options for three stakeholder group meetings
   b. Summary of potential options for all stakeholder meeting
   c. Management Options Obstacles and Needs Matrix

IV. **Stakeholder Outreach and Participation**
   a. Copy of stakeholder invitation letter to each group
   b. Names and contact info for of all stakeholders that were contacted (note: address, phone and email should be kept confidential for citizen contacts)
   c. Names and affiliations of all stakeholders who attended
   d. Copy of website content

V. **Additional Comments from Stakeholders**
   a. Hard copies of stakeholder feedback forms

Mississippi River Corridor Critical Area Study

Matrix of Needs/Obstacles for Stakeholder Identified Management Options

Key: 1 = Required; 2 = May Be Required or Helpful

OPTIONS	Funding Issues	Staffing Issues	Statutory Authority	Rule-making	Change of Approach	Change in Attitudes	Education Required	Incentives
OPTIONS WITH GENERAL AGREEMENT								
Keep regulatory framework								
Continue to house program at DNR						2		
DNR to regularly consult with other agencies	2	2			1	2		
Strengthen MNRRA partnership		2			1	2		
Increase funding for state and local implementation	1	1			1	2	2	2
Provide outreach, education, technical assistance	1	2			1	1	1	2
Survey and document scenic and cultural resources	1	1		2	2	2	1	2
Set priorities among critical area goals	2	2	2	2	1	1	2	
Establish process for early input on proposals	2	2	2	2	1	1	1	2
Annual stakeholders meeting and report	1	2			1	2	2	2
OPTIONS WITH OPINION DIFFERENCES								
Change regulatory framework								
• State rules	1	1	2	1	1	2	1	
• New legislation	2	2	1	2	2	2	2	
• Update local ordinances	2	2				1	1	1
Regulation standards								
• Dimensional	2	2	2	1	1	2	2	
• Performance	2	2		2			1	2
• Combination	2	2	2	1	1	2	2	
Land use decision oversight								
• Technical review panel/appeal board	1	2	1	1		2	1	
• Variance certification	1	2	1	1		1	1	
• Local control authority	2	2			2	2	2	2
Boundary amendment process								
• Corridor boundary			1	2	2	1	2	2
• Corridor districts			2	2	2		1	2

FMR Stakeholder Meetings

Webpage Content

Mississippi River Critical Area Study Stakeholder Engagement

Friends of the Mississippi River (FMR) is coordinating the stakeholder input process for a study and report on the Mississippi River Critical Area Program being conducted by the Minnesota Department of Natural Resources (DNR). The goal of the stakeholder meetings is to engage local and state government officials, local businesses and developers, environmental and civic organizations, and interested citizens in a discussion about the critical area program and managing the river corridor.

The Legislation

Laws of Minnesota 2007, Chapter 57, Art. 1, Sec. 4, Subd. 8 directs the DNR, in consultation with the Environmental Quality Board, to report by February 1, 2008, on the Mississippi River critical area program. The report must include the status of critical area plans, zoning ordinances, the number and types of revisions anticipated, the nature and number of variances sought, and recommendations to adequately protect and manage the "aesthetic integrity and natural environment" of the river corridor.

DNR Critical Area Study and Report

The Mississippi River Critical Area corridor was designated over 30 years ago, extending approximately 72 miles and encompassing portions of some 30 governmental subdivisions. This report will address the status of plans and ordinances, discuss variances to the ordinances, and include options and recommendations for improving critical area management, especially for protecting the river corridor's visual and natural amenities. DNR will complete the report, primarily using existing staff and resources. Staff will conduct a survey of local government units within the Critical Area corridor to obtain first-hand information on the status of critical area plans and ordinances, community perspectives on the program, and ascertain the number and types of variances sought and issued in each community. The DNR, with the assistance of Friends of the Mississippi River and research consultant Dave Dempsey, will convene a stakeholder group to provide input on management issues, to help develop alternative or improved management strategies, and to identify programmatic, statutory or rulemaking requirements or obstacles to improvement.

DNR Report

The report will provide background and discuss roles of the Environmental Quality Board, the Met Council, DNR, and the National Park Service/MNRRA. It will discuss the status of critical area plans and ordinances in each of the communities, and it will include information received from the survey of local units of government. There will be a discussion of issues with the current management scheme, and a discussion of potential management options and the statutory, funding or other changes necessary to implement each.

DNR Study/Report Timeline:

Aug-Sep	Local Government Unit Survey
Oct-Nov	Stakeholder Engagement Process
Dec	Draft Report
Jan	Final Report

Critical Area Stakeholder Engagement Process

FMR is convening a series of stakeholder meetings this Fall to evaluate and generate options for management of the Mississippi River Corridor Critical Area. The input and ideas gathered through this process will be compiled into a written summary for the DNR and incorporated into their report and recommendation to the Legislature.

Stakeholder Group Meetings

The first three meetings, organized by stakeholder group, are being held in late October:

- Local, State and Federal Government
- River Corridor Businesses and Developers
- Environment/Civic Groups and Citizens

During these initial meetings, stakeholders will have the opportunity to share their opinions about the strengths and weaknesses of the Critical Area Program as it is currently administered, as well as possible solutions and alternative management options for protection of the river corridor. Input gathered through group discussion and written feedback forms will be collated for the All Stakeholder Meeting.

All Stakeholder Meeting

A follow-up meeting will be held for all stakeholders groups in early November. The input from the Stakeholder Group Meetings will be collated and presented in draft format for stakeholders to review, discuss and provide additional comments.

Critical Area Stakeholder Meeting Schedule

River Businesses/Developers: Thursday, October 25, 9:00-11:30 a.m.
McKnight Foundation - 710 South Second Street, Suite 400, Minneapolis 55401
Metered street parking or the ramp on 2nd Street is available for $3-5

Environmental/Civic Organizations & Citizens: Tuesday, October 30, 6:30-9:00 p.m.
Neighborhood House - 179 Robie St East – Room 272, St. Paul 55107
Free parking available

Local, State & Federal Government: Wednesday, October 31, 9:00-11:30 a.m.
Neighborhood House – Room 212

All Stakeholders: Wednesday, November 7, 6:30-8:00 p.m.
Neighborhood House – Room 212

For Additional Information:

Visit http://www.fmr.org/projects/critical_area_study or contact Irene Jones at 651/222-2193 ext. 11 or ijones@fmr.org

The FMR-led Stakeholder Engagement Meetings are being funded by the DNR with additional support from the Mississippi River Fund.

FMR Stakeholder Meetings

Attendees and Lists of Contacts

Mississippi River Critical Area Study
Stakeholder Engagement Meeting Participation

GROUP	First Name	Last Name	Organization/Affiliation	Group mtgs	All SH mtg
BOARD	Michelle	Beeman	Dakota County		Nov. 7
BOARD	Peter	Gove	FMR Board	Oct. 31	
BOARD	Hokan	Miller	Upper River Services		Nov. 7
BOARD	Edward	Oliver	FMR Board	Oct. 31	
BUS/DEV	Matt	Anfang	Centex	Oct. 25	
BUS/DEV	Tim	Baylor	JADT Group, LLC	Oct. 25	
BUS/DEV	Bob	Bieraugel	Aggregate Industries	Oct. 25	
BUS/DEV	Chuck	Derscheid	St. Paul Port Authority	Oct. 25	
BUS/DEV	Linda	Donaldson	Brighton Development Corp.	Oct. 25	
BUS/DEV	Chip	Lindeke	Rafferty, Rafferty, Tollefson	Oct. 25	Nov. 7
BUS/DEV	John	Mannillo	Capitol River District Council	Oct. 30	
BUS/DEV	Laurie	Miller	DR Horton Custom Homes	Oct. 25	
BUS/DEV	Gregory	Page	Saint Paul Riverfront Corporation	Oct. 25	Nov. 7
BUS/DEV	Kit	Richardson	Schafer Richardson	Oct. 25	
BUS/DEV	Chris	Romano	Riverview Economic Developmen Assoc	Oct. 25	
BUS/DEV	George	Sherman	Sherman Associates	Oct. 25	
ENV/CIV	Tom	Bell	Grey Cloud Island Township Planning Commission		Nov. 7
ENV/CIV	Sharell	Benson	Sierra Club - North Star Chapter	Oct. 30	Nov. 7
ENV/CIV	Gjerry	Berquist	West Side Citizens Organization Env Committee	Oct. 30	Nov. 7
ENV/CIV	Edna	Brazaitis	Friends of the Riverfront	Oct. 30	Nov. 7
ENV/CIV	Carol	Carey	Historic Saint Paul	Oct. 30	
ENV/CIV	Tom	Dimond		Oct. 30	Nov. 7
ENV/CIV	Jim	Erkel	Minnesota Center for Environmental Advocacy		Nov. 7
ENV/CIV	Joe	Ferrer		Oct. 30	
ENV/CIV	John	Grzybek	Climb the Wind Institute	Oct. 30	
ENV/CIV	Laurie	Hawkins	Hastings Environmental Protectors	Oct. 30	

ENV/CIV	Lisa	Hondros	Nicollet Island - East Bank Neighborhood Assoc.	Oct. 30	Nov. 7
ENV/CIV	Christina	Hong	District 1 Community Council	Oct. 30	Nov. 7
ENV/CIV	Jerry	Kahlert	Sierra Club - North Star Chapter	Oct. 30	Nov. 7
ENV/CIV	Carol	Keyes-Ferrer		Oct. 30	
ENV/CIV	Pat	Kvidera	Marshall Terrace Neighborhood	Oct. 30	
ENV/CIV	Peggy	Lynch	Friends of the Parks and Trails of St. Paul/Ramsey County	Oct. 30	Nov. 7
ENV/CIV	Ciara	Schlichting	Bonestroo	Oct. 31	
ENV/CIV	Shelley	Shreffler		Oct. 30	
ENV/CIV	Laura	Silver	West Bank Community Coalition	Oct. 30	Nov. 7
ENV/CIV	Chuck	Sullivan	Above the Falls Citizen Advisory Committee	Oct. 31	
ENV/CIV	Lyndon	Torstenson	Longfellow Community Council	Oct. 30	
ENV/CIV	Jennifer	Winkelman		Oct. 30	
ENV/CIV	Georgianna	Yantos	Hawthorne	Oct. 30	
ENV/CIV	Grit	Youngquist	Friends of Lilydale	Oct. 30	
GOV	Cliff	Aichinger	Ramsey-Washington Watershed District	Oct. 31	
GOV	John	Burbanks	City of Cottage Grove	Oct. 31	
GOV	Ann	Calvert	City of Minneapolis CPED	Oct. 31	Nov. 7
GOV	Tori	Dupre	Met Council Environmental Services	Oct. 31	
GOV	Chris	Essor	City of South St. Paul Parks and Recreation	Oct. 31	
GOV	Laura	Fernandez	Representing Rep. Rick Hansen	Oct. 25	
GOV	Amy	Geisler	City of Ramsey	Oct. 31	
GOV	Rick	Hansen	MN House of Representatives	Oct. 30	
GOV	John	Hinzman	City of Hastings	Oct. 31	
GOV	Anne	Hunt	City of St. Paul - Office of the Mayor	Oct. 31	Nov. 7
GOV	Mary	Jackson	Dakota County	Oct. 31	
GOV	Craig	Johnson	League of Minnesota Cities	Oct. 31	
GOV	Sheldon	Johnson	Minnesota Legislature	Oct. 31	Nov. 7
GOV	Jason	Lindahl	City of Rosemount	Oct. 31	Nov. 7
GOV	Marilyn	Lundberg	Lilydale City Council	Oct. 31	Nov. 7
GOV	Sue	McDermott	City of Mendota Heights	Oct. 31	

GOV	Michael	McDonough	Leg. Comm. on Minnesota Resources	Oct. 31	
GOV	Erin	Murphy	MN House of Representatives	Oct. 30	Nov. 7
GOV	Lonnie	Nichols	Minneapolis Park & Recreation Board	Oct. 31	
GOV	Patrick	Nunnally	University of Minnesota		Nov. 7
GOV	Molly	Shodeen	MN DNR - Waters		Nov. 7
GOV	Larry	Soderholm	City of Saint Paul - PED	Oct. 31	
GOV	Allan	Torstenson	City of Saint Paul - PED	Oct. 31	Nov. 7
GOV	Rita	Trapp	Hoisington Koegler Group	Oct. 31	
GOV	Harvey	Turner	University of Minnesota	Oct. 31	
GOV	Carol	Zoff	MN DOT Office of Technical Support	Oct. 31	
STAFF-FMR	Whitney	Clark	Friends of the Mississippi River	Oct. 25, 30, 31	Nov. 7
STAFF-FMR	Irene	Jones	Friends of the Mississippi River	Oct. 25, 30, 31	Nov. 7
STAFF-FMR	Ryan	Kane	Friends of the Mississippi River	Oct. 25, 30, 31	Nov. 7
STAFF-FMR	Bob	Spaulding	Friends of the Mississippi River	Oct. 25, 30, 31	Nov. 7
STAFF-GOV	Michele	Hanson	MN DNR - Waters	Oct. 30, 31	Nov. 7
STAFF-GOV	Dale	Homuth	MN DNR - Division of Waters	Oct. 25, 30, 31	Nov. 7
STAFF-GOV	Steve	Johnson	National Park Service/MNRRA	Oct. 25, 30, 31	Nov. 7
STAFF-GOV	Kathy	Metzker	MN DNR - Waters	Oct. 25	Nov. 7
STAFF-GOV	John	Wells	Environmental Quality Board	Oct. 25, 30, 31	Nov. 7
STAFF-GOV	Rebecca	Wooden	MN DNR - Waters	Oct. 30, 31	Nov. 7

Stakeholder Contacts Business/Development

First_Name	Last_Name	Organization
Russ	Adams	Alliance for Metropolitan Stability
Nina	Archabal	MN Historical Society
Tom	Balcom	
Joyce	Barta	Prospect Park East River Rd Imp Assn
Shawn	Bartsh	
Brian	Bates	
Tom	Bell	
Sharell	Benson	Sierra Club - North Star Chapter
Gjerry	Berquist	
Gayle	Bonneville	St. Anthony West Neighborhood
Tim	Boyle & Sharon Wheeler	
Edna	Brazaitis	Friends of the Riverfront
Carol	Carey	Historic Saint Paul
Carolyn	Carr	LCC River Gorge Committee
Valeng	Cha	Hawthorne Area Community Council
Elissa	Cottle	Marcy Holmes Neighborhood Assn.
Rebecca & Scott	Cramer	
Dave	Dempsey	
Elizabeth	Dickinson & Christopher Childs	
Georgia	Dietz	Highland District Council
Tom	Dimond	
Karin	DuPaul	Daytons Bluff Community Council
Larry	Englund	Capitol River Coun./Dist. #17
Roberta	Englund	Webber-Camden Neighborhood Org
Jim	Erkel	MCEA
Jim	Fitzpatrick	Carpenter Nature Center
Meg	Forney & Jon Fagerson	
Katie and Rick	Fournier	
David	Frank	Warehouse Dist./North Loop Neighborhood
Carlos	Garcia Velasco	West Side Citizens Organization
Diane	Gerth	W. 7th / Fort Rd. Federation
Rhoda R.	Gilman	
Dennis	Gimmestad	State Historical Preservation Office
Carol & Rick	Greenwood	Seward Neighborhood Group
John	Grzybek	
Michael	Guest	
Rick & Suzanne	Hansen	
Karen and Scott	Harder	

