

HOUSE RESEARCH

Bill Summary

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Overview

This bill would make a number of changes to the existing 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 that include new districts within the area and the development of new guidelines and standards within each district. 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.

The Mississippi River Corridor Critical Area 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.

Section

- 1** **Base of bluff.** Amends § 116G.03 by adding subd. 12. Defines “base of bluff” as a line delineating the bottom of a slope connecting points at which the slope becomes 18 percent or greater.
- 2** **Bluffline.** Amends § 116G.03 by adding subd. 13. Defines “bluffline” as a line delineating the top of a slope connecting the points at which the slope becomes less than 18 percent.
- 3** **Bluff face or bluff.** Amends § 116G.03 by adding subd. 14. Defines “bluff face” or “bluff” as the area between the bluffline and bluff base.
- 4** **Steep slopes.** Amends § 116G.03 by adding subd. 15. Defines “steep slopes” as 12 to 18 percent slopes, and states that they are natural topographic features with an average slope of

12 to 18 percent measured over a horizontal distance of 50 feet or more.

5 Very steep slopes. Amends § 116G.03 by adding subd. 16. Defines “very steep slopes” as 18 percent and greater slopes, and states that they are natural topographic features with an average slope of 18 percent or greater measured over a horizontal distance of 50 feet or more.

6 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.)

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 blufflines within the area based upon the definitions established in sections 1 to 5 of the bill (allowing for minor adjustments) and adopt the map by rule to serve as the definition of bluffline for the area.

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 30 days before

taking action on the application, and establishes a late fee of \$500 for late submissions. Allows the commissioner to exempt certain types of applications from the notification requirement by rule. 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.

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 rulemaking is available one time, does not expire until the rules are adopted, and that future revisions to the rules require legislative authorization. States that the existing provisions for the program shall be used to administer the program until the rules are adopted.