

Minnesota Attorney General: Administrative Rules Proceedings

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MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Natural Resources
(Agency or Board)

Regulation No. NR 78 thru 81 (new)

Subject: Minnesota Wild and Scenic Rivers Systems

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STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
RULES AND REGULATIONS

CHAPTER SIX: NR 78-81
STATEWIDE STANDARDS AND CRITERIA FOR THE MINNESOTA WILD AND SCENIC RIVERS SYSTEM

NR 78 General Provisions

(a) STATEMENT OF POLICY

It is in the interest of present and future generations to preserve and protect the outstanding scenic, recreational, natural, historical, and scientific values of certain Minnesota rivers and their adjacent lands. Accordingly, the Commissioner of Natural Resources does hereby provide standards and criteria for the preservation, protection, and management of such rivers, as authorized by Laws of Minnesota 1973, Chapter 271.

(b) SCOPE

The standards and criteria established in NR 78-81 will provide minimum statewide requirements for the selection, classification, management and control of Wild, Scenic and Recreational Rivers and their land use districts.

(c) JURISDICTION

(1) The standards and criteria for Wild, Scenic, and Recreational Rivers hereby established in NR 78-81 shall pertain to public waters and to public and private lands within the land use districts as defined in the management plan.

(2) The extent of the lands so covered is a maximum of 320 acres per each mile of river on both sides (not each side) of those rivers or river segments which the Commissioner of Natural Resources has designated as components of the Minnesota Wild and Scenic Rivers System.

(3) All state, local, and special governmental units, councils, commissions, boards, districts, agencies, departments and other authorities shall exercise their powers so as to further the purpose of the Minnesota Wild and Scenic Rivers Act and management plans adopted thereunder.

(4) Land owned by the state, its agencies and subdivisions shall be administered in accordance with the management plan. No land so owned within the land use district shall be transferred if the Commissioner determines such transfer is inconsistent with the plan.

(5) In case of conflict between a provision of the Minnesota Wild and Scenic Rivers Act or these rules and regulations and some other law of this state or provisions of existing local ordinances, the more protective provision shall apply.

(d) DEFINITIONS

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows: The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

"Agricultural Use" means the management of land for production of farm crops such as vegetables, fruit trees, grain and other crops, and their storage on the area, as well as for the raising thereon of farm poultry, domestic pets, and domestic farm animals.

"Bluffline" means a line along the top of a slope connecting the points at which the slope becomes less than 13%. This applies to those slopes within the land use district which are beyond the setback provision from the normal high water mark.

"Building Line" means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

"Campground" means an area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.

"Clear-cutting" means the removal of an entire stand of vegetation.

"Cluster Development" means a pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

"Commissioner" means the Commissioner of Natural Resources.

"Conditional Use" means a use of land which is permitted within a zoning district only when allowed by the County Board of Commissioners or their legally designated agent after a public hearing, if certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district.

"Essential Services" means underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment

and accessories in conjunction therewith; but not including buildings or transmission services.

"Forestry" means the management, including logging, of a forest, woodland, or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, and fences.

"Land Use District" means those lands designated by the Commissioner as the protected land corridor along those rivers or river segments which the Commissioner has designated as components of the Minnesota Wild and Scenic Rivers System. The boundaries of such land use district shall include not more than 320 acres per each mile of river on both sides (not each side) of the river.

"Mining Operation" means the removal from the land of stone, sand and gravel, coal, salt, iron, copper, nickel, granite, petroleum products or other material for commercial, industrial, or governmental purposes.

"Nonconforming Use" means any use of land established before the effective date of a county or local ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

"Normal High Water Mark" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. In areas where the normal high water mark is not evident, setbacks shall be measured from the stream bank.

"Open Space Recreational Uses" means recreation use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks, and recreation areas.

"Primitive Campsites" means an area that consists of individual remote campsites accessible only by foot or water.

"Scenic Easement" means an interest in land, less than the fee title, which limits the use of the land for the purpose of protecting the scenic, recreational, or natural characteristics of Wild, Scenic or Recreational River areas. Unless otherwise expressly and specifically provided by the parties, such easement shall be (a) perpetually held for the benefit of the people of Minnesota; (b) specifically enforceable by its holder or any beneficiary; and (c) binding on the holder of the servient estate, his heirs, successors and assigns. Unless specifically provided by the parties, no such easement shall give the holder or any beneficiary the right to enter on the land except for

enforcement of the easement.

"Selective cutting" means the removal of single scattered trees.

"Setback" means the minimum horizontal distance between a structure and the normal high water mark or between a structure and a road or highway.

"Sewage Disposal System" means any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems, and drain fields.

"Single Family Dwelling" means a detached building containing one dwelling unit.

"Structure" means any building, sign, or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles and other supporting appurtenances.

"Subdivision" means improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

"Substandard Use" means any use of shorelands existing prior to the date of enactment or amendment of a county or local ordinance which is permitted within the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of the ordinance.

"Variance" means a modification or variation of the provisions of the local ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of any provision of the local ordinance would cause unnecessary hardship, or that strict conformity with the provisions of the local ordinance would be unreasonable, impractical or not feasible under the circumstances. This shall be evaluated according to the provisions contained in NR 81.

"Watershed Management or Flood Control Structure" means a dam, floodwall, wingdam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term "watershed management or flood control structure" does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner.

"Wetland" means land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh.

(e) SEVERABILITY

The provisions of these regulations shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

(f) RIVERS ELIGIBLE FOR INCLUSION

To be eligible for inclusion in the Minnesota Wild and Scenic Rivers System, a river or segment of a river, and its adjacent lands must possess outstanding scenic, recreational, natural, historical, scientific, or similar values. The river or its segments shall be classified into one or more of the three classes of rivers: Wild, Scenic and Recreational. Each river shall be managed so as to preserve and protect the values which qualify it for designation and classification.

(1) Wild rivers are those that exist in a free-flowing state with excellent water quality and with adjacent lands that are essentially primitive.

(aa) "Free-flowing" means existing in natural condition without significant artificial modification such as impoundment, diversion, or straightening. The existence, however, of low dams, diversion works or other minor structures shall not automatically bar its inclusion as a Wild, Scenic, or Recreational river.

(bb) "Excellent water quality" means that the water quality is in or approaches natural condition with no significant evidence of man's activities.