Stakeholder Contacts Business/Development

First_Name	Last_Name	Organization
Laurie	Hawkins	Hastings Environmental Protectors
Theresa	Heiland	Merriam Park Community Council
Phil	Heywood & Paula Vollmar	
Harland	Hiemstra	
Jill	Hirons Maraist	Capital River Council/Dist. #17
Michelle	Hoffman	
Tony & Diane	Hofstede	
Lisa	Hondros	Nicollet Island - East Bank Neighborhood Assoc.
Christina	Hong	District 1 Community Council
Louise	Hotka and Jill Meyer	
Joshua	Houdek	Sierra Club - North Star Chapter
Amy L.	Hubbard	Irwin Andrew Porter Foundation
Steve	Hunstad	St Paul Park City Council
Ed	Johnson	West Seventh - Fort Road Federation
Frank	Jossi	Sierra Club - North Star Chapter
Jerry	Kahlert	
Donald and Phyllis	Kahn	
Deborah	Karasov	Great River Greening
Tecla	Karpen	
John	Kerwin	
T.K. & Jan	Kilton	PPERRIA
Rosemary	Knutson	
Ron	Kroese	McKnight Foundation
Pat	Kvidera	Marshall Terrace Neighborhood
Craig	Larson and Beverly Gerdes	
Kurt	Leuthold	Steven Leuthold Family Foundation
Amy	Luesebrink	Lind-Bohanon Neighborhood Assoc.
Don	Luna	WSCO
Margaret	Lund and Chris Steller	
Peggy	Lynch	Friends of the Parks St. Paul and Ramsey County
Mary Jamin	Maguire	Marshall Terrace Neighborhood
Sheldon	Mains	
Jack	Maloney	
Jill	Maraist	
Judith	Martin	

First_Name	Last_Name	Organization
Judith	Martin	University of Minnesota - Urban Studies
Melissa	Martinez-Sones	Macalester Groveland Community Council
Matt	Massman	
Bonnie	McDonald	Preservation Alliance of Minnesota
Kevin	McDonald	
Dan	McGuiness	National Audubon Society
Diana	McKeown	
Debbie	Meister & Gene Christenson	
Chris	Morris	McKinley Neighborhood
Steve	Morse	
Erin	Murphy	MN House of Representatives
Laura	Musacchio	
Paulette	Myers-Rich	W. 7th / Fort Rd. Federation
Julia and Brian	Nerbonne	
Tim & Lara	Norkus-Crampton	
Katie	Nyberg	Mississippi River Fund
Hillary	Oppmann & Andy Holdsworth	
Sage	Passi	
Cordelia	Pierson	The Trust for Public Land
Fred	Poehler	
Dave	Polaschek	
Michael	Prichard	
Jane	Prince	
Sherrie	Pugh Sullivan	NRRC
Jack	Ray	
Jack	Ray	Urban Boatbuilders
Dean	Rebuffoni	
Judy	Richardson	
Christie	Rock-Hantge	Downtown Minneapolis Neighborhood Assn
Mike	Romens	
Robert and Sally	Roscoe	
Shelley	Shreffler	
Laura	Silver	West Bank Community Coalition
KT	Simon-Dastych & Gerald Dastych	
Jack	Skrypek	
Bob	Spaulding	Capitol River Coun./Dist. #17
Siah	St. Clair	Springbrook Nature Center
Kathy	Stack	
Chris	Steller	
John	Stiles & Javier Morillo-Alicea	
Erin	Stojan	
Chuck	Sullivan	

First_Name	Last_Name	Organization
Carol	Swenson	
Peck	Tierney	
William L.	Tilton	Miss. Whitewater Park Dev. Corp.
Lyndon	Torstenson	
Ted	Tucker	
Christine	Viken	
Joyce	Vincent	
Scott	Vreeland & Lorie Bergstrom	
Peter	Wagenius	
Bernie	Waibel	Seward Neighborhood Group
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Walter and Sue	Waranka	Dayton's Bluff Community Council
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Michael	Prichard	
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Jack	Ray	Urban Boatbuilders
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Erin	Stojan	
Chuck	Sullivan	

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Georgianna	Yantos	Hawthorne Area Community Council
Grit	Youngquist	
Dave	Zumeta	
		Nicollet Island - East Bank Neighborhood Assoc.
		Sheridan Neighborhood Organization

Stakeholder Contacts Government

First_Name	Last_Name	Organization	
Jim	Abeler	MN House of Representatives	
Cliff	Aichinger	Ramsey-Washington Watershed District	
Joe	Atkins	MN House of Representatives	
Karla	Bigham	MN House of Representatives	
Larry	Bodahl	City of Newport	
John	Burbanks	City of Cottage Grove	
Ann	Calvert	City of Minneapolis CPED	
Satveer	Chaudhary	MN Senate	
Richard	Cohen	MN Senate	
Sandra	Colvin Roy	Minneapolis City Council	
Greg	Copeland	City of Maplewood	
John	Cox	City of Champlin	
Jim	Danielson	City of Mendota Hts.	
Mike	Davis	MN DNR	
Jim	Davnie	MN House of Representatives	
Denise	Dittrich	MN House of Representatives	
Augustine "Willie"	Dominguez	MN House of Representatives	
Mark	Doneux	Capitol Region Watershed District	
Tori	Dupre	Met Council Environmental Services	
Sandy	Fecht	MN DNR - Waters	
Leo	Foley	MN Senate	
Matt	Fulton	City of Coon Rapids	
Pat	Garofalo	MN House of Representatives	
Kate	Garwood	County of Anoka	
Amy	Geisler	City of Ramsey	
Chris	Gerlach	MN Senate	
Lisa	Goodman	Minneapolis City Council	
Cam	Gordon	Minneapolis City Council	
Steve	Gordon	St. Paul PlannignCommission	
Rick	Hansen	MN House of Representatives	
Michele	Hanson	Department of Natural Resources	
Scott	Harlicker	City of Coon Rapids	
Pat	Harris	Saint Paul City Council	
Becky	Herman	Denmark Township	
Scott	Hickok	City of Fridley	
Linda	Higgins	MN Senate	
John	Hinzman	City of Hastings	
Brad	Hoffman	City of Brooklyn Center	
Diane	Hofstede	Minneapolis City Council	
Dale	Homuth	MN DNR - Division of Waters	
Melissa	Hortman	MN House of Representatives	
Steve	Hunstad	Saint Paul Park City Council	
Anne	Hunt	City of St. Paul - Office of the Mayor	
Craig	Johnson	League of Minnesota Cities	
Sheldon	Johnson	Minnesota Legislature	
Steve	Johnson	MNRRA	
Barbara	Johnson	Minneapolis City Council	
Sheldon	Johnson	MN House of Representatives	

Stakeholder Contacts Government

First_Name	Last_Name	Organization	
Michael	Jungbauer	MN Senate	
Phyllis	Kahn	MN House of Representatives	
Barbara	Kienberger	Ravenna Township	
Steven	King	City of South St. Paul	
Robert	Kirchner	City of Anoka	
Judith	Krupich	Nininnger Twp	
Carolyn	Laine	MN House of Representatives	
Dick	Lambert	MNDOT	
Kathy	Lantry	Saint Paul City Council	
Dan	Larson	MN Senate	
Cara	Letofsky	City of Minneapolis - Office of the Mayor	
Warren	Limmer	MN Senate	
Kim	Lindquist	City of Rosemount	
Thomas	Link	City of INver Grove Heights	
Diane	Loeffler	MN House of Representatives	
Marilyn	Lundberg	Lilydale City Council	
Greg	Mack	Ramsey County Parks and Rec.	
Carlos	Mariani	MN House of Representatives	
Sue	McDermott	City of Mendota Heights	
Michael	McDonough	Leg. Comm. on Minnesota Resources	
Tom	McDowell	Hennepin Parks-Natural Resources Mgmt.	
Denny	McNamara	MN House of Representatives	
James	Metzen	MN Senate	
Matt	Moore	S. Washington Watershed District	
Jan	Morlock	Office of University Relations	
Pat	Mosites	Metropolitan Airports Commission	
Mee	Moua	MN Senate	
Joe	Mullery	MN House of Representatives	
Erin	Murphy	MN House of Representatives	
Lonnie	Nichols	Minneapolis Park Board	
Patrick	Nunnally	U of M Mississippi River Initiative	
Dennis	O'Donnell	Washington County Planning and Zoning	
Joan	Olin	City of Mendota	
Dennis	Ozment	MN House of Representatives	
Sandra	Pappas	MN Senate	
Pat	Pariseau	MN Senate	
Michael	Paymar	MN House of Representatives	
Joyce	Peppin	MN House of Representatives	
Jeff	Perry	Anoka County Parks	
Lawrence	Pogemiller	MN Senate	
Jennifer	Ringold	Minneapolis Park Board	
Don	Samuels	Minneapolis City Council	
Ciara	Schlichting	Bonestroo	
Paul	Schoenecker	Grey Cloud Island Township Board	
Scott	Schulte	City of Champlin	

Stakeholder Contacts Government

First_Name	Last_Name	Organization	
Cindy	Sherman	City of Brooklyn Park	
Katie	Sieben	MN Senate	
Barry	Sittlow	City of St. Paul Park	
Linda	Slocum	MN House of Representatives	
Kristina	Smitten	MFRA	
Douglas	Snyder	Mississippi WMO	
Larry	Soderholm	City of Saint Paul - PED	
Barbara	Sporlein	City of Minneapolis Planning Dept	
Sarah	Strommen	Ramsey City Council	
Erin	Stwora	City of Dayton	
Steve	Sullivan	Dakota County Parks and Rec	
Lucy	Thompson	City of Saint Paul - PED	
Erik	Thorvig	City of Anoka	
Dave	Thune	Saint Paul City Council	
Patricia	Torres Ray	MN Senate	
Allan	Torstenson	City of Saint Paul - PED	
Patrick	Trudgeon	City of Ramsey	
Libby	Ungar	Fresh Energy	
Ron	Warren	City of Brooklyn Center	
Bernard	Weitzman	City of Lilydale	
Rebecca	Wooden	MN DNR - Waters	
Carol	Zoff	MN DOT Office of Technical Support	
Brian	Zweber	City of Rosemount	

FMR Stakeholder Meetings

Cover Letters

October 8, 2007

First Name Last Name
Organization
Address
City State Zip

Dear (First Name):

Last Spring the State Legislature directed the Department of Natural Resources (DNR) to evaluate the effectiveness of the Mississippi River's 30-year old designation as a state critical area, and make recommendations about how to protect the natural and scenic qualities of the river corridor by February 1, 2008.

Friends of the Mississippi River (FMR), a citizen-based organization that works to protect and enhance the Mississippi River in the Twin Cities, is coordinating the stakeholder input process for the DNR study, with the goal of engaging local and state government officials, local businesses and developers, environmental and civic organizations, and interested citizens in a discussion about the Mississippi River Critical Area Program.

You are invited to participate in any or all of the community stakeholder engagement meetings coming up in the next few weeks.

DNR Critical Area Study Stakeholder Meetings

River Businesses/Developers: Thursday, October 25, 9:00-11:30 a.m.
McKnight Foundation - 710 South Second Street, Suite 400, Minneapolis 55401
Metered street parking or the ramp on 2nd Street is available for $3-5

Environmental/Civic Organizations & Citizens: Tuesday, October 30, 6:30-9:00 p.m.
Neighborhood House - 79 Robie St East – Room 272, St. Paul 55107
Free parking available

Local, State & Federal Government: Wednesday, October 31, 9:00-11:30 a.m.
Neighborhood House – Room 212

All Stakeholders: Wednesday, November 7, 6:30-8:00 p.m.
Neighborhood House – Room 212

Stakeholders will have the opportunity to share their opinions about the strengths and weaknesses of the Critical Area Program as it is currently administered, as well as possible solutions and alternative management options for protection of the river corridor.

The format of the stakeholder engagement process is to hold three meetings in late October organized by stakeholder categories (see above). The input from these three meetings will be collated and presented in draft format at a meeting for all stakeholders in early November.

All the comments and responses from stakeholders will be compiled for the DNR by the end of November, and summarized in their final report to the Legislature.

For additional information about the study and the Mississippi River Critical Area Program, the study or the stakeholder engagement process, including directions to the meetings, please visit FMR's website at www.fmr.org on or after October 15. Questions may be directed to FMR outreach director, Irene Jones at 651/222-2193 ext. 11 or ijones@fmr.org.

Please RSVP for one or both of the meetings by contacting Ryan Kane at FMR: 651/222-2193 ext. 10 or rkane@fmr.org.

We look forward to your involvement!

Sincerely,

Whitney L. Clark
Executive Director

October 8, 2007

First Name Last Name
Organization
Address
City State Zip

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St. Paul, MN 55107

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Executive Director

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Executive Director

FMR Stakeholder Meetings

Agendas and Notes

Mississippi River Critical Area Study Stakeholder Meetings

SYNTHESIS: strengths and weaknesses with general agreement and potential solutions for resolving issues and weaknesses

Mississippi River Resource

Strengths

- Improved water quality
- More parks and public access
- Industrial land uses are declining

Weaknesses

- Increased development pressure
- Scenic values, especially bluffs are threatened
- Polluted sites need attention
- Historic/cultural resources need more attention
- Habitat improvement, native plants and vegetation management need funding and technical support

Other Realities

- Metro area is growing, urbanizing
- Stormwater impacts are from well beyond corridor

Potential Strategies/Solutions

- Coordinate survey of corridor resources, especially visual/scenic resources
- Provide funding for LGUs for corridor enhancements and open space acquisition
- Ask Congress to fully fund MNRRA grant program
- Develop long-term vision for corridor, especially dealing with urbanization and how this stretch of the river relates to tributaries, watersheds, river segments and development patterns north and south of the corridor

Executive Order 79-19

Strengths

- Purpose, intent, unique identity
- Designation boundary (mostly)
- MNRRA designation/partnership

Weaknesses

- Vague, general, resource and key terms not well defined
- Static, outdated, numerous and sometimes conflicting goals
- District boundary change process is unclear

Potential Strategies/Solutions

- Keep critical area framework, intent
- Write new legislation for critical area that includes definitions and minimum standards
- Write critical area rules to create more specificity, improve definitions
- Establish or rank priority resource values
- Examine designation boundary and district boundaries and propose process for making changes

Local Government Role

Strengths

- Local values and landscapes are reflected in plans and ordinances customized to each community

Weaknesses

- Complex process, not well understood,
- Inconsistencies between and within cities, process is too often political
- Outdated ordinances and lack of clear, consistent dimensional standards
- Local units bear responsibility to implement regional and national goals

Potential Strategies/Solutions

- Outreach, education and technical assistance for LGU staff/public officials and citizens
- More early input from DNR and other stakeholders on development projects
- Coordinate survey of corridor resources, especially visual/scenic resources
- Local units update ordinances with DNR and NPS assistance
- Write critical area rules to ensure consistency between cities

DNR Role/Program Enforcement

Strengths

- DNR has authority over plans, plan amendments and ordinances

Weaknesses

- Lack of authority and oversight of projects and variances
- Lack of enforceable minimum standards
- Limited staffing, money and low priority within department
- No alternative to court action if city permits projects that violate law

Potential Strategies/Solutions

- Write rules for critical area
- Give DNR authority to certify variances (through rule)
- Establish technical panel to act as an appeal board (like WCA)
- Combine with shoreland or wild/scenic to streamline staffing, rule making, enforcement
- Establish joint powers board to oversee project review

Program Home

Strengths

- DNR has staff, expertise and systems in place for river and resource management

Weaknesses

- Limited expertise in historic resources, cultural landscapes
- Limited staff/funds available to do outreach and/or enforcement

Potential Strategies/Solutions

- Keep program home at DNR
- Consult with other agencies, especially MNRRA, Met Council and SHPO
- Fund additional staff, outreach, etc.

Mississippi River Critical Area Study Stakeholder Group Meetings
Preliminary Potential Management Options

A. <u>Eliminate Mississippi River Critical Area designation</u>
If the Mississippi River critical area designation were eliminated through legislative repeal, the corridor would still be subject to state shoreland rules, administered by DNR. Shoreland covers 300 to 1,000 feet from the river, so some blufflands might not be protected.

