

Minnesota Department of Natural Resources

Division of Ecological and Water Resources

REQUEST FOR COMMENTS

Possible Rules Governing the Mississippi River Corridor Critical Area, *Minnesota Rules*, chapters 6106 and 4410

Subject of Rules. The Minnesota Department of Natural Resources (DNR) requests comments on possible rules governing the Mississippi River Corridor Critical Area (MRCCA). The MRCCA includes the Mississippi River and 5,400 acres of adjacent land along a 72-mile stretch through the Twin Cities metropolitan area. Development in the corridor is currently guided by locally-adopted and enforced MRCCA plans and ordinances that must comply with existing districts and standards and guidelines established in Executive Order 79-19, the order designating the MRCCA. The Minnesota Department of Natural Resources (DNR) is engaged in rulemaking to update these districts and standards. The rulemaking will primarily develop new language in Chapter 6106, but also may modify existing language in Chapter 4410 if determined necessary to facilitate administration.

This rulemaking will provide for management of the MRCCA as a multi-purpose resource in a manner consistent with Minnesota Statutes 116G.15, subd. 2, that: conserves scenic, environmental recreational, mineral, economic, cultural, and historic resources and functions; maintains the river channel for transportation, including barging and fleeting areas; provides for continuation, development and redevelopment of a variety of urban uses; uses the river for water supply and as a receiving water for properly treated effluents; and protects the biological and ecological functions of the corridor.

Persons Affected. The rules would likely affect the following persons and organizations within the MRCCA: all local governmental units with jurisdiction in the MRCCA (21 cities, 4 townships, and 5 counties); property owners, institutions, developers, and businesses; recreational facility users; water-oriented businesses, facilities, and navigation interests on the Mississippi River; utility providers; state and regional agencies and institutions with facilities, property interests, and/or regulatory authority in the MRCCA (such as the Metropolitan Council, Department of Natural Resources, Department of Transportation, Metropolitan Airports Commission, University of Minnesota, Saint Paul Port Authority, Minnesota Historical Society, and federal agencies such as the National Park Service and U.S. Army Corps of Engineers).

Statutory Authority. Minnesota Statutes, section 116G.15, as amended in Laws 2013, chapter 137, article 2, sections 18 to 21, requires the DNR to adopt rules for administration of the Mississippi River Corridor Critical Area.

Rules Drafts. The DNR has developed a working draft of the possible rules and districts for public comment. The working draft of the possible rules, district maps, and other information regarding the rulemaking are available on the DNR website at: www.dnr.state.mn.us/input/rules/mrcca/index.html, or can be obtained by contacting the agency contact person provided below.

Public Comment. Interested persons or groups may submit comments or information on the working draft of possible rules in writing until 4:30 p.m. on August 15, 2014. The DNR will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The DNR does not plan to appoint an advisory committee to comment on the possible rules, but will be convening public information meetings and open houses throughout the summer of 2014 to gain additional input. This process is the continuation of a process that began in 2009. As part of that process, the DNR consulted closely with advisory committees; local governments; federal, state, and regional agencies; and other interest groups in developing the working draft of the proposed rules and districts. The DNR will continue to consult with these interest groups throughout the public comment phase.

Agency Contact Person. Written comments, questions, and requests to receive a copy of the working draft of proposed rules should be directed to: Daniel Petrik at Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4025, 651-259-5714 (phone), 651-296-1811 (facsimile), and mrcca.rulemaking@state.mn.us.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: This rulemaking phase is intended to provide informal feedback on the working draft rules before they are finalized for the last phase. The last phase is a formal process that begins with a Notice of Intent/Hearing to adopt the rules, with a public hearing presided over by an Administrative Law Judge. Therefore, comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge. The agency is required to submit to the judge only those written comments received after the rules are formally proposed in the second phase. If you submit comments in response to this notice and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Date: May 21, 2014

/s/ Tom Landwehr, Commissioner
Department of Natural Resources