(cc) "Adjacent lands that are essentially primitive" means that the river's adjacent lands should possess a wilderness or natural-like appearance. These adjacent lands should be substantially free of habitation and other evidence of man's intrusion. However, the existence of a few unobstrusive structures along the river would not bar a river from Wild river classification nor would a limited amount of domestic livestock grazing and pasture land, and cropland developed for the production of hay.

Wild rivers should not be paralleled by conspicuous and well-traveled roads or railroads. Short inconspicuous and well-screened stretches would not bar a river from Wild river classification, nor would a bridge or utility crossings.

(2) Scenic rivers are those rivers that exist in a free-flowing state and with adjacent lands that are largely undeveloped.

(aa) "Free-flowing state" has the same meaning for Scenic rivers as it does for Wild rivers.

(bb) "Adjacent lands that are largely undeveloped" means that the adjacent lands still present an overall natural character, but in places may have been developed for agricultural, residential or other land uses. Small communities that are limited to short reaches of the total area would not bar a river from Scenic river classification.

Although roads and railroads may occasionally bridge certain rivers, this will not bar such rivers from Scenic river classification, nor will short stretches of conspicuous roads and railroads and longer stretches of inconspicuous and well screened roads or railroads paralleling the river.

(3) Recreational rivers are those rivers that may have undergone some impoundment or diversion in the past and that may have adjacent lands which are considerably developed, but that are still capable of being managed so as to further the purposes of this act.

(aa) "May have undergone some impoundment or diversion in the past" means that there may be preexisting water resource development and diversions having an environmental impact greater than that described for wild and scenic rivers.

(bb) "May have adjacent lands that are considerably developed" means that the bordering lands may have already been developed for a full range of agricultural or other land uses. Recreational rivers also may be readily accessible by preexisting roads or railroads.

(g) PROCEDURE FOR INCLUDING A RIVER: MANAGEMENT PLANS

(1) For each river proposed to be included in the Wild and Scenic Rivers System, the Commissioner shall prepare a management plan. The plan shall:

(aa) Give emphasis to the preservation and protection of the area's scenic, recreational, natural, historic, and similar values.

(bb) Place no unreasonable restrictions upon compatible, pre-existing, economic uses of particular tracts of land.

(2) Each Management Plan shall include:

(aa) The proposed classification of the river or appropriate segments.

(bb) The proposed land use district boundaries which shall not exceed 320 acres per each mile of river on both sides (not each side) of the river.

(cc) The proposed methods for preserving the river and its adjacent lands.

(i) Land use controls, applied through local zoning ordinances, will be employed to preserve and protect the values of the river which justified its selection and classification.

(ii) Scenic easements or fee title to land may be acquired when preservation dictates stricter limits on shoreland development than land use controls can impose.

(iii) Fee ownership, or, when sufficient, use easements, may be acquired for campsites, accesses, launch areas, trails, and other public uses of land.

(iv) The Commissioner can acquire fee and lesser interests in land by purchase, grant, gift, devise, exchange or lease.

(dd) The proposed regulations for local land use control. These shall be consistent with the river classification, but may differ from the standards and criteria of NR 78-81 to the extent necessary to take account of the particular attributes of the area.

(ee) The proposed regulations, if any, for water surface use of the river.

(ff) The proposed plan for recreational management within the land use district.

(gg) The proposed plan for administration of the management plan.

NR 79 Land Use Provisions

In order to preserve and protect those rivers and adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific, and similar values, to reduce the effects of over-crowding and poorly planned development of such adjacent lands, to prevent pollution, to provide ample space on lots for sanitary facilities, to preserve natural beauty and quietude, to maintain property values, and to promote the general welfare, land use ordinances and official zoning district maps shall be enacted or amended by the county or municipality to comply with the Management Plan promulgated for lands within the jurisdiction of the local authority.

(a) LAND USE DISTRICTS

(1) The land use controls set forth herein shall apply to the area within the land use district boundaries described in the management plan, and determined in accordance with NR 78 (g) (2) (bb).

(2) The following land use districts shall be established in accordance with the classification of the river in the management plan:

(aa) Wild River Land Use District

(bb) Scenic River Land Use District

(cc) Recreational River Land Use District

(b) USE WITHIN LAND USE DISTRICTS

(1) Nonconforming Uses and Substandard Uses

(aa) Nonconforming Uses

All uses in existence prior to the effective date of enactment or amendment of the ordinance, which do not conform to the use restrictions of the newly established land use district are nonconforming uses. Under the authority permitted by law, local authorities may adopt provisions to regulate and control, reduce the number or extent of, or gradually eliminate nonconforming uses. Local authorities shall provide for the gradual elimination of sanitary facilities inconsistent with CONS 72 (b) (2), (b) (3), and (b) (5) over a period of time not to exceed five (5) years from the date of enactment of the local ordinance.

(bb) Substandard Uses

All uses in existence prior to the effective date of enactment or amendment of the ordinance which are permitted uses within the newly established land use district, but do not meet the minimum lot area, setbacks or other dimensional requirements of the ordinance are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:

(i) Any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.

(ii) Each local authority shall provide for the gradual ammortization of substandard signs over a period of time not to exceed five (5) years from the enactment or amendment of the ordinance.

(2) Permitted and Conditional Uses

In the following table of uses:

P means Permitted Use

C means Conditional Use

N means Nonpermitted Use

Certain of the following uses are subject to the ZONING DIMENSION PROVISIONS and SANITARY PROVISIONS. See (c) and (d). All of the following uses are subject to the VEGETATIVE CUTTING PROVISIONS and the GRADING AND FILLING PROVISIONS. See (g) and (h).

	LAND USE DISTRICTS		
	Wild River	Scenic River	Rec. River
(aa) Governmental campgrounds, subject to management plan specifications.	N	P	P
(bb) Private campgrounds, subject to management plan specifications.	N	C	C
(cc) Public accesses, road access type with boat launching facilities subject to management plan specifications.	N	P	P
(dd) Public accesses, trail access type, subject to management plan specifications.	P	P	P
(ee) Temporary docks.	C	C	P
(ff) Other governmental open space recreational uses, subject to management plan specifications.	P	P	P
(gg) Other private open space recreational uses, subject to management plan specifications.	C	C	C
(hh) Agricultural uses.	P	P	P
(ii) Single family residential uses.	P	P	P
(jj) Forestry uses.	P	P	P
(kk) Essential services.	P	P	P
(ll) Sewage disposal systems.	P	P	P
(mm) Private roads and minor public streets.	P	P	P
(nn) Signs approved by federal, state, or local government which are necessary for public health and safety and signs indicating areas that are available, or not available, for public use.	P	P	P

	LAND USE DISTRICTS		
	Wild River	Scenic River	Rec River
(oo) Signs not visible from the river that are specified in (nn),	P	P	P
(pp) Governmental resource management for improving fish and wildlife habitat; wildlife management areas, nature areas; accessory roads.	P	P	P
(qq) Underground mining that does not involve surface excavation in the land use district.	C	C	C
(rr) Utility transmission power lines and pipelines, subject to the provisions of NR 79 (i).	C	C	C
(ss) Public roads, subject to the provisions in NR 79 (j).	C	C	C

All uses not listed as permitted or conditional uses shall not be allowed within the applicable land use district.