B. <u>Maintain existing Mississippi River Critical Area program</u>
The program would not change and it would continue to be administered with current levels of staffing and funding.

C. <u>Enhance Mississippi River Critical Area program</u>
Enhancing the critical area program could include increased DNR staffing, outreach and education, technical support and/or other resources for local communities. It could also include rulemaking for critical area, which might require legislative action. Any enhancements, including rulemaking, would require additional appropriation of funds.

D. <u>Change and /or move metro river corridor protection</u>
Changing river protection to a new or existing program and/or moving it to a different state agency would require action of the Governor or Legislature. Possible options:
- *Move to a different existing management framework within DNR*
Management of the metropolitan Mississippi River corridor could move to a different program within DNR, such as Shoreland or Wild and Scenic Rivers. New legislation might be required if a new class of river were to be included in an existing program.
- *House the Critical Area program elsewhere*
The Mississippi River critical area program could move to a different state agency, such as the Environmental Quality Board (EQB), Each of these options would require legislative action.
- *Change corridor protection program AND house program in a different agency*
- *Create new program or agency*
A new river corridor program or agency could be established through legislation to manage the metro reach of the Mississippi. Another example would be to establish a new joint powers organization to provide some level of oversight.

E. <u>Other ideas from stakeholders…</u>

Mississippi River Critical Area Study Stakeholder Engagement
Summary of Key Options for All-Stakeholder Meeting

Potential Solutions with General Agreement

Keep critical area framework
The intent of the original corridor designation – to conserve the corridor's natural, historical, cultural, economic and other resources – remains valid. The framework is unique and well suited to a corridor of local, regional, statewide and national significance.

Continue to house program at DNR
DNR has staff, expertise and systems in place for management of rivers and natural and scenic resource. The program should stand on its own merits and work wherever it is housed.

DNR to regularly consult with other agencies
DNR has limited expertise in historic and cultural resources that is needed to protect all of the values of the program and the agency would benefit from consultation with agencies that have such expertise.

Strengthen partnership with MNRRA
The Mississippi National River and Recreation Area brings staff resources and expertise as well as status and notoriety, and potentially congressional appropriation of funds.

Increase funding for state and local implementation
Additional funding is needed to assure the program works well for the interests of both development and conservation.

Provide outreach, education, technical assistance
Additional outreach, education and technical assistance to developers, local governments and citizens in critical area corridor communities are needed to ensure they have the tools and understanding to implement the law.

Survey and document scenic and cultural resources
A clearer definition, understanding, and if possible, agreement of the scenic and cultural resource values to be protected and state-of-the-art methods for doing so is needed. The National Park Service has a process for surveying and evaluating views that could be implemented for the MNRRA corridor.

Set priorities among critical area goals
The Mississippi River critical area program calls for protection of natural, cultural, historical, scenic, recreational and economic resources of the corridor—goals which can be in conflict with each other. Should values protected by the critical area designation be ranked within different river reaches and if so, how and by whom?

Establish process for early input on development proposals
Early involvement of DNR in discussion with local governments and developers of the design of corridor projects would help forestall some conflicts and lead to better decisionmaking.

Hold annual stakeholders meeting; annual report
An annual report on the implementation of the program (# of land use changes and variances), state of the resource, key issues, and/or an annual meeting of corridor communities and stakeholders could improve program understanding and accountability.

Potential Solutions with Opinion Differences

Regulatory Framework

State Rules: Minimum standards, definitions and authorities of local and state government would be established through critical area rulemaking.
New Legislation: New legislation could include definitions, and set a direction for minimum standards. It is likely that rules would follow.
Update Local Ordinances: Under the current model, local units could update their ordinances so that regulations are updated and consistent with critical area goals. A model critical area ordinance has already been developed by MNRRA.

Regulation Standards

Dimensional: Provides consistency through standards for heights, setbacks, slopes etc. that are numerical and are straightforward to measure/understand/enforce, but does not well accommodate differences in local conditions.
Performance: Provides flexibility through standards that require specific goals are met, such as preservation of scenic views, maintaining a natural shoreline/buffer or preventing erosion. These standards can be subject to debate and difficult to enforce.
Combination: Combines dimensional and performance standards to allow flexibility where it is most needed or logical.

Land Use Decision Oversight

Some mechanism for oversight of variances granted by local corridor communities would increase resource protection.

Technical Review Panel/Appeal Board: An appeal board could help resolve and de-politicize some contentious variance disputes and provide corridor-wide and technical perspective. If modeled after the wetland conservation act, the panel would be made up of experts in relevant fields. It could also include seats for the regional/state agencies, MNRRA and other stakeholders.
Variance Certification: Generally authorized through rule, variance certification gives the DNR the authority to deny project variances granted at the local level. The Wild & Scenic Rivers program has variance certification, Shoreland rules do not.
Local Control/Authority: Under the current model, local units have authority over variances, but are required to notify/consult with DNR. If DNR disapproves, they could take a local unit to court.

Boundary Amendment Process

Some stakeholders believe methods of altering the boundaries of the four land use districts within the corridor should be explored to take into account rural-to-urban transformation, contiguous natural resources, streams and watersheds, and other factors, while other stakeholders believe the intent of the program was to preserve the character of the resources as they existed at the time of the program's inception, and thus changes in land use districts may not be desirable.

Corridor Boundary: linear boundary that runs parallel to the river

Corridor Districts: boundaries between the four critical area districts: urban diversified, urban developed, urban open space and rural open space

Mississippi River Critical Area Study Stakeholder Engagement
Overview and Stakeholder Input: River Businesses and Developers
October 25, 2007 • 9:00-11:30 a.m.

Agenda

Welcome and Introductions – Whitney Clark, FMR executive director (5)

MNRRA Connection – Mississippi National River and Recreation Area staff (5)

Overview of Critical Area Study – Dale Homuth, Department of Natural Resources (5)

Overview of Stakeholder Engagement Process – Irene Jones, FMR outreach director (5)

Critical Area Program Strengths and Weaknesses – Irene (55)

- Executive Order 79-19: critical area law, language, intent, authorities
- Condition and significance of corridor resources today
- Local government planning and enforcement
- DNR oversight and enforcement
- MNRRA role
- Standards and guidelines
- Boundaries
- Other ideas from stakeholders

BREAK (10)

Potential Solutions and Management Options - Whitney (60)

A. Eliminate Mississippi River Critical Area designation
B. Maintain existing Mississippi River Critical Area program
C. Enhance Mississippi River Critical Area program
D. Move Mississippi River Critical Area Program to different agency
E. Change metro river corridor protection to a different DNR program
F. Change corridor protection program AND move to different agency
G. Create new program or agency
H. Other ideas from stakeholders

Wrap-up and Next Steps – Whitney (5)

Special Thanks to the McKnight Foundation for providing meeting space and beverages.

Mississippi River Critical Area Study Stakeholder Engagement
Overview and Stakeholder Input: Environmental/Civic Groups & Citizens
October 30, 2007 • 6:30-9:00 p.m.

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Welcome and Introductions – Whitney Clark, FMR executive director (5)

MNRRA Connection – Mississippi National River and Recreation Area (5)

Overview of Critical Area Study – Rebecca Wooden, Department of Natural Resources (5)

Overview of Stakeholder Engagement Process – Irene Jones, FMR outreach director (5)

Critical Area Program Strengths and Weaknesses – Irene (55)

1. Executive Order 79-19: critical area law, language, intent, authorities
2. Condition and significance of corridor resources today
3. Government roles, oversight and enforcement: Local, DNR, MNRRA
4. Standards, guidelines, districts and boundaries
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October 31, 2007 • 9:00-11:30 a.m.

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Mississippi River Critical Area Study Stakeholder Engagement
All Stakeholder Review Meeting
November 7, 2007 • 6:30-8:30 p.m.

__Agenda__

Welcome and Introductions – Whitney Clark, FMR executive director (10)

Summary of Stakeholder Group Meetings, Participants and Documentation - Irene Jones, FMR outreach director (10)

Potential Solutions with General Agreement - Irene (10)

Potential Solutions with Opinion Differences – Whitney (15)

BREAK (10)

Regulations - Whitney (10)

- **State Rules**
- **New Legislation**
- **Ordinance Updates (current system)**

Standards - Whitney (10)

- **Dimensional**
- **Performance**
- **Combination**

Oversight - Whitney (10)

- **Technical Review Panel/Appeal Board**
- **Variance Certification**
- **Local Control/Authority**

Corridor Boundary Amendment Process – Irene (10)

- **Yes, through legislation or executive order**
- **Yes through rules administered by DNR**
- **Yes, by critical area plan amendment with DNR approval**
- **No, never**

District Boundary Amendment Process – Irene (10)

- **No, districts meant to be permanent**
- **Yes, but only to a more protective district**
- **Yes, districts meant to change with urban growth**

Preference Setting – Dot Democracy – Irene (10)

Closing Comments – Whitney (5)

Mississippi River Critical Area Study Stakeholder Meeting Notes

River Businesses and Developers • October 25, 2007

STRENGTHS AND WEAKNESSES

Executive Order 79-19

- There could be more about economic development
- There should be more clarity about the overarching purpose of 79-19

Condition of River Resource

- Some areas are becoming more natural
- Other areas are being developed
- We are evolving our pollution standards to keep up with the challenges of a new era
- Condition of river is improved. Leaders are more aware of the river, but we must continue to be diligent
- There are more stewards. The resource is more valuable today. It has attracted more development as a result.
- More public use of river, more recreational use, more attention on the river.
- Improved water quality
- Today's fears about river more diffuse.
- Different issues in the downtowns.
- Cleaner river has made river more attractive
- More culturally diverse river users
- River is multi-modal – mixed use. Should continue to move toward mixed uses – passive and active, industry and recreation.
- There are more government programs, but less government resources to aid development.

Government Oversight

- We need clear and defined expectations about what cities should permit, and reduce the dissonance between communities.
- Leave local flexibility at same time – acknowledge differences between communities.
- Critical Area only as good as weakest link. Yet local management and enforcement is desirable – we need more clarity in the rules in standards.
- Local units lack the resources to adequately enforce and manage the Critical Area.
- Local control is preferred for permitting.
- Local planning and enforcement is good
- Minneapolis Critical Area Plan / Zoning is clear. It is important to have local control. Conditional Use Permitting Process allows for flexibility.
- Local values should be reflected. Local control provides for this
- Developers like consistency. Without it decisions are subject only to politics. There should be an overarching rule.
- St. Paul chose to utilize all four districts to provide flexibility. Tried to be as specific & finite as possible
- Lack of definition of view protection.

- Critical Area zoning can be constraint or enhancement. Can create value – affects value of property. That's why developers like clarity and consistency.
- Lots of complexity makes it hard to understand.
- St. Paul Park – DNR appearing to be on both sides of AUAR
- How does state's Environmental Review relate to the Critical Area?
- Historic and cultural resources don't always get adequate protection
- Some historic and cultural regulations need revision
- There is challenge of inconsistency on standards within a city.
- Want to know expectations and goals up-front.

POTENTIAL SOLUTIONS AND MANAGEMENT OPTIONS

Eliminate MR Critical Area designation/(revert to current shoreland law)
- Possible overlap with MNRRA might provide justification for that
- Not elimination but redefinition, change in implementation

Maintain Existing Critical Area Program
- Better than elimination
- Program has need for refinement, reevaluation
- Leave specifics of zoning regulations to cities, but definition of geography (bluff, river's edge) could be standardized.

Enhance Critical Area Program
- Funding for key initiatives needed:
    - Communication/Education
    - Cleanup/assistance to developers, others
    - Protection of natural spaces, trails, etc.
- More technical and scientific support needed across system for definition of key Critical Area features
- Critical Area should define geographic features (bluff and setback, for example), while local municipalities define zoning and dimensional standards to their needs
- Add some definitional clarity to the more "amorphous" environmental assets
- Process: one approach is to define a process to help provide predictable path toward resolution on the amorphous issues

Change and/or Move Critical Area
- Ensure consistency among regulatory frameworks as much as possible
- Move to Wild & Scenic Rivers?
- More important to give DNR needed resources than to move or combine with others.
- Needs updating but not fundamentally broken, so maintain and enhance but do not change this radically
- Streamline and consolidate
- There may be other programs that need retooling to work better alongside Critical Area
- We've got a resource, don't ruin it!
- Without key protections, we're at risk of loving resource to death.

Mississippi River Critical Area Study Stakeholder Meeting Notes

Citizens and Environmental/Civic Organizations • October 30, 2007

STRENGTHS AND WEAKNESSES

Executive Order 79-19

- Language is too general
- Many ecological functions not addressed – should be more specific
- Purpose is to protect for the future
- Interim guidelines add valuable specificity – goals are overbroad. The principles are good. It is meant to be a first step.
- Purposes are not prioritized. How do conflicts between them get resolved?
- Aesthetic values should apply both to and from River

Condition of River Resource

- Water quality is improved
- Protection of land (bluffs) sufficient to safeguard resource
- Water quality is still an issue
- Mississippi River is our commons. There is still lots of tension over public versus private values
- How do we gauge the impact on River as decisions present themselves, for example the Ford Dam?
- Toxics impacts are still emerging: PFOS, mercury, PCBs
- Wildlife is coming back – eagles, otters, mussels
- Cultural resources still very threatened particularly because River has become popular.
- Many landowners don't appreciate the regional significance of their property. More education is needed.
- Non-point runoff impacts on river originate far beyond corridor. Need to have flexible protections.
- Need more emphasis on opportunities for enhancement

Government Oversight

- Local decisions have regional or statewide impact, and are not protective enough of the resource.
- LGUs help landowners get around provisions; there is insufficient attention to the standards
- Consistency: from LGU to LGU and over time within cities. Could we set standards that hold their direction?
- Railroads play by different rules
- Developers can overwhelm the process
- In Minneapolis, the staff get it but the elected officials don't. There is not a real commitment to the Critical Area. The way CA plays out is too political
- There is an insufficient stick (lack of authority) to enforce CA guidelines, for example the new development in Minneaplis at Lake and W. River Pkwy.
- Too many variances, not enough enforcement

- No citizen suit provisions. If state/AG won't enforce, we're out of luck.
- Some projects are built without consulting LGU
- Suggestion: Annual performance evaluation of success
- Citizen activism and advocacy is needed to uphold standards. CA isn't enough by itself.
- Corridor land-use approach is insufficient to address water quality problems
- Need to address inconsistency.
- Aesthetics/scenic values are most endangered
- Need more work to define and protect historic resources.
- Are we trying to do too much in urban diversified districts?
- Must be some kind of state or federal oversight
- Natural areas and habitat not well-addressed by Critical Area
- Could WDs or WMOs be given more authority over corridor resources?
- Not enough funding for the Critical Area. Need stable funding source
- When redevelopment occurs, need process to re-publicize land
- Need to make critical area landowners aware of critical area and benefits they enjoy
- Counties – property tax statement should state that property is within critical area with link to the website.
- Economics too often overpowers decisions

POTENTIAL SOLUTIONS AND MANAGEMENT OPTIONS

Eliminate MR Critical Area designation/(revert to current shoreland law)

- Bad idea

Maintain Existing Critical Area Program

- Need more resources, not less
- Bad idea

Enhance Critical Area Program

- Need common definitions across Critical Area
- Need specific requirements, clear goals, support mechanisms, advocacy organization/coordination
- Citizen advisory role

Change and/or Move Critical Area

- Critical Area stamp holds possibility as funding, educational tool
- Educational outreach to city staff, councils, commissions
- Link Critical Area plan to other regional and area plans more deeply
- Tie incentives to good behavior
- Utilize exiting networks to reach municipal officials
- Boundaries reviewed, adjusted Pilot Knob example.
- Reach out to architects and developers
- How do we prioritize the goals of Critical Area when applied to specific cases? A process, or will goals be prioritized in document?

