

Sec. 18. Minnesota Statutes 2012, section 116G.15, subdivision 2, is amended to read:
45.9 Subd. 2. **Administration; duties.** (a) The commissioner of natural resources, after
45.10 consultation with affected local units of government within the Mississippi River corridor
45.11 critical area, may adopt rules under chapter 14 as are necessary for the administration of
45.12 the Mississippi River corridor critical area program. Duties of the Environmental Quality
45.13 Council or the Environmental Quality Board referenced in this chapter, related rules, and
45.14 the governor's Executive Order No. 79-19, published in the State Register on March 12,
45.15 1979, that are related to the Mississippi River corridor critical area shall be the duties of
45.16 the commissioner. All rules adopted by the board pursuant to these duties remain in effect
45.17 and shall be enforced until amended or repealed by the commissioner in accordance with
45.18 law. The commissioner shall work in consultation with the United States Army Corps of
45.19 Engineers, the National Park Service, the Metropolitan Council, other agencies, and local
45.20 units of government to ensure that the Mississippi River corridor critical area is managed
45.21 as a multipurpose resource in a way that:
45.22 (1) conserves the scenic, environmental, recreational, mineral, economic, cultural,
45.23 and historic resources and functions of the river corridor;
45.24 (2) maintains the river channel for transportation by providing and maintaining
45.25 barging and fleeting areas in appropriate locations consistent with the character of the
45.26 Mississippi River and riverfront;
45.27 (3) provides for the continuation ~~and~~ development, and redevelopment of a variety
45.28 of urban uses, including industrial and commercial uses, and recreational and residential
45.29 uses, where appropriate, within the Mississippi River corridor;
45.30 (4) utilizes certain reaches of the river as a source of water supply and as a receiving
45.31 water for properly treated sewage, storm water, and industrial waste effluents; and
45.32 (5) protects and preserves the biological and ecological functions of the corridor.
45.33 (b) The Metropolitan Council shall incorporate the standards developed under
45.34 this section into its planning and shall work with local units of government and the
45.35 commissioner to ensure the standards are being adopted and implemented appropriately.
46.1 (c) The rules must be consistent with residential nonconformity provisions under
46.2 sections 394.36 and 462.357.

46.3 Sec. 19. Minnesota Statutes 2012, section 116G.15, subdivision 3, is amended to read:
46.4 Subd. 3. **Districts.** The commissioner shall establish, by rule, districts within
46.5 the Mississippi River corridor critical area. The commissioner must seek to determine
46.6 an appropriate number of districts within any one municipality and take into account
46.7 municipal plans and policies, and existing ordinances and conditions. The commissioner
46.8 shall consider the following when establishing the districts:
46.9 ~~(1) the protection of the major features of the river in existence as of March 12, 1979;~~
46.10 ~~(2)~~ (1) the protection of improvements such as parks, trails, natural areas,
46.11 recreational areas, and interpretive centers;
46.12 ~~(3)~~ (2) the use of the Mississippi River as a source of drinking water;
46.13 ~~(4)~~ (3) the protection of resources identified in the Mississippi National River and
46.14 Recreation Area Comprehensive Management Plan;
46.15 ~~(5)~~ (4) the protection of resources identified in comprehensive plans developed by
46.16 counties, cities, and towns within the Mississippi River corridor critical area;
46.17 ~~(6) the intent of the Mississippi River corridor critical area land use districts from~~
46.18 ~~the governor's Executive Order No. 79-19, published in the State Register on March~~
46.19 ~~12, 1979; and~~
46.20 (5) management of the river corridor consistent with its natural characteristics and
46.21 its existing development, and in consideration of potential new commercial, industrial,
46.22 and residential development; and
46.23 ~~(7)~~ (6) identified scenic, geologic, and ecological resources.

46.24 Sec. 20. Minnesota Statutes 2012, section 116G.15, subdivision 4, is amended to read:

46.25 Subd. 4. **Standards.** (a) The commissioner shall establish, by rule, minimum
46.26 guidelines and standards for the districts established in subdivision 3. The guidelines and
46.27 standards for each district shall include the intent of each district and key resources and
46.28 features to be protected or enhanced based upon paragraph (b). The commissioner must
46.29 take into account municipal plans and policies, and existing ordinances and conditions
46.30 when developing the guidelines in this section. The commissioner may provide certain
46.31 exceptions and criteria for standards, including, but not limited to, exceptions for river
46.32 access facilities, water supply facilities, storm water facilities, and wastewater treatment
46.33 facilities, and hydropower facilities.

