

# Overview of Mississippi River Corridor Critical Area Program and Rulemaking Effort

## History of the Mississippi River Corridor Critical Area

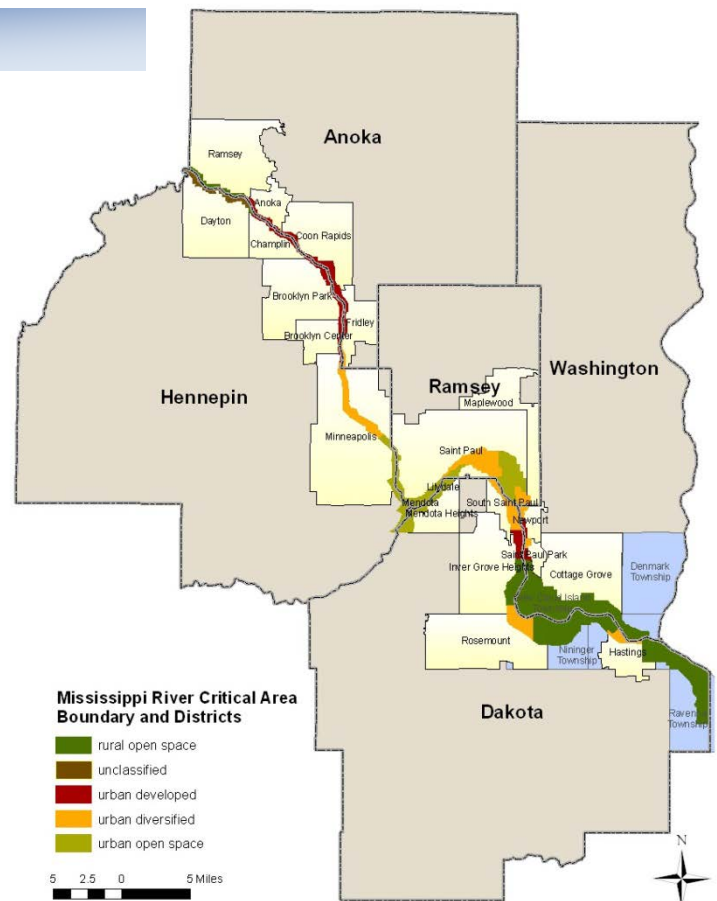
- 1973** Minnesota passes Critical Areas Act of 1973 (MN Statutes, Chapter 116G)  
EQB adopts rules to implement Act (MN Rules, parts 4410.8100 – 4410.9910)
- 1976** Mississippi River and adjacent corridor designated a state critical area by Governor Wendell Anderson (Executive Order No. 130)
- 1979** Designation continued by Governor Albert Quie (Executive Order 79-19)  
Metropolitan Council acts to make designation permanent (Resolution 79-48)
- 1988** Mississippi National River and Recreational Area (MNRRA) established by Congress as unit of NPS (MNRRA shares same boundary as Mississippi River Corridor Critical Area)
- 1991** MNRRA designated a state critical area per Critical Areas Act (MN Statutes, section 116G.15)
- 1995** Responsibility shifts from EQB to DNR by Governor Arne Carlson (Reorganization Order 170)
- 2007** Legislature directs DNR to prepare report on the Mississippi River Corridor Critical Area (Completed January 2008)
- 2009** Legislature amends MN Statutes, section 116G.15 and directs DNR to conduct rulemaking for the Mississippi River Corridor Critical Area (MN Laws 2009, Chapter 172, Article 2, Section 5.e.)
- 2011** DNR develops draft rule after participatory stakeholder process, but rulemaking authority lapses
- 2013** Legislature directs DNR to resume rulemaking process in consultation with local governments

## Current Status

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

**DNR Role:** Adopts rules, reviews/approves plans and ordinances, and reviews actions requiring a public hearing.

**NPS Role:** Has provided funding assistance to local, regional, and state agencies; encourages LGUs to incorporate voluntary MNRRA policies



into plans; and provides stewardship, education, and historical and cultural resource protection.