- Don't want program abolished. Where it is housed is not the issue. The program must stand alone.
- The program needs more money, and stronger enforcement
- Investigate the use of a levy authority to raise the money for the program
- Look at extending the Critical Area boundaries up contributing creeks and watersheds.
- Look at developing possible LEED-style standards for river projects

- We need more of a carrot in terms of funding, not just a regulatory stick
- We need a lead group across the river
- We need more structure for whole corridor to talk about issues
- There is risk in legislative reorganization ending up with a result that weakens, not strengthens program
- Could take some regulatory authority from wilde and scenic rivers, and existing shoreland program
- Solution might be to take the best pieces of authority from other similar programs and give it to the Critical Area Program in the DNR
- Add authority within the DNR
- Change scope to increase communications among jurisdictions
- Give the Mississippi River the stature it deserved
- DNR's field staff has been advantage over housing in the EQB.
- The diversity of staff expertise is an advantage of DNR
- Cultural and historic knowledge is one missing area of expertise within DNR, but the NPS does have that.
- Performance incentives should be tied to some standards for development, such as the river-focused LEED suggestion.
- Definitions across the Critical Area should be in statute/rules – bluff features and wetland, for example.
- We need someone who assesses each project's compliance with Critical Area in the organization where Critical Area is housed.
- Watershed Districts and WMOs need to have more stake in the CA Program
- In terms of changing the four district types defined within the Critical Area, cities want some autonomy, but across-the-board regulations would be beneficial
- The idea of a joint powers board not ideal, given the way it has functioned in the headwaters area.
- A private right to legal action would strengthen program, as would possible waiver of the 60-day rule for specific projects.
- There needs to be more clarity/rules on under what circumstances a non-conforming use can be re-established.
- Should the DNR be given variance certification authority for the Critical Area? It would build a record to help guide future development decisions.
- Cities could better define viewsheds in their planning documents (though the challenge of multiple municipalities having a stake in a view complicates matters).

Mississippi River Critical Area Study Stakeholder Meeting Notes

Local and State Government • October 31, 2007

STRENGTHS AND WEAKNESSES

Executive Order 79-19

- Executive Order 79-19 has a lot of strengths
- Critical area very important tool to protect and enhance resources
- Executive order is static – doesn't evolve well
- Need clarity on if critical area districts intended to remain static
- 30 years later amazing we're still debating this – do we need another approach?
- Many assets or resource values are subject to protection, but often unclear how to resolve conflicting rules; awkward blending of many goals – do they all fit?
- Need to be clearer about priorities to help resolve conflicting goals

Condition of River Resource

- Increasing pressure on resource – bluffs are threatened
- We've done well protecting historic structures, not as clear how to protect cultural landscapes
- Much land has been converted to parks
- Not enough emphasis on native plants and habitat protection
- Working river – commercial use is changing; especially upstream of the Minnesota River
- Less industrial land use in corridor; still lots of polluted land
- Water quality is improving, but stormwater still a big issue – erosion, floatables
- Water quality issues very different than 30 years ago

Government Oversight

- Need to get critical area on a firm legal footing
- Need a clear definition of what we are trying to protect
- DNR has not made critical area a priority; leadership lacking
- Need consistency, funding, leadership; elected officials need to understand the resource and be brought in long term
- Education not enough; need state enforcement
- Specific developments come with political pressure – DNR doesn't have authority or tools to address projects
- Met Council 2030 policy document doesn't include critical area, but local planning handbook does; role is planning and plan review, not zoning ordinance review
- LGUs need better process for getting early input to shape early decisions related to proposals
- Lack of consistency/uniformity from city to city
- Critical area very hard to administer; lack of clarity, specificity
- Big difference between plans and ordinances – difficult to balance different interests and address new development patterns in the rural open space district (Ramsey)
- Critical area issues can take up a lot of LGU time
- Stronger state regulations would relieve LGU pressure, but fear that regs will make riverfront unbuildable

- Lots of discretion at LGU level results in some tension
- Small cities lack staff/expertise – rely on state to enforce; need leadership and guidance;
- Vegetation management is very difficult for LGUs to regulate and enforce
- 60-day rule creates liability for needed turnaround time

Standards, Guidelines, Boundaries
- Need consistent definitions (bluff, setback)
- How to balance regional goals vis-à-vis urbanization with river resource protection
- Rural open space district in conflict with MUSA line
- Cottage Grove – some parts of almost a mile from river
- St. Paul – some places corridor is too narrow, especially the upper gorge

Outreach/Education/Technical Assistance
- Lots of outreach/education did occur during 1998 comp plan updates
- Public and local officials aren't familiar with critical area today
- Most staff don't understand critical area; need regular updates and briefings to staff/electeds
- New technologies should be used to protect visual quality
- More tools needed for property owners within critical area
- Landowners don't understand how they benefit from critical area

Questions/Other
- What is regional context of critical area?
- Could critical area be combined with or rolled into shoreland program?
- Critical area should not interfere with redevelopment of historic and cultural areas (Hastings)
- Developers want certainty

POTENTIAL SOLUTIONS AND MANAGEMENT OPTIONS

Eliminate MR Critical Area designation/(revert to current shoreland law)
- Presence of MNRRA is powerful argument for keeping critical area
- Executive order is not up to date and elimination might be a good idea
- Some communities are not in shoreland
- Difference between shoreland and critical area: boundaries differ, blufflands in critical area, shoreland is 300 ft from river; shoreland has dimensional standards in rule, critical area has performance standards
- Add a chapter to shoreland rules about critical area
- If eliminated, LGUs could still implement protection
- Eliminating or re-naming critical area could influence trust issues with folks who use/rely on it

Enhance Critical Area Program

State rules/ authorities

- Give DNR comparable authority to St Croix Wild & Scenic and the resources to implement it
- Critical Area – put into statute and/or write rules – DNR has oversight and LGU knows minimum standards
- Need established rule on state level with minimum standards under one agency

Enforcement

- Enforcement needed, especially regarding variances; combination of rules, performance and dimensional standards
- Give funds to LGUs to implement, not money for state enforcement

Standards and Definitions

- Performance based standards are ok, but tell us how
- Performance standards better suit the diverse topography
- Clear definitions will give cities tools to make decisions; better than state override

Appeal Process

- Establish appeal process other than court
- Appeals often go back to LGU, could go to a different body
- Wetland Conservation Act has appeal process with local/technical panel to which citizens or agencies can appeal

Other

- Need to identify where land should be protected by purchase/easement

Change and/or Move Critical Area

- DNR has resources and expertise – should stay there; needs oversight on variances; rules need clarity/certainty
- Legislators want to hear about where to house critical area enforcement (Sheldon Johnson)

Move to EQB or Met Council?

- Is DNR best for diverse goals of critical area? EQB or Met Council has a broader perspective
- Could go back to EQB by administrative order of the Governor, but current staff inadequate, would need legislative appropriation
- Was moved to DNR because they have field staff
- Citizens League called for met council to integrate three rivers plan with regional parks and other council policy
- Caution about body of gubernatorial appointees – changes with governor, some don't like rules and regulations

Joint Powers Organization

- Some caution regarding joint powers organizations, especially with 32 local units
- Joint Powers – equity of representation is a problem

Wild & Scenic/Variance Certification

- Wild & Scenic – don't go too wild; it's an urban river
- W&S is also vulnerable
- Variance certification would be litigious

Mississippi River Critical Area Study Stakeholder Engagement
COLLATED NOTES: Stakeholder Group Meetings October 25, 30 and 31, 2007

Strengths and Weaknesses	**GOV**	**DEV**	**CIT**
EO 79-19			
Purpose/intent/principles good, needed to protect unique resource	X	X	X
Language should be more specific; interim guidelines provide value			X
E.O. static, outdated – doesn't evolve well	X	X	
Not clear on district boundary change process	X	X	
Conflicting goals need priority	X		X
Many ecological functions need to be better addressed			X
More clarity about economic resources/development		X	
River Resource			
Water quality is improved making river more attractive	X	X	X
Increased value of resource and development pressure	X	X	X
More public use/awareness and attention on the river		X	X
River is mixed use and has more culturally diverse users		X	
Much land has been converted to parks/natural areas	X	X	X
Wildlife is coming back – eagles, otters, mussels			X
Working river/commercial use is changing/declining	X	X	X
Less industrial land use in corridor	X		X
Riverfront uses and issues in downtowns have changed dramatically		X	
Bluffs and scenic views are threatened	X		X
Need to protect cultural landscapes	X		X
Protection of historic and cultural resources often inadequate		X	X
More emphasis needed on native plants and habitat protection	X		X
Many polluted sites	X		X
Stormwater issues threaten water quality; also emerging toxins	X		X
Pollution standards and stormwater management have evolved		X	X
Concerns today are more diffuse than 30 years ago		X	
River is our commons; tension around public vs. private values			X
Corridor impacts extend up tributaries and into watersheds			X
Government Oversight			
State/Regional Govt			
Critical area needs legal footing	X		X
Clear, more specific definition of what we are trying to protect needed	X	X	X
DNR low priority for leadership, enforcement, education, outreach, funding	X		X
DNR lacks authority/tools/resources to address projects and impacts	X		X
Met Council 2030 policy document inconsistent with critical area	X		

There is no citizen suit provision or advocate if AG won't enforce			X
Needs stable funding source			X
Local Govt			
Local decisions impact regional and statewide resources			X
Need more early input on proposals	X	X	
Lack of consistency/uniformity from city to city and within cities	X	X	X
LGU enforcement inadequate; too many variances			X
LGUs lack resources to adequately manage/enforce critical area law	X	X	X
LGUs help landowners/developers get around standards			X
Small cities lack staff/expertise	X		
Cities rely on state for leadership, guidance, enforcement	X		
Big difference between plans and ordinances within most cities	X		X
Difficult to administer; lack of clarity, specificity	X	X	X
Difficult to address changing development patterns, balance different interests	X		
Need to better define significant views and viewshed protection requirements	X	X	X
Vegetation management difficult for LGUs	X		
Corridor land-use approach insufficient to address water quality problems			X
Aesthetics and cultural resources are most disregarded/endangered			X
Critical area issues are time consuming	X	X	X
Developers and/or economics can overwhelm process			X
60-day rule creates liability	X		X
Concern that state regs could make riverfront unbuildable	X		
Local control, planning, enforcement preferred – reflects local values		X	
Flexibility needed in process; acknowledges differences between/within cities		X	
LGU discretion results in some tension	X		
Local decisions are too political; not based on resource, science		X	X
Citizen activism and advocacy is needed to uphold standards			X
Critical area zoning affects property values – can be constraint or enhancement		X	
Need process to reclaim land for public domain, not just redevelop			X
Standards, Guidelines, Boundaries			
Need clear and consistent definitions (bluff, setback) and expectations	X	X	X
Developers want certainty, more clarity in local rules and standards	X	X	
Balancing regional urbanization goals with resource protection	X		
Process for moving district boundaries should be defined and allowed		X	
Rural open space district in conflict with MUSA line	X		
Critical area too wide (Cottage Grove)	X		
Critical area too narrow (St Paul Gorge)	X		
Need to be able to add contiguous resources – Pilot Knob, some stream valleys			X
Performance standards (at state level) better suit the diverse topography	X	X	
Standards need to be consistent, reliable, effective and enforced			X
Outreach/Education/Technical Assistance			
Public, city staff/officials aren't familiar enough with critical area today	X		X
Landowners need tools and education about benefits of critical area	X	X	X

New technologies needed to assess/protect visual quality	X	X	X
Potential Solutions and Management Options	**GOV**	**DEV**	**CIT**
Eliminate MR Critical Area designation/(revert to current shoreland law)			
Bad idea to eliminate critical area designation			X
Keep, but reevaluate, redefine, enhance and change implementation		X	
Keep critical area because of MNRRA	X		
Eliminate and use current shoreland law	X		
Keep critical area and add a chapter to shoreland rules for it	X		
Maintain Existing Program			
Resources are insufficient to meet critical area goals			X
Enhance Critical Area Program			
State rules/ authorities			
Put critical area into statute; write rules; establish definitions, min. standards	X		X
Modernize program so it is up to date, consistent with other regulations	X	X	
Model critical area authority on Wild & Scenic (take best pieces/align better)	X	X	X
Better link critical area planning to other municipal and regional plans	X		X
Clarify intent around district boundaries, definitions and process to amend		X	
Investigate use of levy authority for corridor lands			X
Enforcement			
Enforcement/oversight needed, especially regarding variances	X		X
Leave specifics of zoning regulations to cities	X	X	
Give funds to LGUs to implement, not money for state enforcement	X		
Increase DNR staffing to manage/enforce program	X		X
Standards and Definitions			
Establish priorities among goals for both regional and local resources	X		X
Provide guidance on implementation of performance based standards	X	X	
Establish clear, standardized definitions of geography (bluffline, etc)	X	X	X
Combination of performance and dimensional standards	X	X	X
Appeal Process			
Avoid costly variance certification litigation	X		
Establish appeal process other than court	X		
Technical review panel (like WACA)	X		
Outreach/ Education/Technical Support			
More outreach/education with electeds, staff, landowners, citizens	X	X	X
Funding for key initiatives – env. clean-up, open space protection, trails, etc.		X	X
Technical and scientific support to define/document key critical area features		X	X
Better coordination with MNRRA to implement and fund program	X		X
Identify land for protection by purchase/easement	X		X
Tie incentives for LGUs to good behavior (e.g. number variances)			X
LEED-style standards for river projects			X
Need advocacy approach/coordination			X
Annual performance evaluation/stakeholder meeting			X

Citizen advisory role			X
Critical Area stamp possible funding/educational tool			X
Change and/or Move Critical Area			
Keep with DNR; they have resources, expertise, field staff	X	X	X
Where it is housed is not the issue; program should stand on own merits		X	X
Move to EQB with legislative appropriation	X		
Move to Met Council and/or better integrate with Regional Parks	X		
Met Council incorporate critical area into a plan/policy for three metro rivers	X		
Move to Wild & Scenic Program not appropriate/ corridor is unique	X	X	X
Update wild & scenic, shoreland at same time to work better with critical area		X	
Join Powers Organization not recommended	X		X
Give WMOs some authority over corridor resources			X
Add MNNRA/federal oversight			X

Mississippi River Critical Area Study Stakeholder Meeting Notes

All Stakeholder Meeting • November 7, 2007

AREAS OF GENERAL AGREEMENT

Comments, suggested changes

- DNR consultation with other agencies should include those with development expertise
- DNR needs more fiscal resources to be effective at managing critical area
- Government group had some interest in creating a special district within the shoreland program to manage critical area
- Mississippi River is special and keeping in critical area would retain unique protections
- Fear that critical area will be lost
- House program at DNR only if it has top priority and adequate funding
- Would like the DNR to be a stronger, more vocal advocate for the resource
- More funding important – from the top!

AREAS WITH OPINION DIFFERENCES

Regulatory Framework: legislation, rules or ordinances (i.e. locally set standards)?

- Concern that rule-making is very time consuming – need new legislation
- Point of information – legislation and rules would still require updated ordinances
- Local ordinance updates with technical support/help will best address local circumstances
- Needs stronger oversight, but use other option
- Legislation to ensure protections, consistent definitions and the right authority
- Use standards from 79-19 interim guidelines.
- Legislation – current local authority goes contrary to goals/needs for protecting a state and national resource; need minimum standards and consistent definitions.
- Rules, but do it right; it's complicated and could be more so at the corridor-wide level
- Definitions need to have science behind them
- Legislation – better tool to prevent avoiding or circumventing regulation
- Legislation with technical assistance and variance certification
- Prioritization between critical area goals should be in legislation

Regulation Standards: dimensional, performance or both?