(c) ZONING DIMENSION PROVISIONS

(1) Substandard Lots

(aa) Lots of record in the office of the County Register of Deeds (or Registrar of Titles) on the effective date of enactment or amendment of the local land use ordinance, which do not meet the requirements of NR 79 (c) shall be allowed as building sites provided the proposed use is consistent with the local ordinance and the SANITARY PROVISIONS, NR 79 (d), and the ZONING DIMENSION PROVISIONS, NR 79 (c), are complied with to the greatest extent practicable.

(bb) If in a group of two or more contiguous lots under a single ownership any individual lot does not meet the lot width requirements of the local ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width requirements of the local ordinance, or to the greatest extent practicable.

(2) Lot Size

(aa) For lots platted or created by metes and bounds description, the minimum size shall be:

(i) For Wild Rivers: At least 6 acres in area, and at least 300 feet in width at the building line and at least 300 feet at the water line for lots abutting a wild river.

(ii) For Scenic Rivers: At least 4 acres in area, and at least 250 feet in width at the building line and at least 250 feet at the water line for lots abutting a scenic river.

(iii) For Recreational Rivers: At least 2 acres in area and at least 200 feet in width at the building line and at least 200 feet at the water line for lots abutting a recreational river.

(bb) Smaller lot sizes may be permitted for planned cluster developments. See NR 79 (f).

(3) Structures: Density, Setback, Placement, Height

(aa) Density of Dwelling Units

(i) The density of dwelling units shall not exceed 1 dwelling unit per lot.

(bb) Setback Provisions

Structures, except signs specified in NR 79 (b) (2) (nn), essential services, private roads, and minor public streets, shall be placed so as to satisfy all setback requirements of the following three minimum setback tables.

(i) From the normal high water mark:

Wild River	200 feet
Scenic River	150 feet
Recreational River	100 feet

(ii) From a bluffline:

Wild River	40 feet
Scenic River	30 feet
Recreational River	20 feet

(iii) From tributaries designated in the management plan:

Wild River	100 feet
Scenic River	100 feet
Recreational River	100 feet

(cc) Placement of Structures

(i) Structures shall not be located on slopes greater than 13% unless such structures can be screened and sewage disposal system facilities can be installed so as to comply with the SANITARY PROVISIONS (d).

(ii) Where a floodplain ordinance exists, no structure shall be located in the floodway of a stream as defined in Minnesota Statutes Chapter 104.02 and furthermore shall be placed at an elevation consistent with any such applicable floodplain management ordinances. Where no floodplain ordinances exist, the elevation to which the lowest floor of a structure, including a basement, shall be placed, shall be determined after an evaluation of available flood information and shall be consistent with the statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota.

(dd) Structure height shall not exceed 35 feet.

(d) SANITARY PROVISIONS

(1) The sanitary provision standards set forth in Minn. Regs. Cons. 72 of the Statewide Standards and Criteria for Management of Shoreland Areas of Minnesota shall apply to Wild, Scenic and Recreational river land use districts.

(2) However, the provisions of Cons. 72 (b) (4) are superseded by the following setback provisions for septic tank and soil absorption systems.

	Setback from the normal high water mark
Wild River	150 feet
Scenic River	100 feet
Recreational River	75 feet
Tributaries	75 feet

(e) WATERSHED MANAGEMENT AND FLOOD CONTROL STRUCTURE PROVISIONS

Minnesota Statutes Section 105.42, as amended, requires a permit from the Commissioner of Natural Resources before any change is made in the course, current, or cross section of public waters.

(f) SUBDIVISION REGULATIONS

(1) Land Suitability

No land may be subdivided which is held unsuitable by the local authority, or the Commissioner, for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community.

(2) Subdivision Standards

The provisions otherwise set forth in NR 79 shall apply to all plats except Planned Cluster Developments.

(3) Planned Cluster Developments

Local ordinances shall contain provisions for allowing planned cluster developments when the proposed clustering provides a means of preserving agricultural land, open space, woods, scenic views and other features of the natural environment. Smaller lot sizes than those permitted in NR 79 (c) (2) may be allowed for planned cluster developments provided:

(aa) Preliminary plans are approved by the Commissioner of Natural Resources prior to their enactment by the local authority.

(bb) Central sewage facilities are installed which at least meet the applicable standards, criteria, rules or regulations of the Minnesota Department of Health and the Pollution Control Agency.

(cc) Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedication, granting of scenic easements, or other methods.

(dd) There is not more than one centralized boat launching facility for each cluster.

(g) VEGETATIVE CUTTING PROVISIONS

(1) On lands within 200 feet of the normal high water mark of Wild Rivers, 150 feet of the normal high water mark of Scenic Rivers, 100 feet of the normal high water mark of Recreational Rivers and lands within 100 feet of the normal high water mark of tributaries designated in the management plan and on lands 40 feet landward of the bluffline on Wild Rivers, 30 feet landward of the bluffline on Scenic Rivers, and 20 feet landward of the bluffline on Recreational Rivers, the following standards shall apply:

(aa) Clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted;

(bb) Selective cutting of trees in excess of 4 inches in diameter at breast height is permitted provided that cutting is spaced in several cutting operations and a continuous tree cover is maintained, uninterrupted by large openings. In cases where the existing tree cover has been interrupted by large openings in the past, selective cutting should be performed so as to maintain a continuous tree cover in the remaining wooded areas.

(cc) The above cutting provisions will not be deemed to prevent:

(i) The removal of diseased or insect infested trees, or of rotten or damaged trees that present safety hazards;

(ii) Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops, or cutting suppressed trees or trees less than four inches in diameter at breast height.