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

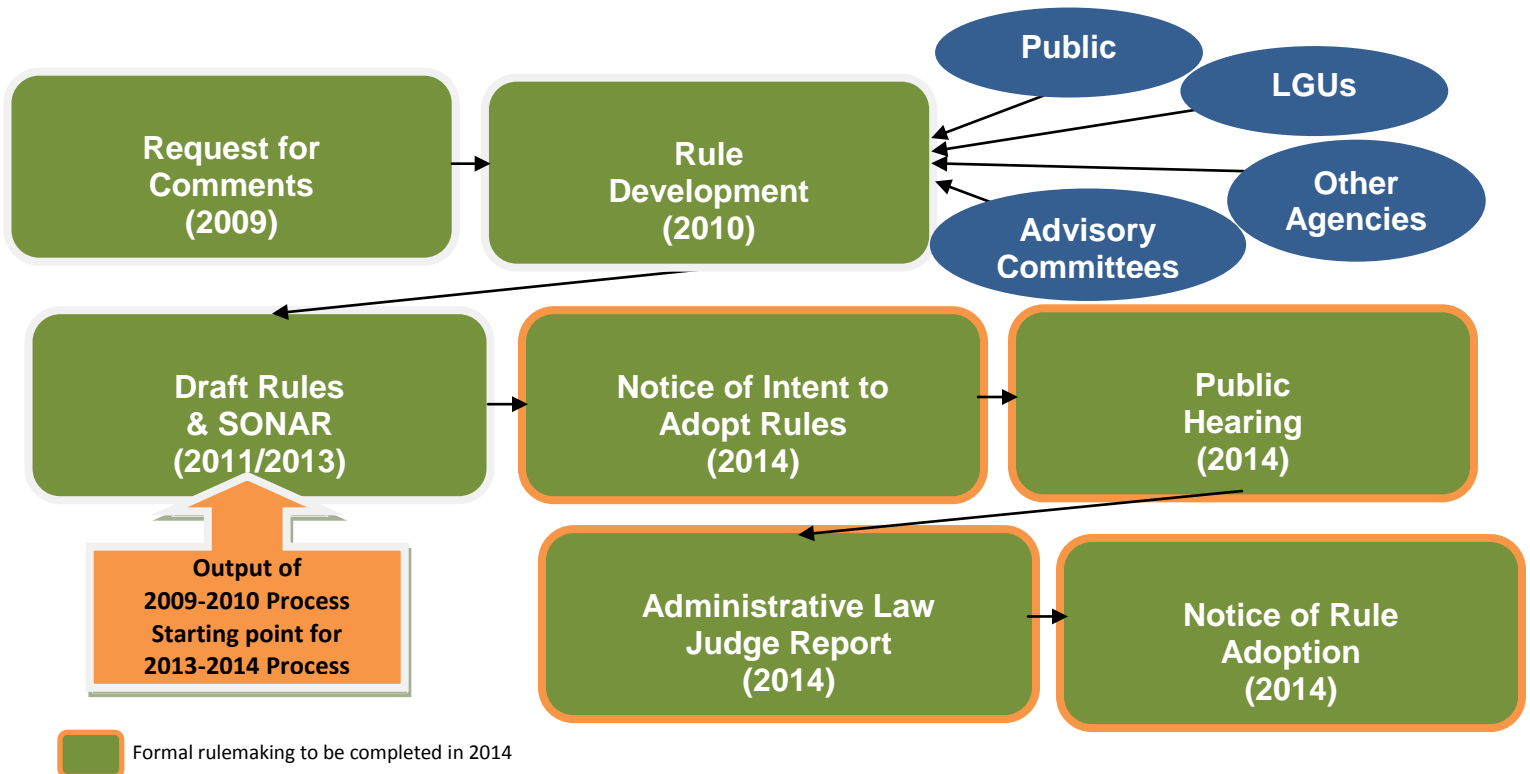
**LGU Roles:** Adopt DNR-approved plans and ordinances, and administer and enforce them.

## Key Points of 2009 and 2013 Legislation

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

- establish, by rule, districts within the Mississippi River Corridor Critical Area. The DNR must:
  - determine appropriate number of districts within each municipality,
  - take into account municipal plans and policies, and existing ordinances and conditions, and
  - consider protection of key identified resources and features.
- establish, by rule, minimum guidelines and standards for the districts to protect key resources and features and use them when approving plans and regulations and reviewing development permit applications.
- consult with local governments prior to rule adoption (new in 2013).
- protect existing commercial, industrial and residential uses (new in 2013).
- 2009 legislation required preparation of a preliminary bluff map; this requirement was eliminated in 2013, but protection of bluffs and related features remains a priority.

## General Overview of State Rulemaking Process (MN Statutes, Chapter 14)



The DNR will re-publish a Request for Comments in 2013 and will continue to involve local communities, interest groups, other agencies, and the public in improving and refining the draft rules. The DNR also intends to hold a public hearing as part of the formal rulemaking process. For more information, including a detailed 2013-2014 rulemaking schedule, visit the project website: [http://mndnr.gov/waters/watermgmt\\_section/critical\\_area/rulemaking.html](http://mndnr.gov/waters/watermgmt_section/critical_area/rulemaking.html)