- Performance – needed for local differences
  Need to better define performance standards
- Some performance – encourages creative solutions, better chance of win-win
- Dimensional standards; use variances to allow flexibility, but define a rational way to allow variances.
- Performance standards easily become politicized
  Performance standards at state level and dimensional standards at local level
- Need standards/guidance for unstable bedrock, especially St. Peter's Sandstone; technical information helpful/needed
- Parks and public land need to be held to same standards as property owners; use of native vegetation, clear-cutting, pruning are examples of double standard

Land Use Oversight: variance certification, technical panel/appeal board or local control?

- Variance certification needed to prevent inappropriate variances
- Variance certification and appeal board
- Appeal board good if multiple viewpoints are represented
- Variance certification or higher level of oversight needed to stop politicization of variances
- Legislation could be made compatible with 60/120 rule exceptions (for example, requiring environmental review)
- Conditional use permits (CUP) used in Mpls and St Paul allow exceptions to critical area goals and are not recorded as variances

Boundaries: What process is needed for corridor and/or district boundaries?

- Corridor boundary could be updated. Boundary established in 79-19 followed roads, not river/natural/cultural features, and some politically-based decisions excluded some areas.
- Changes should not degrade resource
- District boundaries should not reduce protections

STAKEHOLDER PRIORITIES AND PREFERENCES (DOT DEMOCRACY)

Priorities among potential management options (5 dots for each participant)

- Set priorities among Mississippi River critical area goals (22);
- Update regulatory Framework (15)
- Establish land Use Decision Oversight (14)
- Establish process for early input on development proposals (12);
- Provide outreach, education, technical assistance (10);
- Survey and document scenic and natural resources (10);
- Hold annual stakeholders meeting, issue annual report (9).
- Regulation Standards (5)
- Corridor Boundary Amendment Process (3)
- District Boundary Amendment Process (1)

Preferences among proposed solutions with opinion differences (5 dots each)

Regulatory Framework

- State Rules (3.5)
- New Legislation (14)
- Ordinance Updates (4.5)

Regulation Standards

- Dimensional (8)
- Performance
- Combination (13)

Land Use Decision Oversight

- Technical Review Panel/Appeal Board (16.5)
- Variance Certification (4.5)
- Local Control/Authority (3)

Corridor Boundary Amendment Process

- Yes, but boundary changes must be written into legislation or executive order (8)
- Yes, but the legislature should authorize a process whereby DNR has authority to approve corridor boundary amendments. (11)
- No, never

District Boundary Amendment Process

- No, districts meant to be permanent
- Yes, but only to a more protective district (16)
- Yes, districts meant to change with urban growth (3)

Appendix B

Selected Policies And Guidelines

MNRRA Tier II Guidelines

MNRRA Tier II Guidelines

Riverfront Location Policies (MNRRA CMP p. 16-18)
New development in the first 300 feet back from the river's ordinary high water level or the floodplain, whichever is capability to enhance the river environment, reflecting the standards in the CMP on pp. 16 - 18.
Incentives to encourage polluting industries to relocate out of the riverfront area.
Convert inconsistent land uses causing adverse effects to consistent uses if inconsistent uses are discontinued. Encourage landowners to leave vacated land within 300 ft. as open space, if meets criteria for open space; otherwise appropriate redevelopment should occur.
Corridor-wide location policies (MNRRA CMP, p. 18)
Encourage high quality and sustainable open space, public plazas, historic landscapes, interpretive facilities, and development in the corridor subject to location policies.
Discourage development in areas containing significant wildlife habitat.
Site development policies (MNRRA CMP, p. 18-20)
Provide uninterrupted vegetated shorelines where practical along the Mississippi and its tributary streams and ravines to preserve a natural look from the river and opposite shore and to provide connections to adjacent natural areas. Exceptions are downtown areas and existing commercial and industrial areas, but new developments in these areas should appear as natural as possible when viewed from the river using setbacks, landscape treatments, and vegetative screening. Shoreline restoration is encouraged in existing commercial and industrial areas.
Protect natural resources by preservation areas: (1) Preserve a narrow zone along shoreline w/ undisturbed area 40 ft from OHW or restore natural vegetation where practical. Locate expansions as far back from shoreline as possible. (2) Allow minimal grading & tree removal in an additional 60 ft to equal 100 ft preserved (3) Prohibit land disturbance along bluff face of >12%. (4) Preserve 40 ft from bluffline in natural state or restore natural vegetation in order to screen development. (5) Provide additional setbacks in additional 60 ft bluff preservation area for >30 ft tall structures outside of downtown to equal 100 ft from bluff line (6) Maximum structure heights: w/in 100 ft. of bluffline = 30 ft w/in 200 ft. of river = 30 ft w/in 300 ft of river = 45 ft Certain structures could exceed for safety reasons or if architecturally significant.
Encourage shoreline area preservation and restoration.
Provide pedestrian/bicycle paths to connect the river to downtowns, neighborhoods, parks and open space.
Protect views/offer significant views.
Remove vacant non-historic structures that are not needed for consistent uses.
Rehabilitate and adaptively use historic structures.
Protect existing wetlands, restore degraded ones.
Increase and restore wildlife habitat and biological diversity in development projects. Protect bottomland forests, bluff prairies, woodlands, and riverine habitats.
Apply setback and height restrictions and encourage careful site design to maintain the ability to view the river from open space and developed areas. Avoid significantly obstructing river views with development.
Screen development to minimize its visibility from the river or opposite shore. Screening development in this context is done with vegetation.
Maintain public access to the river. Increase access in redevelopment and new development projects if practical. Implementation is tied to implementation of open space and trails policies in the CMP on pp. 21 - 25, to riverfront location policies in the CMP on pp. 16 - 18, and to CMP policy 5 on p. 25.
Scenic road design concepts and architectural treatments into road construction, reconstruction, or capital improvement projects
Protect endangered, threatened, and rare species and their habitats in site development projects.

Encourage consultation w/ Native American groups during site development.
Where practical, encourage placement of utilities underground.
Encourage adoption of sustainable building practices.
Open Space and Trails (MNRRA CMP, p. 24 – 25)
Provide easements for future trail corridors in new developments.
Preserve natural areas in a natural state when designing parks and open space. Large tracts of open space that are currently undeveloped should stress passive recreation, fish and wildlife resources, plant communities, and biological diversity.
New private developments and public facilities provide public trails and river access.
Provide bicycle and pedestrian paths to the greatest extent practical. Ensure access across all new and rebuilt public bridges.
Use abandoned RR ROW's
Locate trails as close to river and provide strategic connections to other trails in area.
Commercial Navigation
To the extent possible, locate barge fleeting areas at least 200 feet from any marina and next to commercial or industrial areas. Fleeting area locations will be based on physical needs for effective operations subject to local, state, and federal environmental and safety regulations.
Evaluate noise and visual impacts before locating or expanding barge operations.
Prohibit casual mooring except in emergencies..
Natural resource management
Encourage pollution prevention and control to protect sensitive resources in corridor.
Reduce use of chemical fertilizers and pest control.
Encourage ongoing efforts to clean-up corridor lands.
Reduce use of salt on roads.
Increase use of skimmers on tributary creeks.
Encourage alternatives to lawns in shoreline area.
Support regional pollution prevention.
Protect streambanks and water quality from negative impacts of recreation activities.
Enforcement of federal, state and local floodplain and wetland protection policies. Restore degraded wetlands.
Support programs to decrease toxic waste in river corridor.
Native Flora and Fauna (MNRRA CMP, page 33)
Protect wildlife habitat and biological diversity.
Work to increase and restore wildlife habitat and biodiversity in development projects. Protect bottomland forests and riverine habitats.
Encourage uninterrupted vegetated shorelines.
Coordinate land development policies to protect natural resources using a system of preservation areas, as described in Site Development Policies, page 19, number 2..
Preserve native vegetation or encourage revegetation; use native and other compatible floodplain vegetation in redevelopment projects; develop a cooperative program for revegetating existing denuded areas along the shoreline; use extensive native vegetation, including native trees and shrubs, in more formal landscape treatments appropriate for downtowns.
Threatened and Endangered Species (MNRRA CMP, p. 33)
Encourage preservation of habitat that is of special value to threatened & endangered species.
Floodplains and Wetlands
Protect existing wetlands and where practical, restore degraded wetlands Protect and restore existing and degraded wetlands.
Cultural Resource Management (MNRRA CMP, p. 34)
Continue historic use of properties in preference to changing the use. New use of historic properties should be consistent with other policies in the MNRRA plan.
Encourage open space land use in order to protect archaeological resources. Provide adequate identification, evaluation, and site planning to preserve these resources.
Preserve historic structures and cultural landscapes in present condition.
Rehabilitate historic structures.
Restore historic structures and landscapes.

Encourage economic activities that preserve and rehabilitate historic structures.
Encourage cities to participate in the certified local government program (MHS)
Develop incentives to retain historic uses and preserve cultural resources.
Economic Resource Management (MNRRA CMP, p. 36-38)
Recognize the importance of economic activities and provide for commercial use.
Encourage businesses to invest in the rive corridor consistent with the values identified in the MNRRA legislation.
Preserve riverfront land for economic uses that rely on the river.
Protect historic buildings for adaptive reuse.
Encourage economic investment that preserves and rehabilitates historic structures.
Increase visitor access and recreational use.
Preserve riverfront investment and encourage riverfront improvement.
Encourage local land use control and economic development activities that promote sustainable development.
Visitor Activities and Recreational Resources (MNRRA CMP, p. 39)
Use potential impacts and area characteristics to evaluate the types of visitor activities and levels of access appropriate for specific areas.
Visitor Use Management (MNRRA CMP, p. 39-40)
Provide additional pedestrian and bicycle paths in the corridor consistent with resource protection.
Acquire abandoned RR ROW's for trail development or other open space needs consistent with National Rails to Trails Act.
Access adequacy of visitor safety and enforcement. Increased user safety is a high priority for plan implementation.

Standards And Guidelines for Preparing Plans and Regulations

From

Executive Order 79-19, Appendix B
(3 S.R. 1692-1697)

(3) From the south side of the north half of Section 34 (T27N, R22W) to the north side of Section 14 (T27N, R22N) in Inver Grove Heights.

2. Urban developed districts

a. On the east side of the river:

(1) From the west side of Section 35 (T32N, R25W) in Ramsey to the center line of Interstate 694 in Fridley.

(2) From the south side of Section 26 (T28N, R22W) in Newport to the south side of the north half of Section 1 (T27N, R22W) which is the Newport and St. Paul Park common boundary.

(3) From the center line of Eight Avenue in St. Paul Park to the St. Paul Park-Grey Cloud Township common boundary.

b. On the west side of the river:

(1) From the north side of Section 14 (T27N, R22W) in Inver Grove Heights to the South St. Paul-Inver Grove Heights common boundary.

(2) From the eastern extension of the center line of 48th Avenue North in Minneapolis to the eastern extension of the center line of Hennepin County Highway 49.

3. Urban open space districts

a. On the east side of the river:

(1) From the center line of Franklin Avenue in Minneapolis to the north side of Section 14 (T28N, R23W) (Otto Avenue) in St. Paul.

*(2) From the west sides of Sections 3 and 10 (T28N, R22W) and the east boundary of the Chicago and Northwestern Railroad right-of-way in St. Paul to the western and northern boundaries of the Red Rock Industrial District, the western boundary of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way, and the south side of Section 14 (T28N, R22W) in St. Paul.

b. On the west side of the river:

(1) From the north side of Section 7 (T28N, R22W) and the center line of Ohio Street in St. Paul to the center line of Interstate 494 in Mendota Heights on the Minnesota River.

*With the exception of that area needed for the future approved expansion of the Metropolitan Waste Water Treatment Plant at Pig's Eye.

(2) From the center line of Interstate 494 in Bloomington on the Minnesota River to the center line of Franklin Avenue in Minneapolis.

4. Urban Diversified districts

a. On the east side of the river:

(1) From the center line of Interstate 694 in Fridley to the center line of Franklin Avenue in Minneapolis.

(2) From the north side of Section 14 (T28N, R23W) (Otto Avenue) in St. Paul to the west sides of Sections 3 and 10 (T28N, R22W) and the east boundary of the Chicago and Northwestern Railroad right-of-way in St. Paul and including Twin City Barge and Towing Co's. turning basin, about 11.5 acres at the Northwest corner of Red Rock Industrial Park.

(3) From the western and northern boundaries of the Red Rock Industrial District, the western boundary of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way, and the south side of Section 14 (T28N, R22W) in St. Paul, to the south side of Section 26 (T28N, R22W) in Newport.

(4) From the south side of the north half of Section 1 (T27N, R22W) which is the Newport and St. Paul Park common boundary, to the center line of Eight Avenue in St. Paul Park.

b. On the west side of the river:

(1) From the west sides of Sections 23, 26, and 35 (T115N, R17W) in Hastings to the Hastings-Nininger common boundary.

(2) From the west side of Section 21 (T115N, R18W) in Rosemount to the south side of the north half of Section 34 (T27N, R22W) in Inver Grove Heights.

(3) From the South St. Paul-Inver Grove Heights common boundary to the north side of Section 7 (T28N, R22W) and the center line of Ohio Street in St. Paul.

(4) From the center line of Franklin Avenue in Minneapolis to a line collinear with the center line of 48th Avenue North in Minneapolis.

Standards and Guidelines for Preparing Plans and Regulations

A. Purpose and responsibility

1. Purposes. The purposes of the critical area designation and the following standards and guidelines are:

a. To protect and preserve a unique and valuable state and regional resource for the benefit of the health, safety and welfare of the citizens for the state, region, and nation;

b. To prevent and mitigate irreversible damage to this state, regional, and national resource;

c. To preserve and enhance its natural, aesthetic, cultural, and historical value for the public use;

d. To protect and preserve the river as an essential element in the national, state and regional transportation, sewer and water and recreational systems; and

e. To protect and preserve the biological and ecological functions of the corridor.

2. Responsibility. The standards and guidelines provided herein shall be:

a. Followed by the local units of government when preparing or updating plans, and/or modifying regulations;

b. Followed by state agencies, and regional agencies for permit regulation and in developing plans within their jurisdiction;

c. Followed by the Metropolitan Council for reviewing plans, regulations, and development permit applications;

d. Followed by the Council for approving plans, regulations, and development permit applications.

B. General guidelines for preparing plans and regulations

1. The Mississippi River Corridor shall be managed as a multiple-purpose resource by:

a. Maintaining the river channel for transportation and providing and maintaining barging and fleeting areas in appropriate locations consistent with the character of the river and the riverfront.

b. Conserving the scenic, environmental, recreational, mineral, economic, cultural, and historic resources and functions of the river corridor.

c. Providing for the continuation and the development of a variety of urban uses, including industrial and commercial uses, and residential, where appropriate, within the river corridor.

d. Utilizing certain reaches of the river as a source of water supply and as a receiving stream for properly treated sewage and industrial waste effluents.

2. In order to manage the river corridor consistent with its natural characteristics and its existing development, the following guidelines are established for each corridor district:

a. Rural open space district. The lands and waters within this district shall be used and developed to preserve their open, scenic and natural characteristics and ecological and economic functions. Presently undeveloped islands shall be maintained in their existing natural state. The transportation function of the river shall be maintained and preserved.

b. Urban diversified district. The lands and waters within this district shall be used and developed to maintain the present diversity of commercial, industrial, residential, and public uses of the lands, including the existing transportation use of the river; to protect historical sites and areas, natural scenic and environmental resources; and to expand public access to and enjoyment of the river. New commercial, industrial, residential, and other uses may be permitted if they are compatible with these goals.

c. Urban developed district. The lands and waters within this district shall be maintained largely as residential areas. The expansion of existing and development of new industrial, commercial, and other non-residential or non-recreational uses shall be limited to preserve and enhance the residential character of this district.

d. Urban open space district. The lands and waters within this district shall be managed to conserve and protect the existing and potential recreational, scenic, natural, and historic resources and uses within this district for the use and enjoyment of the surrounding region. Open space shall be provided in the open river valley lands for public use and the protection of unique natural and scenic resources. The existing transportation role of the river in this district shall be protected.