(2) Clear cutting anywhere in Wild, Scenic, or Recreational River Land Use Districts is subject to the following standards and criteria:

(aa) Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are fragile and subject to injury.

(bb) Clear cutting shall be conducted only where clear-cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain.

(cc) The size of clear cut blocks, patches, or strips shall be kept at the minimum necessary.

(dd) Where feasible all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring, or the following spring.

(h) GRADING AND FILLING PROVISIONS

(1) Grading and filling in of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the land use district.

(2) Grading and filling in of the natural topography which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities and shall be controlled by the local ordinance.

(3) Grading and filling in of the natural topography shall also meet the following standards:

(aa) The smallest amount of bare ground is exposed for as short a time as feasible.

(bb) Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.

(cc) Methods to prevent erosion and trap sediment are employed, and

(dd) Fill is stabilized to accepted engineering standards.

(4) Excavation of material from, or filling in a Wild, Scenic, or Recreational River, or construction of any permanent structures or navigational obstructions therein is prohibited, unless authorized by a permit from the Commissioner pursuant to Minnesota Statutes, Section 105.42.

(5) No state or local authority shall authorize the drainage or filling in of wetlands within Wild, Scenic, or Recreational River Land Use Districts.

(i) UTILITY COMPANIES, STANDARDS AND CRITERIA FOR UTILITY CROSSINGS

(1) Permits

(aa) All utility crossings (transmission and distribution) of Wild, Scenic, or Recreational Rivers, or of state lands within their land use districts which are under the control of the Commissioner, require a permit from the Commissioner pursuant to Minnesota Statutes, Sections 84.415 or 105.42. In reviewing permit applications for such crossings, primary consideration shall be given to crossings that are proposed to be located with or adjacent to existing public facilities, such as roads and utilities.

(bb) Utility transmission crossings of lands within the jurisdiction of the local authority within Wild, Scenic, or Recreational River Land Use Districts, require a conditional use permit from the local authority. Transmission means electric power, telephone, and telegraph lines, cables, or conduits which are used to transport large blocks of power between two points - with respect to electric power, generally, 69 kilo-volts or more - or main or pipeline crossings for gas, liquids, or solids in suspension which are used to transport large amounts of gas, liquids, or solids in suspension between two points. A conditional use permit is not required for high vol-

tage (200 kilo-volts or greater) transmission lines under the control of the Environmental Quality Council, pursuant to Minnesota Statutes. Section 116C.61.

Distribution means lines, cables, or conduits or mains or pipelines used to distribute power, water, gas, or other essential services to the utility company's customers. These are essential services. A conditional use permit is not required for essential services.

(2) Standards and Criteria for utility transmission crossings of lands within the jurisdiction of the local authority within Wild, Scenic, or Recreational River Land Use Districts:

(aa) Policy

It is essential to regulate utility transmission crossings of lands within the jurisdiction of the local authority within Wild, Scenic, or Recreational River Land Use Districts in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from such utility crossings. These standards and criteria provide a basic framework of environmental considerations concerning such a proposed crossing. The considerations deal with route design, structure design, construction methods, safety considerations, and right-of-way maintenance.

(bb) Standards and Criteria

For each environmental consideration listed in these standards and criteria, the applicant shall indicate how he is satisfying the consideration, where applicable, or if he is not, why not. In dealing with route design considerations the applicant must, where applicable, also supply data on relevant site conditions. The local authority shall issue a conditional use permit if the applicant shows he has satisfied, to the extent feasible, these environmental considerations.

In general, avoid Wild, Scenic and Recreational River Land Use Districts, especially Wild River Land Use Districts, whenever practicable. But if there is no feasible alternative, the following standards and criteria shall apply.

(i) Route Design

With regard to topography:

(aaa) Avoid steep slopes.

(bbb) Avoid scenic intrusions into stream valleys and open exposures of water.

(ccc) Avoid scenic intrusions by avoiding ridge crests and high points.

(ddd) Avoid creating tunnel vistas by, for example, building deflections into the route or using acceptable screening techniques.

With regard to location:

(eee) Avoid entering areas within 200 feet of Wild, Scenic, and Recreational Rivers and avoid entering areas within 100 feet of designated tributaries with Wild, Scenic, or Recreational River Land Use Districts except where the utility has been authorized by the Commissioner to cross Wild, Scenic, or Recreational Rivers or tributaries within their land use districts.

With regard to vegetation:

(fff) Avoid wetlands.

(ggg) Run along fringe of forests rather than through them. But if it is necessary to route through forests, then utilize open areas in order to minimize destruction of commercial forest resources.

With regard to soil characteristics:

(hhh) Avoid soils whose high susceptibility to erosion would create sedimentation and pollution problems during and after construction.

(iii) Avoid areas of plastic soils which would be subject to extensive slippage.

(jjj) Avoid areas with high water tables, especially if construction requires excavation.

With regard to crossing of public waters:

(kkk) Utility crossings of public waters requires a permit from the Commissioner pursuant to Minnesota Statutes, Section 84.415 or 105.42.

With regard to open space recreation areas:

(111) Avoid them whenever practicable.

(ii) Structure Design

With regard to locating the utility overhead or underground:

(aaa) Primary considerations must be given to underground placement in order to minimize visual impact. If the proposal is for overhead placement, the applicant shall explain the economic, technological, or land characteristic factors, which make underground placement infeasible. Economic considerations alone shall not be the major determinant.

(bbb) If overhead placement is necessary, the crossing should be hidden from view as much as practicable.

With regard to the appearance of the structures:

(ccc) They shall be made as compatible as practicable with the natural area with regard to: Height and width, materials used, and color.

With regard to the width of the right-of-way:

(ddd) The cleared portion of the right-of-way should be kept to a minimum.

(iii) Construction methods

(aaa) Construct across wetlands in the winter in order to minimize damage to vegetation, and in order to prevent erosion and sedimentation.

(bbb) Construct at times when local fish and wildlife are not spawning or nesting.

(ccc) Effective erosion and sedimentation control programs shall be conducted during all clearing, construction, or reconstruction operations in order to prevent the degradation of the river and adjacent lands.

(iv) Safety Considerations

Applicants must adhere to applicable Federal and State safety regulations, both with regard to prevention (such as safety valves and circuit breakers) and with regard to emergency procedures in the event of failure (fire suppression, oil spill cleanup).

(v) Right-of-Way Maintenance

(aaa) If possible, natural vegetation of value to fish or wildlife, and which does not pose a hazard to or restrict reasonable use of the utility, shall be allowed to grow in the right-of-way.