47.1 (b) The guidelines and standards must protect or enhance the following key

47.2 resources and features:

47.3 (1) floodplains;

47.4 (2) wetlands;

47.5 (3) gorges;

47.6 (4) areas of confluence with key tributaries;

47.7 (5) natural drainage routes;

47.8 (6) shorelines and riverbanks;

47.9 (7) bluffs;

47.10 (8) steep slopes and very steep slopes;

47.11 (9) unstable soils and bedrock;

47.12 (10) significant existing vegetative stands, tree canopies, and native plant

47.13 communities;

47.14 (11) scenic views and vistas;

47.15 (12) publicly owned parks, trails, and open spaces;

47.16 (13) cultural and historic sites and structures; and

47.17 (14) water quality; and

47.18 (15) commercial, industrial, and residential resources.

~~47.19 (c) The commissioner shall establish a map to define bluffs and bluff-related features~~

~~47.20 within the Mississippi River corridor critical area. At the outset of the rulemaking process,~~

~~47.21 the commissioner shall create a preliminary map of all the bluffs and bluff lines within~~

~~47.22 the Mississippi River corridor critical area, based on the guidelines in paragraph (d). The~~

~~47.23 rulemaking process shall provide an opportunity to refine the preliminary bluff map. The~~

~~47.24 commissioner may add to or remove areas of demonstrably unique or atypical conditions~~

~~47.25 that warrant special protection or exemption. At the end of the rulemaking process, the~~

~~47.26 commissioner shall adopt a final bluff map that contains associated features, including~~

~~47.27 bluff lines, bases of bluffs, steep slopes, and very steep slopes.~~

~~47.28 (d) The following guidelines shall be used by the commissioner to create a~~

~~47.29 preliminary bluff map as part of the rulemaking process:~~

~~47.30 (1) "bluff face" or "bluff" means the area between the bluff line and the bluff base. A~~

~~47.31 high, steep, natural topographic feature such as a broad hill, cliff, or embankment with~~

~~47.32 a slope of 18 percent or greater and a vertical rise of at least ten feet between the bluff~~

~~47.33 base and the bluff line;~~

~~47.34 (2) "bluff line" means a line delineating the top of a slope connecting the points~~

~~47.35 at which the slope becomes less than 18 percent. More than one bluff line may be~~

~~47.36 encountered proceeding upslope from the river valley;~~

~~48.1 (3) "base of the bluff" means a line delineating the bottom of a slope connecting~~

~~48.2 the points at which the slope becomes 18 percent or greater. More than one bluff base~~

~~48.3 may be encountered proceeding landward from the water;~~

~~48.4 (4) "steep slopes" means 12 percent to 18 percent slopes. Steep slopes are natural~~

~~48.5 topographic features with an average slope of 12 to 18 percent measured over a horizontal~~

48.6 ~~distance of 50 feet or more; and~~

48.7 ~~(5) "very steep slopes" means slopes 18 percent or greater. Very steep slopes are~~

48.8 ~~natural topographic features with an average slope of 18 percent or greater, measured over~~

48.9a ~~horizontal distance of 50 feet or more.~~

48.10 Sec. 21. Minnesota Statutes 2012, section 116G.15, subdivision 7, is amended to read:

48.11 Subd. 7. **Rules.** The commissioner shall adopt rules to ensure compliance with this

48.12 section. By January 15, 2010, the commissioner shall begin the rulemaking required by

48.13 this section under chapter 14. Notwithstanding sections 14.125 and 14.128, the authority

48.14 to adopt these rules does not expire.

48.15 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2009.

48.16 Sec. 22. **MISSISSIPPI RIVER CORRIDOR CRITICAL AREA REPORT.**

48.17 By January 15, 2014, the commissioner of natural resources shall submit a report

48.18 to the chairs and ranking minority members of the senate and house of representatives

48.19 committees and divisions with jurisdiction over natural resources finance and policy

48.20 and the clean water fund on the status of the rulemaking authorized under Minnesota

48.21 Statutes, section 116G.15.

48.22 Sec. 23. **REPEALER.**

48.23 Minnesota Statutes 2012, section 116.201, is repealed.

48.24 **EFFECTIVE DATE.** This section is effective January 1, 2014.