3. The Mississippi River Corridor shall be managed in accordance with the Metropolitan Council's development guide chapter, Critical Areas Act of 1973, and the Minnesota Environmental Policy Act of 1973, and other applicable state laws, and federal laws.

C. Specific standards and guidelines for preparing plans and regulations

1. Each local unit of government within the river corridor shall prepare plans and regulations to protect environmentally sensitive areas in accordance with the following guidelines.

a. Each local unit of government shall, with the assistance of the Metropolitan Council and state agencies:

(1) Identify and prepare an inventory of:

(a) floodplains,

(b) wetlands,

(c) slopes from 12% to 18% and over 18%,

(d) soils not suitable for urban development on-site waste disposal,

(e) significant vegetative stands, and

(f) natural drainage routes.

(2) Prepare a floodplain ordinance if it does not have a floodplain ordinance in effect;

(3) Prepare plans and regulations to protect wetlands;

(4) Prepare plans and regulations to protect bluffs greater than 18% and to provide conditions for the development of bluffs between 18% and 12% slopes;

(5) Prepare plans and regulations to minimize direct overland runoff and improve the quality of runoff onto adjoining streets and watercourses;

(6) Prepare plans and regulations to minimize site alteration and for beach and riverbank erosion control;

(7) Prepare regulations for management of vegetative cutting; and

(8) Prepare criteria for control of noise in open space and recreational areas with assistance of the PCA.

2. Each local unit of government and state agency shall prepare plans and regulations to protect and preserve the aesthetic qualities of the river corridor, which provide for the following considerations:

a. Site Plans. Site plans shall be required to meet the following guidelines:

(1) New development and expansion shall be permitted only after the approval of site plans which adequately assess and minimize adverse effects and maximize beneficial effects.

(2) Site plans shall be required for all developments for which a development permit is required, except for the modification of an existing single-family residential structure or the construction of one single-family residence.

(3) Site plans shall include, but not be limited to, the submission of an adequate and detailed description of the project, including activities undertaken to ensure consistency with the objectives of the Designation Order; maps which specify soil types, topography, and the expected physical changes in the site as the result of the development; the measures which address adverse environmental effects.

(4) Site plans shall include standards to ensure that structure, road, screening, landscaping, construction placement, maintenance, and storm water runoff are compatible with the character and use of the river corridor in that district.

(5) Site plans shall provide opportunities for open space establishment and for public viewing of the river corridor whenever applicable, and shall contain specific conditions with regard to buffering, landscaping, and re-vegetation.

b. Structures. Structure site and location shall be regulated to ensure that riverbanks, bluffs and scenic overlooks remain in their natural state, and to minimize interference with views of and from the river, except for specific uses requiring river access.

c. Clustering. The clustering of structures and the use of designs which will reduce public facility costs and improve scenic quality shall be encouraged. The location of clustered high-rise structures may be proposed where public services are available and adequate and compatible with adjacent land uses.

d. Access Routes. Commercial and industrial developments adjacent to roadways shall be required to provide off-street parking, service roads and limited controlled access points to highways. (Except in cases of extreme hardship, highway access for any development within 250 feet of a bridge or bridge ramp shall be prohibited.)

e. Existing Development. Local plans and regulations shall include provisions to:

(1) Retain existing vegetation and landscaping;

(2) Amortize non-conforming uses;

(3) Prohibit the reconstruction of non-conforming uses which are 50% market value destroyed;

(4) Provide for the screening of existing development which constitutes visual intrusion, wherever appropriate.

f. Signs. Local units of government shall adopt ordinances for the amortization and removal of non-conforming general advertising signs, and to prohibit the visibility of advertising signs from the river, except in Urban Diversified Districts.

3. Local units of government shall develop plans and regulations to ensure that developments shall not be undertaken prior to the provision of Metropolitan public facilities

in adopted Metropolitan plans, in accordance with the following guidelines:

a. Developments in areas not scheduled for the provision of municipal or metropolitan sanitary sewers shall comply with adequate on-site sewage disposal system regulations.

b. The density of development outside the Metropolitan Urban Service Area shall be limited to ensure that there is no need for the premature provision of local and metropolitan urban services and facilities.

4. Local units of government shall develop plans and provide guidance to ensure that the surface uses of the river is compatible with the characteristics and use of the districts in accordance with the following guidelines:

a. The present 9-foot navigation channel shall be maintained.

b. Provision shall be made for the use of the river for water transportation which is consistent with adopted state and regional policies and regulations and applicable federal laws and to minimize any adverse effects associated with such facilities.

c. Local plans shall identify areas physically suitable for barge slips and barge fleeting, based on such considerations as safety, maneuverability, operational convenience, amount of construction and/or excavation required, and environmental impacts; and

d. Local plans shall specify which of those areas found physically suitable may be used for barge slips and barge fleeting areas in the future. Preference should be given to those areas where new barge slips and associated facilities can be clustered, where required metropolitan services are already available, and where use of the riverfront for barge slips and fleeting areas, and access to them, is compatible with adjacent land use and public facilities.

e. Local plans shall identify, whenever practicable, locations where river dredge spoil can be utilized consistent with natural geological appearances or processes and adjacent land uses.

f. Where there is potential conflict of surface use, state and local governments shall enact appropriate water surface use regulation.

g. The Minnesota Energy Agency shall be responsible for recommending to the EQC a strategy for the development of a coal transportation plan for the metropolitan area.

5. Local units of government shall develop plans and regulations for industrial and commercial developments in the River Corridor in accordance with the following guidelines:

a. Areas for new or expanded industrial and commercial developments, where urban services are available, and the premature expansion or upgrading of the Metropolitan systems will not be required, shall be identified.

b. The existing industrial waste discharge points, sanitary, and storm water discharge points shall be identified.

c. Local plans should give consideration to providing for future industrial and commercial uses that require water access including, but not limited to such uses as, transportation, water supply & waste discharge. This does not preclude the locating of non-water related uses within the Corridor.

d. The impact of potential mining and extraction sites or other incompatible uses shall be minimized.

e. Land reclamation and reforestation of the mining site shall be regulated.

6. Local units of government and regional and state agencies shall develop plans and regulations to maximize the creation and maintenance of open space and recreational potential of the Corridor in accordance with the following guidelines:

a. Existing and potential sites for the following uses shall be identified and inventoried.

(1) Neighborhood, municipal, county and regional parks;

(2) Scenic overlooks, scenic views, and public observation platforms;

(3) Protected open space areas, including islands, gorges, wildlife preservation areas, and natural areas;

(4) Beaches and undeveloped river frontage on backwaters, which are suitable for recreation purposes;

(5) Commercial marinas and boat launching facilities;

(6) Public access points to the river;

(7) Historic sites and districts.

b. The Metropolitan Council shall prepare a general trailway plan for the entire length of the River Corridor which links regional parks.

c. Local units of government shall identify the potential location of trails within their jurisdictions, including related problems and proposed solutions.

d. Plans and programs to acquire sites for public access to the river and to protect open space areas shall be developed.

e. Programs to acquire and manage undeveloped islands in their natural state and to encourage the restoration of other islands for recreation open space uses shall be adopted.

f. In the development of residential, commercial and industrial subdivisions, and planned development, a developer shall be required to dedicate to the public reasonable portions of appropriate riverfront access land or other lands in interest therein.

In the event of practical difficulties or physical impossibility, the developer shall be required to contribute an equivalent amount of cash to be used only for the acquisition of land for parks, open space, storm water drainage areas or other public services within the River Corridor.

7. Local units of government and state agencies shall develop plans and regulations for transportation and public utilities developments in accordance with the following guidelines:

a. Existing and potential utility and transportation facility crossings shall be identified and river crossings shall be minimized and concentrated at existing crossings where possible.

b. The Corridor shall not be used merely as a convenient right-of-way and new or modified transportation and utility facilities shall complement the planned land and water uses and shall not stimulate incompatible development.

c. In planning and designing the construction or reconstruction of all public transportation facilities which occur within the river corridor, consideration shall be given to the provision of scenic overlooks for motorists, safe pedestrian crossings and facilities along the River Corridor, access to the riverfront in public ownership and reasonable use of the land between the river and the transportation facility.

8. Local units of government and regional and state agencies shall develop capital improvement programs which are consistent with the following guidelines:

a. A five year capital improvement program or public facilities program shall be developed which covers all public projects to be sited in the corridor.

b. The capital improvement program or public facilities program shall specify the sequence of actions to be undertaken by each public agency and shall be consistent with the standards and guidelines in Section B and C.

9. Local units of government shall reassess all lands in the River Corridor in accordance with the following guidelines:

a. Local units of government shall send copies of adopted plans and regulations and amendments of plans and regulations to appropriate municipal and county assessors within 30 days after adoption.

b. Municipal and county tax assessors shall reassess all lands in the Mississippi River Corridor for consistency with adopted plans and regulations within one year of receipt of adopted plans from local units of government.

10. Local units of government and regional and state agencies shall prepare plans and regulations in accordance with the natural characteristics and the character of existing development in the River Corridor in accordance with the following guidelines:

a. Local units of government and regional and state agencies shall prepare plans and regulations using the district boundaries as described in the Interim Development Regulations as guidelines, in accordance with the purpose of each district as described in the general guidelines Section B.

b. The City of St. Paul shall prepare plans and regulations to balance open space use and industrial and commercial developments for the Pig's Eye Lake area.

c. Local units of government may prepare modifications of the use districts boundaries as described in the interim development regulations if local units of government demonstrate to the EQC in plans and supporting documents the consistency of the proposed modification with the general guidelines.

11. Local units of government, regional agencies and state agencies shall provide adequate opportunities for public participation in the preparation of plans and regulations.

D. Reviewing plans and regulations

1. The Metropolitan Council shall be the lead agency to coordinate the preparation, submission, review and modification of land use plans, zoning ordinances, zoning amendments, capital improvement programs and other regulations, specified in section C, which are prepared by local units of government, regional and state agencies.

2. Local units of government and regional agencies shall submit existing, modified or prepared plans and regulations that comply with the designation order to the Metropolitan Council within six months of notice of the order of designation. The EQC shall review the state plans and regu-

lations and forward the appropriate sections to the Metropolitan Council.

3. The Metropolitan Council shall review the plans, regulations, and capital improvement programs prepared by local units of governments, regional and state agencies for consistency with regional objectives and with the order of designation. Within 45 days of receiving the plans and regulations, the Metropolitan Council shall submit its written evaluation to the EQC. Upon a request from the Metropolitan Council, the EQC may grant 30 days time extensions when the EQC determines that the Metropolitan Council has satisfactorily demonstrated that it requires more time for review.

4. The EQC shall review all plans and regulations prepared for the Mississippi River Corridor, within 45 days of receiving the plans and regulations from the Metropolitan Council. The EQC shall determine whether they are consistent with the provisions of the order of designation. When the EQC has completed the review, it shall either:

a. Approve the plans and regulations by a written decision and notify the local units of government and regional and state agencies, and the Metropolitan Council; or

b. Return them to the local units of governments, regional and state agencies, and the Metropolitan Council for modification with a written explanation of the need for modification.

5. Within 45 days of EQC's approval of the plans and regulations, local units of government, regional and state agencies shall adopt the approved plans and regulations, and shall notify the EQC.

E. Updating and re-evaluation of plans and regulations

1. Local units of government or regional and state agencies may amend their plans and regulations that have been approved by the EQC by resubmitting the plans and regulations with any recommended changes thereto, to the EQC for consideration.

2. Two years after EQC's initial approval of the plans and regulations, local units of government and regional and state agencies shall resubmit their plans and regulations with any recommended changes thereto, for review and approval by the EQC.

3. Amendments to plans and regulations shall become effective only upon the approval thereof by the EQC in the same manner as for approval of the original plans and regulations as stated in section D.

F. Development permits

1. If no plans and regulations have been adopted under the provisions of Section D, local units of government and regional and state agencies shall grant a development permit only if:

a. The development is specifically permitted by the Interim Development Regulations;

b. The development is essential to protect the public health, safety, or welfare because of an existing emergency; or

c. The registration, recordation, permit, or authorization of the development was issued prior to the date of legal notice of the EQC public hearing provided in Minn. Reg. MEQC 53(3).

2. When plans and regulations have been adopted under the provisions of section D, local units of government, regional and state agencies shall permit development only in accordance with those plans and regulations.

G. Notification of the development permits to the EQC

1. Local units of government, and regional and state agencies shall prepare administrative procedures for permit notification as a part of their plans and regulations. The local units of government, regional and state agencies shall notify the EQC of all the developments requiring discretionary actions under their rules and regulations at least 30 days before taking action on the application, unless the EQC informs the local unit of government and regional and state agencies in writing that the EQC need not be notified of certain types of applications.

2. Local units of government and regional and state agencies shall prepare procedures to notify the EQC of their final action on the development permits which require discretionary action.

H. Judicial Proceedings

If the EQC determines that the administration of the local plans and regulations is inadequate to protect the state or regional interest, the EQC may institute appropriate judicial proceedings to compel proper enforcement of the plans and regulations.

Interim Development Regulations for the Mississippi River Corridor Critical Area

A. General Provisions

Appendix C

FMR Letter to the DNR Division of Waters

Friends of the Mississippi River

360 North Robert Street • Saint Paul, MN 55101 • 651/222-2193 • fax 651/222-6005 • www.fmr.org

Working to protect the Mississippi River and its watershed in the Twin Cities area

copy to Dale H
Jim Japs
KL

DEC 2007
Received
DNR Waters

December 13, 2007

Kent Lokkesmoe, Division Director
DNR Division of Waters
500 Lafayette Rd.
St. Paul, MN 55155

Dear Mr. Lokkesmoe,

Friends of the Mississippi River would like to thank the DNR for the opportunity to facilitate the stakeholder engagement process for the Mississippi River Critical Area study. During this process we engaged 66 stakeholders in reviewing, discussing and providing thoughtful input on the program's strengths and weaknesses and potential solutions or management options to address identified weaknesses and concerns. The stakeholder process generated many viable ideas and approaches for enhancing management of the Mississippi River Critical Area, and we believe that the information gathered in our report offers a real opportunity to move forward on several fronts to ensure protection of one of our state's most significant resources.

The purpose of this letter is to provide FMR's input as a stakeholder on the Critical Area study. During the stakeholder meetings and the subsequent writing of the report, FMR acted as an impartial mediator of the process and did not provide formal input. Five of our board members participated, but primarily acted as observers in the process. As an organization with 1,400 members and 3,000 volunteers annually who support our mission to protect and enhance the Mississippi River Corridor, FMR has an enormous stake in the Critical Area program. We offer the following suggested course of action as a reflection of our many years of working with stakeholders on corridor protection, and the valuable insights we gained by facilitating the stakeholder meetings this fall. We look forward to continuing to work with DNR, MNRRA and other key stakeholders to implement a successful strategy going forward.

Maintain a state management framework that is unique to the Mississippi River corridor
FMR supports keeping the Mississippi River critical area program, but the program needs to be strengthened in order to be successful. We are also open to the idea of creating a special category under either the state Shoreland or Wild and Scenic Rivers programs, but only if it is unique to the MNRRA corridor and if current Critical Area values, goals and boundaries for the corridor are maintained or enhanced. If the DNR decides to recommend moving corridor protection into an existing state program, we recommend an additional stakeholder meeting be held to present and discuss these options in more depth.