(bbb) Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and trees, should be planted and maintained on the rights-of-way.

(ccc) Chemical control of vegetation is discouraged. But where such methods are justified, chemicals used and the manner of their use must be in accordance with rules, regulations and other requirements of all state and federal agencies with authority over the use.

(ddd) The Management Plan may identify areas suitable for utility corridors.

(j) PUBLIC ROADS, RIVER CROSSINGS

(1) Permits

(aa) A permit as established in Minnesota Statutes, Section 105.42, is required for the construction or reconstruction, removal, or abandonment of any road or railroad crossing, of a public water.

In reviewing permit applications required for road or railroad crossings, primary consideration shall be given to crossings located with or adjacent to existing facilities, such as roads and utilities.

(bb) A conditional use permit from the local authority shall be required for any construction of new public roads, or the reconstruction of any existing public roads within Wild, Scenic, or Recreational River Land Use Districts. Public roads include township, county, and municipal roads

and highways which serve or are designed to serve flows of traffic between communities or other traffic generating areas. Public roads also include public streets and roads which serve as feeders or traffic-ways between minor public streets and major roads. A conditional use permit is not required for minor public streets which are streets intended to serve primarily as an access to abutting properties.

(2) Standards and Criteria for construction of new public roads, or the reconstruction of any existing roads within Wild, Scenic, or Recreational River Land Use Districts.

(aa) Policy

It is essential to regulate the construction of new public roads and reconstruction of existing public roads within Wild, Scenic, and Recreational River Land Use Districts in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from such development. These standards and criteria provide a basic framework of environmental considerations concerning such proposed road construction. The considerations deal with route design, construction methods, safety considerations, right-of-way maintenance, and waysides.

(bb) Standards and Criteria

For each environmental consideration listed below, the applicant shall indicate how he is satisfying the consideration, where applicable, or if he is not, why not. In dealing with route design considerations, the applicant must, where applicable, also supply data on relevant site conditions. The local authority shall issue a conditional use permit if the applicant shows he has satisfied, to the extent feasible, these environmental considerations.

In general, avoid Wild, Scenic, and Recreational River Land Use Districts, especially Wild River Land Use Districts, whenever practicable. But if there is no feasible alternative, the following standards and criteria shall apply.

(i) Route Design

With regard to topography:

(aaa) Avoid steep slopes.

(bbb) Avoid scenic intrusion into stream valleys and open exposures of water.

(ccc) Avoid scenic intrusion by avoiding ridge crests and high points.

With regard to location:

(ddd) Avoid new public road construction within 200 feet of Wild, Scenic, and Recreational Rivers and avoid new public road construction within 100 feet of designated tributaries within Wild, Scenic, or Recreational River Land Use Districts, except where a crossing of a Wild, Scenic, or Recreational River has been authorized by the Commissioner.

With regard to vegetation:

(eee) Avoid wetlands.

(fff) Run along fringes of forests rather than through them. But if it is necessary to route through forests, then utilize open areas in order to minimize destruction of commercial forest.

With regard to soil characteristics:

(ggg) Avoid soils whose high susceptibility to erosion would create sedimentation and pollution problems during and after construction.

(hhh) Avoid areas of plastic soils which would be subject to extensive slippage.

(iii) Avoid areas with high water tables, especially if construction requires excavation.

With regard to crossing of public waters:

(jjj) A permit from the Commissioner is required for a road or railroad crossing, or reconstruction, removal, or abandonment of any existing road or railroad crossing, of a public water.

With regard to open space recreation areas:

(kkk) Avoid them whenever practicable.

(ii) Construction methods

(aaa) Construct new roads so they rest as "lightly on the land" as feasible, avoiding

cuts and fills so as to blend into the natural terrain so that it appears to be a part of the natural landscape.

(bbb) Reconstruction of an existing public road or railroad should be performed in a manner that would minimize any adverse effect on the natural beauty and environment of the river.

(ccc) Effective erosion and sedimentation control programs shall be conducted during all clearing, construction, or reconstruction operations in order to prevent the degradation of the river and its adjacent lands.

(ddd) Construct across wetlands in a manner which minimizes damage to vegetation, and in a manner preventing erosion and sedimentation.

(eee) Construct at times when local fish and wildlife are not spawning or nesting.

(iii) Safety Considerations

Applicants must adhere to applicable Federal and State Safety regulations with regard to new road construction or reconstruction of an existing road.

(iv) Right-of-Way Maintenance

(aaa) If possible, natural vegetation of value to fish or wildlife, and which does not pose a safety hazard, shall be allowed to grow in the roadside right-of-way.

(bbb) Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and trees should be planted and maintained on the roadside right-of-way.

(ccc) Chemical control of vegetation is discouraged. But where such methods are justified, chemicals used and the manner of their use must be in accordance with rules, regulations and other requirements of all state and federal agencies with authority over their use.

(v) Highway Waysides

Highway waysides shall be designed in such a manner so as to harmonize with the surroundings.

NR 80 Public Use of Waters and Lands within Wild, Scenic, and Recreational River Land Use Districts

(a) POLICY

(1) In order to protect the rights of private landowners, to ensure quietude, to prohibit trespassing, to prevent littering, and to maintain the essential quality of Wild, Scenic and Recreational Rivers and their land use districts, the Commissioner and local governments shall adopt measures to manage the use and enjoyment of the rivers and their land use districts by the public.

(2) The public use and enjoyment of Wild, Scenic, and Recreational Rivers and their land use districts is limited to the public waters and designated publicly owned lands and interests in land within the land use districts. Private lands which may be located within the Land Use District do not become public in any sense. As otherwise provided in NR 78, private landowners may grant scenic easements in their land to the State of Minnesota. However, unless specifically provided by the parties, no such easement shall give the holder or any beneficiary the right to enter on the land except for enforcement of the easement.

(3) The restrictions set forth in NR 80 (b) shall not apply to persons who have been authorized by the Commissioner or by the appropriate local government to possess such items for the sole purpose of removing such items from the area.

(b) RESTRICTIONS

(1) Pursuant to Minnesota Statutes, Section 609.68, whoever unlawfully deposits garbage, rubbish, offal, or the body of a dead animal, or other litter in or upon any public highway, public waters or the ice thereon, public lands, or without the consent of the owner, private lands or water or ice thereon, may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than $100.

