

HOUSE RESEARCH

Bill Summary

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Overview

This bill would make a number of changes to the Mississippi River Corridor Critical Areas program by codifying existing requirements, and requiring the Department of Natural Resources (DNR) to adopt new rules for the program, including new districts within the area and the development of new guidelines and standards within each district. The program is currently administered by the DNR and provides coordinated planning and management for a portion of the Mississippi River corridor (from Ramsey and Dayton, to the southern boundary of Dakota County) in order to protect and preserve the corridor. Executive Order 79-19 provides the guidelines and standards currently being used for planning and managing the area. The Mississippi River Corridor Critical Area was originally designated as a critical area under the Critical Area Act of 1973 over 30 years ago. The area is also federally designated as the Mississippi National River and Recreation Area.

Section

1 Mississippi River Corridor Critical Area. Amends § 116G.15.

Subd. 1. Establishment; purpose. Removes obsolete language and codifies the purpose of the Mississippi River Corridor Critical Area as originally detailed in Executive Order 79-19.

Subd. 2. Administration; duties. Requires the commissioner of natural resources to administer the program and work in consultation with the U.S. Army Corps of Engineers, the National Park Service, the Metropolitan Council, and others. (The program was originally administered by the Environmental Quality Board but was changed by executive order to the DNR.) Establishes the general management guidelines of the program established in Executive Order 79-19 as management duties of the commissioner and adds “protects and preserves the biological and ecological functions of the corridor” to the list of duties. Requires the Metropolitan Council to

incorporate standards established under the program into its planning, and work with local units of government and the commissioner to insure adoption and implementation of the standards.

Subd. 3. Districts. Requires the commissioner to establish districts with the Mississippi River Corridor Critical Area and provides direction on what the commissioner shall consider when establishing the districts. (Currently there are four districts for the program, rural open space, urban diversified, urban developed, and urban open space.) Requires the commissioner to minimize the number of districts within any one municipality.

Subd. 4. Standards. Requires the commissioner to establish minimum guidelines and standards for each of the districts established in subdivision 3, including the key resources to be protected and the land uses to be allowed in the district. Allows the commissioner to provide certain exceptions. Requires the guidelines and standards to protect or enhance certain key resources and features, such as wetlands, bluffs, shorelines and riverbanks, scenic views, and water quality. Requires the commissioner to map the bluffs and bluff related features and provide a preliminary map based on definitions provided for bluff face/bluff, bluff line, base of bluff, steep slopes, and very steep slopes. Requires the rulemaking process to allow the preliminary map to be refined and requires the adoption of a final map.

Subd. 5. Application. Requires the program's standards to be used by local units of government, state and regional agencies, the Metropolitan Council, and the commissioner.

Subd. 6. Notification; fees. Requires local units of government or regional or state agencies to notify the DNR of all developments in the corridor that require discretionary action (defined as all actions that require a public hearing, including variances, conditional use permits, and zoning amendments) at least 10 days before taking action on the application, and establishes a late fee of \$500. Allows the commissioner to exempt certain types of applications from the notification requirement. Requires the commissioner to establish fees to be paid by local units of government and agencies to recover the costs of reviewing the notification information and allows local units of government to pass on the costs of the fee to applicants.

Subd. 7. Rules. Requires the commissioner to adopt rules to meet the requirements of this section and start the rulemaking process no later than January 15, 2010. States that the program shall be administered in accordance with Executive Order 79-19 until the rules are adopted.

2 Appropriation. Appropriates an unspecified amount in fiscal year 2010 from the new clean water fund for adoption of the rules required under section 1.