Keep program and authorities within DNR
We agree with the overwhelming sentiment from the stakeholders' meetings that DNR is the most appropriate agency to oversee management of the river corridor. To be successful going forward, we strongly believe the State of Minnesota and the DNR must raise the profile of the Mississippi River

as a nationally significant resource and give higher priority to managing the Critical Area corridor. Additional resources are needed for the DNR to successfully implement its activities, and it will be necessary to identify strategies to increase financial resources. FMR is interested in working collaboratively with DNR, MNRRA and other stakeholders to identify and advocate for these additional resources for program enhancements.

In implementing the program, DNR should regularly consult with other agencies and possibly establish a formal process for key agencies and/or stakeholders to meet regularly. In particular, the partnership and coordination efforts with MNRRA should be strengthened. We also recommend considering increased internal coordination with the DNR Central Region, possibly elevating reportability of the program activities to the regional director's office. Under the integrating responsibilities of the regional director, the corridor's issues may be afforded higher regional visibility, and it could well facilitate inter-divisional coordination, as well as inter-agency and stakeholder involvement.

Integrate proactive approaches and program enhancements
A number of potential strategies to enhance and clarify goals for the program had broad support from stakeholders. FMR would like to see these proactive approaches utilized alongside efforts to update rules, regulations and authorities for the program.

Outreach and technical assistance to local communities about the significance of the corridor and tools for implementing the program are needed to ensure that communities understand how and why the corridor is protected. FMR and MNRRA are currently conducting outreach about the MNRRA, the Mississippi River critical area program and the model ordinance, and we will be providing workshops for elected and appointed officials in four corridor cities in 2008. Increasing this effort to include most or all of the corridor communities would serve the river and program well, although it is expensive to carry out this work effectively. Outreach will also be most effectual if ongoing communication and technical support is provided to public officials and other key community stakeholders.

Protecting scenic and cultural resources is a common source of conflict within the critical area, and there is an urgent need to ensure these important resources are not further degraded by local decisions that do not give scenic and cultural assets sufficient priority. Developing and implementing a process to document and possibly rank scenic and cultural resources would provide a number of benefits, including establishing a baseline for corridor resources and a rationale for how they might be effectively protected through standards or rules.

Establishing and mapping priority resources for different reaches of the corridor ranked high as a preferred option among stakeholders. Although there is some danger in pitting these resources against each other, establishing which resources are high priority for protection could be an excellent outreach strategy that would serve to engage community members and officials in learning about the significance of the corridor and the resources in their reach of the river.

One area of caution regarding prioritization is revisiting the economic values of the corridor. When the program was established, navigation and industrial stakeholders were a strong lobby for ensuring that the corridor could continue to function as a navigation channel, yet there was less participation from these interests than we had hoped for during our recent stakeholder process (representatives of the Saint Paul Port Authority and Aggregate Industries came to the Developer/River Business stakeholder meeting and an FMR board member who works for Upper River Services attended the all-stakeholder meeting). The steady migration of industrial uses, including commercial navigation, away from the river should be further evaluated during a prioritization process. Economic values were included in E.O. 79-19 specifically to support continuation of commercial navigation, but it is our view that is not the intent of the designation to consider corridor development and market land values as economic assets worthy of protection. The intention of the executive order as we view it is to allow development, provided the natural, scenic, historical, cultural, recreational (and navigation) values are not negatively impacted. Granting development (other than parks, public access, etc) a priority value would defeat the purpose of having a protective designation, and make prioritization even more ambiguous.

All of these enhancement options have significant costs and it may not be realistic for DNR to bear the cost, especially if additional resources are needed for rulemaking. FMR is eager to work with MNRRA to secure federal resources and seek new private funding that can support implementation of some of these strategies.

Establish or affirm clear and consistent goals and regulations for the corridor
During the stakeholder process, all three groups — river businesses and developers, environmental/civic groups and citizens, and local and state government, expressed the need for clear, consistent standards and definitions for the Mississippi River critical area. Local units of government want clear rules that don't require them to make subjective decisions; citizens want minimum standards that they can count on government to enforce; and developers want to know what the rules are before they invest in property in the corridor. Stakeholders in all the groups expressed the sentiment that the current framework for implementing goals for the critical area is cumbersome, time consuming and often becomes protracted in the political process. There was general agreement that more of the standards should be expressed in dimensional terms at the state level, and that performance standards need to be better defined to be attainable.

FMR believes state-level protection of the Mississippi River Critical Area needs to be reinforced and strengthened through new legislation and state rules for the corridor. Our recommendation is for legislation to provide an umbrella framework for the program that recognizes the corridor's local, state and national significance and commits the state to protection of the MNRRA corridor. Legislation should also authorize state rulemaking, decision-making oversight (project design review/technical assistance, variance certification or appeal board), and include clear direction and/or a process for Critical Area boundary amendments. A limited number of key definitions relevant to the definition of the Mississippi River Critical Area could be included in legislation to set clear parameters for the rulemaking process. Aligning the purpose, language and definitions of the legislation with shoreland and/or wild and scenic rivers statutes could be helpful for implementation at both the local and state level.

Implement oversight process for variances
FMR believes that decision-making oversight at the state level is an essential tool for corridor protection. Citizens and local units look to the state to set clear limits and developers will be more likely to settle for a compromise if there is clear oversight. FMR would support variance certification for the critical area, but we are very intrigued by the concept of a technical review panel, modeled after the wetland conservation act, that could act as an appeal board for variances.

Such an appeal board has a number of advantages from our perspective. We believe it would bring added technical expertise into the discussion of projects and affords a step back from the challenging and sometimes charged atmosphere of such decisions. We also believe it would provide a venue for projects to be reviewed for their consistency with state and regional goals. The appeal board could also offer a natural opportunity to provide early input on projects before they are formally proposed, as well as providing the needed oversight when stakeholders charge that a poor decision has been made.

We would like to see an appeal board include members from both the private and public sectors. Members of the private sector should represent multiple viewpoints and bring a variety of technical expertise such as landscape architecture, municipal planning, land protection, ecology/restoration, water quality and economic development. Public representatives could include staff from DNR, MNRRA, EQB, SHPO and Met Council.

We have some concerns that such a board could become a liability if its decision-making or appointment process became too political. We are interested in continuing the conceptual discussion of this idea with DNR staff and other interested parties.

Establish protective guidelines for boundary amendments

The issue of Critical Area boundary changes came up a few times during the stakeholder meetings. At the final all-stakeholder meeting, there was a strong preference for allowing boundary changes, but only if the changes maintain or increase protection of river corridor resources. FMR shares this view and suggests that setting standards for amending boundaries should be approached with caution to ensure that community development interests do not abuse such a process to increase or intensify land uses that are inconsistent with the original intent of the Critical Area designation.

We assert that Critical Area corridor boundary changes should be allowed for extreme cases only. A very strong or very weak connection to the river and its resources must be clearly demonstrated, and any change should have broad stakeholder support.

FMR is strongly opposed to changing district boundaries to accommodate urban growth. To do so makes critical area nothing more than an exercise in staging development. We believe the purpose of the Mississippi River critical area designation is to protect the resource within the context of growth, and the framers of the designation were well aware that urbanization was inevitable for many corridor communities. The process for amending boundaries should be clarified through legislation and rules to ensure corridor resources will be protected or enhanced if a district boundary change occurs.

Thank you again for the opportunity to assist the DNR in preparing the Critical Area study. We appreciate you careful consideration of our comments on moving forward with a stronger river corridor protection program that has the potential to improve outcomes for stakeholders in all categories. We look forward to continuing to work in partnership with the DNR as we move forward into the 2008 legislative session. Please feel free to contact us if you have questions about these comments or the study report.

Sincerely yours,

Whitney L. Clark
Executive Director

Mississippi River Corridor Critical Area Report to the Minnesota Legislature

Minnesota Department of Natural Resources

January 2008

Errata

March 18, 2009

An error was discovered in one of the lists of contacts for the series of stakeholder meetings arranged and held by Friends of the Mississippi River (FMR). The list of contacts labeled ‘business/development’ was a duplicate of the list of contacts labeled ‘environmental/civic’, and the business/development list of contacts was inadvertently omitted.

The correct list of business/development contacts is on the reverse side. A corrected copy of the report section on Stakeholder Meetings Attendees and Lists of Contacts, found in Appendix A of the Mississippi River Corridor Critical Area Report to the Legislature, is also attached.

First_Name	Last_Name	Organization
Anne	Anderson	Westwood Professional Services
Matt	Anfang	Centex Homes
Tim	Baylor	JADT Group, LLC
Bob	Bieraugel	Aggregate Industries
Bruce	Chamberlain	Hoisington Koegler Group, Inc.
Bob	Close	Close Landscape Architecture
Jean	Coleman	CR Planning
Linda	Donaldson	Brighton Development Corp.
Laura	Fernandez	For State Representative Rick Hansen
David	Frauenshuh	Frauenshugh Companies
Theresa	Greenfield	Rottlund Homes, Inc.
David	Hartwell	
Winston	Hewett	Opus
Mindy	Isaacs	American Iron
Don	Kern	Flint Hills Resources
Karolyn	Kirchgesler	Saint Paul RCVA
Nick	Koch	HGA
Michael	Lander	Lander Group
Chip	Lindeke	Rafferty, Rafferty, Tollefson
Lorrie	Louder	St. Paul Port Authority
Sherm	Malkerson	C. Chase Company
John	Mannillo	Capitol River District Council
Laurie	Miller	DR Horton Custom Homes
Laura	Mylan	Saint Paul Riverfront Corporation
Lee	Nelson	Upper River Services, Inc.
Gregory	Page	Saint Paul Riverfront Corporation
Dan	Pfeiffer	
Michael	Rainville	Twin Cities Official Visitors Guide
Karen	Reid	Neighborhood Development Alliance
Kit	Richardson	Schafer Richardson
Chris	Romano	Riverview Economic Developmen Assoc
Rusty	Schmidt	URS Corporation
David	Sellergren	Fredrikson & Byron, P.A.
John	Shardlow	Bonestroo/DSU
George	Sherman	Sherman Associates
Mark	Stutrud	Summit Brewing Company
Chuck	Sullivan	Sullivan Group Architects
Michael	Welch	Smith Partners
Steve	Wellington	Wellington Management
John	Wells	Environmental Quality Board

DNR Note: List of contacts provided and categorized by FMR as 'business/development'.

Stakeholder Meetings

Attendees and Lists of Contacts

Provided by FMR

Mississippi River Critical Area Study
Stakeholder Engagement Meeting Participation

GROUP	First Name	Last Name	Organization/Affiliation	Group mtgs	All SH mtg
BOARD	Michelle	Beeman	Dakota County		Nov. 7
BOARD	Peter	Gove	FMR Board	Oct. 31	
BOARD	Hokan	Miller	Upper River Services		Nov. 7
BOARD	Edward	Oliver	FMR Board	Oct. 31	
BUS/DEV	Matt	Anfang	Centex	Oct. 25	
BUS/DEV	Tim	Baylor	JADT Group, LLC	Oct. 25	
BUS/DEV	Bob	Bieraugel	Aggregate Industries	Oct. 25	
BUS/DEV	Chuck	Derscheid	St. Paul Port Authority	Oct. 25	
BUS/DEV	Linda	Donaldson	Brighton Development Corp.	Oct. 25	
BUS/DEV	Chip	Lindeke	Rafferty, Rafferty, Tollefson	Oct. 25	Nov. 7
BUS/DEV	John	Mannillo	Capitol River District Council	Oct. 30	
BUS/DEV	Laurie	Miller	DR Horton Custom Homes	Oct. 25	
BUS/DEV	Gregory	Page	Saint Paul Riverfront Corporation	Oct. 25	Nov. 7
BUS/DEV	Kit	Richardson	Schafer Richardson	Oct. 25	
BUS/DEV	Chris	Romano	Riverview Economic Developmen Assoc	Oct. 25	
BUS/DEV	George	Sherman	Sherman Associates	Oct. 25	
ENV/CIV	Tom	Bell	Grey Cloud Island Township Planning Commission		Nov. 7
ENV/CIV	Sharell	Benson	Sierra Club - North Star Chapter	Oct. 30	Nov. 7
ENV/CIV	Gjerry	Berquist	West Side Citizens Organization Env Committee	Oct. 30	Nov. 7
ENV/CIV	Edna	Brazaitis	Friends of the Riverfront	Oct. 30	Nov. 7
ENV/CIV	Carol	Carey	Historic Saint Paul	Oct. 30	
ENV/CIV	Tom	Dimond		Oct. 30	Nov. 7
ENV/CIV	Jim	Erkel	Minnesota Center for Environmental Advocacy		Nov. 7
ENV/CIV	Joe	Ferrer		Oct. 30	
ENV/CIV	John	Grzybek	Climb the Wind Institute	Oct. 30	
ENV/CIV	Laurie	Hawkins	Hastings Environmental Protectors	Oct. 30	

ENV/CIV	Lisa	Hondros	Nicollet Island - East Bank Neighborhood Assoc.	Oct. 30	Nov. 7
ENV/CIV	Christina	Hong	District 1 Community Council	Oct. 30	Nov. 7
ENV/CIV	Jerry	Kahlert	Sierra Club - North Star Chapter	Oct. 30	Nov. 7
ENV/CIV	Carol	Keyes-Ferrer		Oct. 30	
ENV/CIV	Pat	Kvidera	Marshall Terrace Neighborhood	Oct. 30	
ENV/CIV	Peggy	Lynch	Friends of the Parks and Trails of St. Paul/Ramsey County	Oct. 30	Nov. 7
ENV/CIV	Ciara	Schlichting	Bonestroo	Oct. 31	
ENV/CIV	Shelley	Shreffler		Oct. 30	
ENV/CIV	Laura	Silver	West Bank Community Coalition	Oct. 30	Nov. 7
ENV/CIV	Chuck	Sullivan	Above the Falls Citizen Advisory Committee	Oct. 31	
ENV/CIV	Lyndon	Torstenson	Longfellow Community Council	Oct. 30	
ENV/CIV	Jennifer	Winkelman		Oct. 30	
ENV/CIV	Georgianna	Yantos	Hawthorne	Oct. 30	
ENV/CIV	Grit	Youngquist	Friends of Lilydale	Oct. 30	
GOV	Cliff	Aichinger	Ramsey-Washington Watershed District	Oct. 31	
GOV	John	Burbanks	City of Cottage Grove	Oct. 31	
GOV	Ann	Calvert	City of Minneapolis CPED	Oct. 31	Nov. 7
GOV	Tori	Dupre	Met Council Environmental Services	Oct. 31	
GOV	Chris	Essor	City of South St. Paul Parks and Recreation	Oct. 31	
GOV	Laura	Fernandez	Representing Rep. Rick Hansen	Oct. 25	
GOV	Amy	Geisler	City of Ramsey	Oct. 31	
GOV	Rick	Hansen	MN House of Representatives	Oct. 30	
GOV	John	Hinzman	City of Hastings	Oct. 31	
GOV	Anne	Hunt	City of St. Paul - Office of the Mayor	Oct. 31	Nov. 7
GOV	Mary	Jackson	Dakota County	Oct. 31	
GOV	Craig	Johnson	League of Minnesota Cities	Oct. 31	
GOV	Sheldon	Johnson	Minnesota Legislature	Oct. 31	Nov. 7
GOV	Jason	Lindahl	City of Rosemount	Oct. 31	Nov. 7
GOV	Marilyn	Lundberg	Lilydale City Council	Oct. 31	Nov. 7
GOV	Sue	McDermott	City of Mendota Heights	Oct. 31	