(2) No person shall discharge a firearm while traveling on or using a Wild, Scenic, or Recreational River, except for the purpose of hunting during those times and in those areas in which hunting for protected animals is allowed.

(3) No person traveling over or using publicly owned lands within Wild, Scenic, or Recreational River Land Use Districts shall use trail bikes, all-terrain vehicles, or vehicles of a similar nature, provided that snowmobiles may

be provided for in accordance with the management plan. This provision shall not apply to the lawful use of such vehicles on public roads and public streets.

(4) Overnight camping, fires or campfires shall not be allowed on publicly owned lands within Wild, Scenic, or Recreational River Land Use Districts, except in areas posted or designated by the Commissioner for such purposes.

(5) No person traveling on or using a Wild, Scenic, or Recreational River shall enter upon private lands within the land use district unless he has permission from the landowner, lessee, or occupant.

(6) Anyone violating any of the provisions of NR 80 (b) shall be guilty of a misdemeanor.

(c) WATER SURFACE ZONING

Any regulations which may be necessary to reduce conflicts among users of a particular river, or between users and nearby residents, shall be promulgated as part of the management plan for the river, or as amendments thereto. The boundaries of such areas shall be described with particularity in the management plan.

NR 81 General Administration

(a) IMPLEMENTING THE PROPOSED MANAGEMENT PLAN

(1) Adoption of the management plan, and adoption or amendment of local ordinances to comply with the management plan, shall be carried out pursuant to the procedures described in Laws of Minnesota 1973, Chapter 271, sections 5 and 6.

(2) When the Commissioner deems it necessary to expedite the preservation and protection of the designated river, he may request the local authority to initially implement the land use controls described in the adopted management plan by passing an interim zoning resolution, providing such a resolution would be otherwise lawful.

(b) CERTIFYING CERTAIN ACTIONS

(1) In order to ensure that the standards herein are not nullified by unjustified exceptions in particular cases, and to promote uniformity in the treatment of applications for such exceptions, a review and certification procedure is hereby established for certain local land use decisions. These certain decisions consist of any decisions which (1) directly affect the use of land within a Wild, Scenic, or Recreational River Land Use District, and (2) are one of the following types of action:

(aa) Adopting or amending an ordinance regulating the use of land, including rezoning of particular tracts of land.

(bb) Granting a variance from a provision of the local land use ordinance which relates to the ZONING DIMENSION PROVISIONS of NR 79 (c) and any other zoning dimension provisions established in the management plan.

(cc) Approving a plat which is inconsistent with the local land use ordinance.

(2) No such action shall be effective unless and until the Commissioner has certified that the action (1) complies with the Minnesota Wild and Scenic Rivers Act, the statewide standards and criteria, and the management plan; and (2) conforms to the following decision guides:

(aa) A land use ordinance or amendment must comply with the Act, the statewide standards and criteria, and the management plan.

(bb) The grant of a variance requires the presence of these conditions:

(i) The strict enforcement of the land use controls will result in unnecessary hardship. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use under the conditions allowed by the zoning provisions. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of the ordinance.

(ii) Granting of the variance is not contrary to the purpose and intent of the zoning provisions herein established by these standards and criteria, and is consistent with the comprehensive management plan adopted by the Commissioner.

(iii) There are exceptional circumstances unique to the subject property which were not created by the landowner.

(iv) Granting of the variance will not allow any use which is neither a Permitted or Conditional use in the land use district in which the subject property is located.

(v) Granting of the variance will not alter the essential character of the locality as established by the management plan.

(vi) Exception:

Where a setback pattern from the normal high water mark has already been established on both sides of the proposed building site, the setback of the proposed structure may be allowed to conform to that pattern. (This provision shall apply only to lots which do not meet the minimum lot width restrictions of the ordinance).

(cc) Approval of a plat which is inconsistent with the local land use ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.

(3) Procedures for the certification process

(aa) A copy of all notices of any public hearings, or where

a public hearing is not required, a copy of the application to consider zoning amendments, variances, or inconsistent plats under the local ordinance shall be received by the Commissioner at least thirty (30) days prior to such hearings or meetings to consider such actions. The notice or application shall include a copy of the proposed ordinance or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance.

(bb) The local authority shall notify the Commissioner of its final decision on the proposed action, within 10 days of the decision.

(cc) The Commissioner shall, no later than 30 days from the time he receives notice of the final decision, communicate to the local authority either:

(i) Certification of approval, with or without conditions; or

(ii) Notice of non-approval.

(dd) The action becomes effective when and only when either:

(i) The final decision taken by the local authority has previously received certification of approval from the Commissioner; or

(ii) The local authority receives certification of approval after its final decision; or

(iii) Thirty days have elapsed from the day the Commissioner received notice of the final decision, and the local authority has received from the Commissioner neither certification of approval nor notice of non-approval; or

(iv) The Commissioner certifies his approval after conducting a public hearing.

(ee) In the case of notice of non-approval of an ordinance or a variance or an inconsistent plat, either the applicant, or the chief executive officer of the county or municipality, may, within 30 days of said notice, file with the Commissioner a demand for hearing. If the demand for hearing is not made within the 30 days, the notice of non-approval becomes final. Also:

(i) The hearing shall be held in an appropriate local community within 60 days of the demand for it but not before 2 weeks published notice. Notice and the conduct

of the hearing and the allocation of costs of the hearing shall be accomplished in the same manner as provided in Minnesota Stats. 105.44, subdivisions 5 and 6 (1971) as amended.

(ii) Within 30 days after the hearing, the Commissioner shall either certify his approval of the proposed action, or deny it. His decision shall be based upon findings of fact made on substantial evidence found in the hearing record. If the Commissioner concludes that the proposed action satisfies the standards and criteria of NR 81 (b) (2), then he shall certify his approval; otherwise, he shall deny it.

(c) REVIEWING APPLICATIONS FOR CONDITIONAL USE PERMITS

A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit shall be received by the Commissioner at least thirty (30) days prior to such hearings or meetings to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the Commissioner within ten (10) days of such action.

(d) COPIES OF ALL PLATS SUPPLIED TO THE COMMISSIONER

Copies of all plats within the boundaries of wild, scenic, or recreational river land use districts shall be forwarded to the Commissioner within ten (10) days of approval by the local authority.