GOV	Michael	McDonough	Leg. Comm. on Minnesota Resources	Oct. 31	
GOV	Erin	Murphy	MN House of Representatives	Oct. 30	Nov. 7
GOV	Lonnie	Nichols	Minneapolis Park & Recreation Board	Oct. 31	
GOV	Patrick	Nunnally	University of Minnesota		Nov. 7
GOV	Molly	Shodeen	MN DNR - Waters		Nov. 7
GOV	Larry	Soderholm	City of Saint Paul - PED	Oct. 31	
GOV	Allan	Torstenson	City of Saint Paul - PED	Oct. 31	Nov. 7
GOV	Rita	Trapp	Hoisington Koegler Group	Oct. 31	
GOV	Harvey	Turner	University of Minnesota	Oct. 31	
GOV	Carol	Zoff	MN DOT Office of Technical Support	Oct. 31	
STAFF-FMR	Whitney	Clark	Friends of the Mississippi River	Oct. 25, 30, 31	Nov. 7
STAFF-FMR	Irene	Jones	Friends of the Mississippi River	Oct. 25, 30, 31	Nov. 7
STAFF-FMR	Ryan	Kane	Friends of the Mississippi River	Oct. 25, 30, 31	Nov. 7
STAFF-FMR	Bob	Spaulding	Friends of the Mississippi River	Oct. 25, 30, 31	Nov. 7
STAFF-GOV	Michele	Hanson	MN DNR - Waters	Oct. 30, 31	Nov. 7
STAFF-GOV	Dale	Homuth	MN DNR - Division of Waters	Oct. 25, 30, 31	Nov. 7
STAFF-GOV	Steve	Johnson	National Park Service/MNRRA	Oct. 25, 30, 31	Nov. 7
STAFF-GOV	Kathy	Metzker	MN DNR - Waters	Oct. 25	Nov. 7
STAFF-GOV	John	Wells	Environmental Quality Board	Oct. 25, 30, 31	Nov. 7
STAFF-GOV	Rebecca	Wooden	MN DNR - Waters	Oct. 30, 31	Nov. 7

First_Name	Last_Name	Organization
Anne	Anderson	Westwood Professional Services
Matt	Anfang	Centex Homes
Tim	Baylor	JADT Group, LLC
Bob	Bieraugel	Aggregate Industries
Bruce	Chamberlain	Hoisington Koegler Group, Inc.
Bob	Close	Close Landscape Architecture
Jean	Coleman	CR Planning
Linda	Donaldson	Brighton Development Corp.
Laura	Fernandez	For State Representative Rick Hansen
David	Frauenshuh	Frauenshugh Companies
Theresa	Greenfield	Rottlund Homes, Inc.
David	Hartwell	
Winston	Hewett	Opus
Mindy	Isaacs	American Iron
Don	Kern	Flint Hills Resources
Karolyn	Kirchgesler	Saint Paul RCVA
Nick	Koch	HGA
Michael	Lander	Lander Group
Chip	Lindeke	Rafferty, Rafferty, Tollefson
Lorrie	Louder	St. Paul Port Authority
Sherm	Malkerson	C. Chase Company
John	Mannillo	Capitol River District Council
Laurie	Miller	DR Horton Custom Homes
Laura	Mylan	Saint Paul Riverfront Corporation
Lee	Nelson	Upper River Services, Inc.
Gregory	Page	Saint Paul Riverfront Corporation
Dan	Pfeiffer	
Michael	Rainville	Twin Cities Official Visitors Guide
Karen	Reid	Neighborhood Development Alliance
Kit	Richardson	Schafer Richardson
Chris	Romano	Riverview Economic Developmen Assoc
Rusty	Schmidt	URS Corporation
David	Sellergren	Fredrikson & Byron, P.A.
John	Shardlow	Bonestroo/DSU
George	Sherman	Sherman Associates
Mark	Stutrud	Summit Brewing Company
Chuck	Sullivan	Sullivan Group Architects
Michael	Welch	Smith Partners
Steve	Wellington	Wellington Management
John	Wells	Environmental Quality Board

DNR Note: List of contacts provided and categorized by FMR as 'business/development'.

First_Name	Last_Name	Organization
Russ	Adams	Alliance for Metropolitan Stability
Nina	Archabal	MN Historical Society
Tom	Balcom	
Joyce	Barta	Prospect Park East River Rd Imp Assn
Shawn	Bartsh	
Brian	Bates	
Tom	Bell	
Sharell	Benson	Sierra Club - North Star Chapter
Gjerry	Berquist	
Gayle	Bonneville	St. Anthony West Neighborhood
Tim	Boyle & Sharon Wheeler	
Edna	Brazaitis	Friends of the Riverfront
Carol	Carey	Historic Saint Paul
Carolyn	Carr	LCC River Gorge Committee
Valeng	Cha	Hawthorne Area Community Council
Elissa	Cottle	Marcy Holmes Neighborhood Assn.
Rebecca & Scott	Cramer	
Dave	Dempsey	
Elizabeth	Dickinson & Christopher Childs	
Georgia	Dietz	Highland District Council
Tom	Dimond	
Karin	DuPaul	Daytons Bluff Community Council
Larry	Englund	Capitol River Coun./Dist. #17
Roberta	Englund	Webber-Camden Neighborhood Org
Jim	Erkel	MCEA
Jim	Fitzpatrick	Carpenter Nature Center
Meg	Forney & Jon Fagerson	
Katie and Rick	Fournier	
David	Frank	Warehouse Dist./North Loop Neighborhood
Carlos	Garcia Velasco	West Side Citizens Organization
Diane	Gerth	W. 7th / Fort Rd. Federation
Rhoda R.	Gilman	
Dennis	Gimmestad	State Historical Preservation Office
Carol & Rick	Greenwood	Seward Neighborhood Group
John	Grzybek	
Michael	Guest	
Rick & Suzanne	Hansen	
Karen and Scott	Harder	
Laurie	Hawkins	Hastings Environmental Protectors
Theresa	Heiland	Merriam Park Community Council
Phil	Heywood & Paula Vollmar	
Harland	Hiemstra	
Jill	Hirons Maraist	Capital River Council/Dist. #17
Michelle	Hoffman	
Tony & Diane	Hofstede	
Lisa	Hondros	Nicollet Island - East Bank Neighborhood Assoc.
Christina	Hong	District 1 Community Council
Louise	Hotka and Jill Meyer	

DNR Note: List of contacts provided and categorized by FMR as 'environmental/civic'.

First_Name	Last_Name	Organization
Joshua	Houdek	Sierra Club - North Star Chapter
Amy L.	Hubbard	Irwin Andrew Porter Foundation
Steve	Hunstad	St Paul Park City Council
Ed	Johnson	West Seventh - Fort Road Federation
Frank	Jossi	Sierra Club - North Star Chapter
Jerry	Kahlert	
Donald and Phyllis	Kahn	
Deborah	Karasov	Great River Greening
Tecla	Karpen	
John	Kerwin	
T.K. & Jan	Kilton	PPERRIA
Rosemary	Knutson	
Ron	Kroese	McKnight Foundation
Pat	Kvidera	Marshall Terrace Neighborhood
Craig	Larson and Beverly Gerdes	
Kurt	Leuthold	Steven Leuthold Family Foundation
Amy	Luesebrink	Lind-Bohanon Neighborhood Assoc.
Don	Luna	WSCO
Margaret	Lund and Chris Steller	
Peggy	Lynch	Friends of the Parks St. Paul and Ramsey County
Mary Jamin	Maguire	Marshall Terrace Neighborhood
Sheldon	Mains	
Jack	Maloney	
Jill	Maraist	
Judith	Martin	
Judith	Martin	University of Minnesota - Urban Studies
Melissa	Martinez-Sones	Macalester Groveland Community Council
Matt	Massman	
Bonnie	McDonald	Preservation Alliance of Minnesota
Kevin	McDonald	
Dan	McGuiness	National Audubon Society
Diana	McKeown	
Debbie	Meister & Gene Christenson	
Chris	Morris	McKinley Neighborhood
Steve	Morse	
Erin	Murphy	MN House of Representatives
Laura	Musacchio	
Paulette	Myers-Rich	W. 7th / Fort Rd. Federation
Julia and Brian	Nerbonne	
Tim & Lara	Norkus-Crampton	
Katie	Nyberg	Mississippi River Fund
Hillary	Oppmann & Andy Holdsworth	
Sage	Passi	
Cordelia	Pierson	The Trust for Public Land
Fred	Poehler	
Dave	Polaschek	
Michael	Prichard	
Jane	Prince	

DNR Note: List of contacts provided and categorized by FMR as 'environmental/civic' (cont.).

First_Name	Last_Name	Organization
Sherrie	Pugh Sullivan	NRRC
Jack	Ray	
Jack	Ray	Urban Boatbuilders
Dean	Rebuffoni	
Judy	Richardson	
Christie	Rock-Hantge	Downtown Minneapolis Neighborhood Assn
Mike	Romens	
Robert and Sally	Roscoe	
Shelley	Shreffler	
Laura	Silver	West Bank Community Coalition
KT	Simon-Dastych & Gerald Dastych	
Jack	Skrypek	
Bob	Spaulding	Capitol River Coun./Dist. #17
Siah	St. Clair	Springbrook Nature Center
Kathy	Stack	
Chris	Steller	
John	Stiles & Javier Morillo-Alicea	
Erin	Stojan	
Chuck	Sullivan	
Carol	Swenson	
Peck	Tierney	
William L.	Tilton	Miss. Whitewater Park Dev. Corp.
Lyndon	Torstenson	
Ted	Tucker	
Christine	Viken	
Joyce	Vincent	
Scott	Vreeland & Lorie Bergstrom	
Peter	Wagenius	
Bernie	Waibel	Seward Neighborhood Group
Bernie	Waibel	Seward Neighborhood Group
Walter and Sue	Waranka	Dayton's Bluff Community Council
Terrence	Williams & Patricia Hampl	
Jennifer	Winkelman	
Georgianna	Yantos	Hawthorne Area Community Council
Grit	Youngquist	
Dave	Zumeta	
		Nicollet Island - East Bank Neighborhood Assoc.
		Sheridan Neighborhood Organization

DNR Note: List of contacts provided and categorized by FMR as 'environmental/civic' (cont.).

First_Name	Last_Name	Organization	
Jim	Abeler	MN House of Representatives	
Cliff	Aichinger	Ramsey-Washington Watershed District	
Joe	Atkins	MN House of Representatives	
Karla	Bigham	MN House of Representatives	
Larry	Bodahl	City of Newport	
John	Burbanks	City of Cottage Grove	
Ann	Calvert	City of Minneapolis CPED	
Satveer	Chaudhary	MN Senate	
Richard	Cohen	MN Senate	
Sandra	Colvin Roy	Minneapolis City Council	
Greg	Copeland	City of Maplewood	
John	Cox	City of Champlin	
Jim	Danielson	City of Mendota Hts.	
Mike	Davis	MN DNR	
Jim	Davnie	MN House of Representatives	
Denise	Dittrich	MN House of Representatives	
Augustine "Willie"	Dominguez	MN House of Representatives	
Mark	Doneux	Capitol Region Watershed District	
Tori	Dupre	Met Council Environmental Services	
Sandy	Fecht	MN DNR - Waters	
Leo	Foley	MN Senate	
Matt	Fulton	City of Coon Rapids	
Pat	Garofalo	MN House of Representatives	
Kate	Garwood	County of Anoka	
Amy	Geisler	City of Ramsey	
Chris	Gerlach	MN Senate	
Lisa	Goodman	Minneapolis City Council	
Cam	Gordon	Minneapolis City Council	
Steve	Gordon	St. Paul PlannignCommission	
Rick	Hansen	MN House of Representatives	
Michele	Hanson	Department of Natural Resources	
Scott	Harlicker	City of Coon Rapids	
Pat	Harris	Saint Paul City Council	
Becky	Herman	Denmark Township	
Scott	Hickok	City of Fridley	
Linda	Higgins	MN Senate	
John	Hinzman	City of Hastings	
Brad	Hoffman	City of Brooklyn Center	
Diane	Hofstede	Minneapolis City Council	
Dale	Homuth	MN DNR - Division of Waters	
Melissa	Hortman	MN House of Representatives	
Steve	Hunstad	Saint Paul Park City Council	
Anne	Hunt	City of St. Paul - Office of the Mayor	
Craig	Johnson	League of Minnesota Cities	
Sheldon	Johnson	Minnesota Legislature	
Steve	Johnson	MNRRA	
Barbara	Johnson	Minneapolis City Council	
Sheldon	Johnson	MN House of Representatives	

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First_Name	Last_Name	Organization	
Michael	Jungbauer	MN Senate	
Phyllis	Kahn	MN House of Representatives	
Barbara	Kienberger	Ravenna Township	
Steven	King	City of South St. Paul	
Robert	Kirchner	City of Anoka	
Judith	Krupich	Nininnger Twp	
Carolyn	Laine	MN House of Representatives	
Dick	Lambert	MNDOT	
Kathy	Lantry	Saint Paul City Council	
Dan	Larson	MN Senate	
Cara	Letofsky	City of Minneapolis - Office of the Mayor	
Warren	Limmer	MN Senate	
Kim	Lindquist	City of Rosemount	
Thomas	Link	City of INver Grove Heights	
Diane	Loeffler	MN House of Representatives	
Marilyn	Lundberg	Lilydale City Council	
Greg	Mack	Ramsey County Parks and Rec.	
Carlos	Mariani	MN House of Representatives	
Sue	McDermott	City of Mendota Heights	
Michael	McDonough	Leg. Comm. on Minnesota Resources	
Tom	McDowell	Hennepin Parks-Natural Resources Mgmt.	
Denny	McNamara	MN House of Representatives	
James	Metzen	MN Senate	
Matt	Moore	S. Washington Watershed District	
Jan	Morlock	Office of University Relations	
Pat	Mosites	Metropolitan Airports Commission	
Mee	Moua	MN Senate	
Joe	Mullery	MN House of Representatives	
Erin	Murphy	MN House of Representatives	
Lonnie	Nichols	Minneapolis Park Board	
Patrick	Nunnally	U of M Mississippi River Initiative	
Dennis	O'Donnell	Washington County Planning and Zoning	
Joan	Olin	City of Mendota	
Dennis	Ozment	MN House of Representatives	
Sandra	Pappas	MN Senate	
Pat	Pariseau	MN Senate	
Michael	Paymar	MN House of Representatives	
Joyce	Peppin	MN House of Representatives	
Jeff	Perry	Anoka County Parks	
Lawrence	Pogemiller	MN Senate	
Jennifer	Ringold	Minneapolis Park Board	
Don	Samuels	Minneapolis City Council	
Ciara	Schlichting	Bonestroo	
Paul	Schoenecker	Grey Cloud Island Township Board	
Scott	Schulte	City of Champlin	
Cindy	Sherman	City of Brooklyn Park	
Katie	Sieben	MN Senate	
Barry	Sittlow	City of St. Paul Park	

DNR Note: List of contacts provided and categorized by FMR as 'governmental' (cont.).

First_Name	Last_Name	Organization	
Linda	Slocum	MN House of Representatives	
Kristina	Smitten	MFRA	
Douglas	Snyder	Mississippi WMO	
Larry	Soderholm	City of Saint Paul - PED	
Barbara	Sporlein	City of Minneapolis Planning Dept	
Sarah	Strommen	Ramsey City Council	
Erin	Stwora	City of Dayton	
Steve	Sullivan	Dakota County Parks and Rec	
Lucy	Thompson	City of Saint Paul - PED	
Erik	Thorvig	City of Anoka	
Dave	Thune	Saint Paul City Council	
Patricia	Torres Ray	MN Senate	
Allan	Torstenson	City of Saint Paul - PED	
Patrick	Trudgeon	City of Ramsey	
Libby	Ungar	Fresh Energy	
Ron	Warren	City of Brooklyn Center	
Bernard	Weitzman	City of Lilydale	
Rebecca	Wooden	MN DNR - Waters	
Carol	Zoff	MN DOT Office of Technical Support	
Brian	Zweber	City of Rosemount	

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