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Proposed

CHAPTER 6: NR 78-81
STATEWIDE STANDARDS AND CRITERIA FOR THE MINNESOTA WILD AND SCENIC RIVERS SYSTEM

NR 78 General Provisions

(a) STATEMENT OF POLICY

It is in the interest of present and future generations to preserve and protect the outstanding scenic, recreational, natural, historical, and scientific values of certain Minnesota rivers and their adjacent lands. Accordingly, the Commissioner of Natural Resources does hereby provide standards and criteria for the preservation, protection, and management of such rivers, as authorized by Laws of Minnesota 1973, Chapter 271.

(b) SCOPE

The standards and criteria established in NR 78-81 will provide minimum statewide requirements for the selection, classification, management and control of Wild, Scenic and Recreational Rivers and their land use districts.

(c) JURISDICTION

(1) The standards and criteria for Wild, Scenic, and Recreational Rivers and their land use districts, as hereby established in NR 78-81, apply to both incorporated and unincorporated areas, and to both public and private lands and waters.

(2) The extent of the lands so covered is a maximum of 320 acres per each mile of river on both sides (not each side) of those rivers or river segments which the Commissioner of Natural Resources has designated as components of the Minnesota Wild and Scenic Rivers System.

(3) All state, local, and special governmental units, councils, commissions, boards, districts, agencies, departments and other authorities shall exercise their powers so as to further the purpose of the Minnesota Wild and Scenic Rivers Act and management plans adopted thereunder.

(4) Land owned by the state, its agencies and subdivisions shall be administered in accordance with the management plan. No land so owned within the land use district shall be transferred if such transfer is inconsistent with the plan.

(5) In case of conflict between a provision of the Minnesota Wild and Scenic Rivers Act or these rules and regulations and some other law of this state, the more protective provision shall apply.

(d) DEFINITIONS

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows: The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

"Agricultural Use" means the management of land for production of farm crops such as vegetables, fruit trees, grain and other crops, and their storage on the area, as well as for the raising thereon of farm poultry, domestic pets, and domestic farm animals.

"Bluffline" means a line along the top of a slope connecting the points at which the slope becomes less than 13%. This applies to those slopes within the land use district which are visible from the river.

"Building Line" means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

"Campground" means an area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.

"Clear-cutting" means the removal of an entire stand of vegetation in one cut.

"Cluster Development" means a pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

"Commissioner" means the Commissioner of Natural Resources.

"Conditional Use" means a use of shorelands which is permitted within a zoning district only when allowed by the County Board of Commissioners or their legally designated agent after a public hearing, if certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district.

"Land Use District" means those lands designated by the Commissioner as the protected land corridor along those rivers or river segments which the Commissioner has designated as components of the Minnesota Wild and Scenic Rivers System. The boundaries of such land use district shall include not more than 320 acres per each mile of river on both sides (not each side) of the river.

"Mining Operation" means the removal from the land of stone, sand and gravel, coal, salt, iron, copper, nickel, granite, petroleum products or other material for commercial, industrial, or governmental purposes.

"Nonconforming Use" means any use of land established before the effective date of a county or local ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

"Normal High Water Mark" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

"Primitive Campsites" means an area that consists of individual remote campsites accessible only by foot or water.

"Scenic Easement" means an interest in land, less than the fee title, which limits the use of the land for the purpose of protecting the scenic, recreational, or natural characteristics of Wild Scenic or Recreational River area. Unless otherwise expressly and

specifically provided by the parties, such easement shall be (a) perpetually held for the benefit of the people of Minnesota; (b) specifically enforceable by its holder or any beneficiary; and (c) binding on the holder of the servient estate, his heirs, successors and assigns. Unless specifically provided by the parties, no such easement shall give the holder or any beneficiary the right to enter on the land except for enforcement of the easement.

"Selective cutting" means the removal of single scattered trees, shrubs, and the like.

"Setback" means the minimum horizontal distance between a structure and the normal high water mark or between a structure and a road or highway.

"Sewage Disposal System" means any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems, and drain fields.

"Single Family Dwelling" means a detached building containing one dwelling unit.

"Structure" means any building or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles and other supporting appurtenances.

"Subdivision" means improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

"Variance" means a modification or variation of the provisions of the local zoning ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of any provision of the local ordinance would cause unnecessary hardship, or that strict conformity with the provisions of the local ordinance would be

unreasonable, impractical or not feasible under the circumstances.

"Watershed Management or Flood Control Structure" means a dam, floodwall, wingdam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term "watershed management or flood control structure" does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner.

"Wetland" means land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh.

(e) SEVERABILITY

The provisions of these regulations shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

(f) RIVERS ELIGIBLE FOR INCLUSION

To be eligible for inclusion in the Minnesota Wild and Scenic Rivers System, a river or segment of a river, and its adjacent lands must possess outstanding scenic, recreational, natural, historical, scientific, or similar values. The river or its segments shall be classified into one or more of the three classes of rivers: Wild, Scenic and Recreational. The following are classification criteria, not management policies:

(1) Wild rivers are those that exist in a free-flowing state with excellent water quality and with adjacent lands that are essentially primitive.

(aa) "Free-flowing" means existing in natural condition without significant artificial modification such as impoundment,

diversion, or straightening. The existence, however, of low dams, diversion works or other minor structures shall not automatically bar its inclusion as a Wild, Scenic, or Recreational river.

(bb) "Excellent water quality" means that the water quality is in or approaches natural condition with no significant evidence of man's activities.

(cc) "Adjacent lands that are essentially primitive" means that the river's adjacent lands should possess a wilderness or natural-like appearance. These adjacent lands should be substantially free of habitation and other evidence of man's intrusion. However, the existence of a few unobstrusive structures along the river would not bar a river from Wild river classification nor would a limited amount of domestic livestock grazing and pasture land, and cropland developed for the production of hay.

Wild rivers should not be paralleled by conspicuous and well traveled roads or railroads. Short inconspicuous and well screened stretches would not bar a river from Wild river classification, nor would a bridge or utility crossings.

(2) Scenic rivers are those rivers that exist in a free-flowing state and with adjacent lands that are largely undeveloped.

(aa) "Free-flowing state" has the same meaning for Scenic rivers as it does for Wild rivers (NR 78)(g)(1)(aa).

(bb) "Adjacent lands that are largely undeveloped" means that the adjacent lands still present an overall natural character, but in places may have been developed for agricultural, residential or other land uses. Small communities that are limited to short reaches of the total area would not bar a river from Scenic river classification.

Although roads and railroads may occasionally bridge certain rivers, this will not bar such rivers from Scenic river classification, nor will short stretches of conspicuous roads and railroads and longer stretches of inconspicuous and well screened roads or railroads

paralleling the river.

(3) Recreational rivers are those rivers that may have undergone some impoundment or diversion in the past and that may have adjacent lands which are considerably developed, but that are still capable of being managed so as to further the purposes of this act.

(aa) "May have undergone some impoundment or diversion in the past" means that there may be preexisting water resource development and diversions having an environmental impact greater than that described for wild and scenic rivers.

(bb) "May have adjacent lands that are considerably developed" means that the bordering lands may have already been developed for a full range of agricultural or other land uses. Recreational rivers also may be readily accessible by preexisting roads or railroads.

(g) PROCEDURE FOR INCLUDING A RIVER: MANAGEMENT PLANS

(1) For each river proposed to be included in the Wild and Scenic Rivers System, the Commissioner shall prepare a management plan. The plan shall:

(aa) Give emphasis to the preservation and protection of the area's scenic, recreational, natural, historic, and similar values.

(bb) Place no unreasonable restrictions upon compatible, pre-existing, economic uses of particular tracts of land.

(2) Each Management Plan shall include:

(aa) The proposed classification of the river or appropriate segments.

(bb) The proposed land use district boundaries which shall not exceed 320 acres per each mile of river on both sides (not each side) of the river.

(cc) The proposed methods for preserving the river and its adjacent lands.

(i) Land use controls, applied through county and municipal zoning ordinances, will be employed to preserve and protect the values of the river which justified its selection and classification.

(ii) Scenic easements or fee title to land may be acquired when preservation dictates stricter limits on shoreland development than land use controls can impose.

(iii) Fee ownership, or, when sufficient, use easements, may be acquired for campsites, access, launch areas, trails, and other public uses of land.

(iv) The commissioner can acquire fee and lessor interests in land by purchase, grant, gift, devise, exchange or lease.

(dd) The proposed regulations for local land use control. These shall be consistent with the river classification, but may differ from the standards and criteria of NR 78-81 to the extent necessary to take account of the particular attributes of the area.

(ee) The proposed regulations, if any, for water surface use of the river.

(ff) The proposed plan for recreational management within the land use district.

(gg) The proposed plan for administration of the management plan.

NR 79 LAND USE PROVISIONS

In order to preserve and protect those rivers and adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific, and similar values, to reduce the effects of over-crowding and poorly planned development of such adjacent lands, to prevent pollution, to provide ample space on lots for sanitary facilities, to preserve natural beauty and quietude, to maintain property values, and to promote the general welfare, land use ordinances and official maps shall be enacted or amended by the county or municipality to comply with the Management Plan promulgated for lands within the jurisdiction of the local authority.

(a) LAND USE DISTRICTS

(1) The land use controls set forth herein shall apply to the area within the land use district boundaries described in the management plan, and determined in accordance with NR 78 (g) (2) (bb).

(2) The following land use districts shall be established in accordance with the classification of the river in the management plan:

(aa) Wild River Land Use District

(bb) Scenic River Land Use District

(cc) Recreational River Land Use District

(3) Every such land use district shall contain a special management zone known as the Critical Zone. This zone shall consist of areas adjacent to the river which are vitally important to preservation of its water quality and natural beauty, determined as follows:

(aa) All lands within 200 feet of the normal high high water mark of the river.

(bb) All lands within 100 feet of the normal high water mark of tributaries within the Land Use District.

(b) USE WITHIN LAND USE DISTRICTS

(1) Nonconforming Uses and Structures

All uses in existence prior to the effective date of enactment or amendment of the ordinance, which do not conform to the use restrictions of the newly established land use district are nonconforming uses. Such uses, including but not limited to residences

and farmland, shall be permitted to remain, regardless of whether they are within or outside of the critical zone, subject to the following conditions and exceptions.

(aa) No such use shall be expanded or enlarged except in conformity with the provisions of the enacted or amended ordinance.

(bb) No structural alteration, addition, or repair to any nonconforming structure over the life of the structure shall exceed 50 percent of its assessed value at the time of its becoming a nonconforming use unless permanently changed to a permitted use.

(cc) If such use is discontinued for twelve (12) consecutive months, any future use of the building or premises shall conform to the provisions of the enacted or amended ordinance. The county assessor shall notify the zoning administrator in writing of instances of nonconforming uses which have been discontinued for a period of twelve (12) consecutive months.

(dd) Each local authority shall provide for the gradual elimination of nonconforming signs over a period of time not to exceed (5) years from the enactment or amendment of the ordinance. Local authorities may provide for the lawful amortization of other nonconforming uses.

(2) Permitted Uses

(aa) Wild River Land Use District

(i) Critical Zone

(aaa) Governmental nature areas, wildlife management areas, parks, waysides, hiking trails, cross-country skiing and snowshoeing trails. Snowmobile trails and horseback riding trails shall not be permitted except where such trails are provided for in the management plan.

(bbb) Wild crop harvesting

(ccc) Governmental resource management for improving the fish and wildlife habitat.

(ddd) Signs approved by state or local governments which are necessary for public health and safety, and signs indicating areas that are available, or not available, for public use.

(eee) Temporary signs indicating real estate for rent or sale provided such signs are not visible from the river.

(fff) Vegetative cutting subject to the provisions as set forth in NR 79 (g).

(ggg) Private foot paths providing a landowner access to the river, provided that the course of such a path is deflected when approaching the river, and subject to the vegetative cutting provisions as set forth in NR 79 (g).

(hhh) Governmental public access development whereby access is facilitated in the manner established in NR 79 (b) (2) (aa) (i) (ggg).

(iii) Governmental resource management roads needed to facilitate such management activities as are necessary for the protection of the area from fire, insects, or disease or rehabilitation or stabilization of damaged resources.

(jjj) Governmental primitive campsite development provided such recreational development is screened from the river by natural vegetation and designed per Management Plan specifications.

(kkk) Grading and filling in accessory to a permitted or conditional use subject to the provisions in NR 79 (h).

(ii) Outside of critical zone

(aaa) All permitted uses allowed in the critical zone.

(bbb) Agricultural uses

(ccc) Single family residential uses and structures.

(ddd) Signs not visible from the river.

(eee) Private roads and public streets.

(fff) Governmental public access roads and parking facilities.

(ggg) Timber harvesting, forage production subject to the provisions as set forth in NR 79 (g).

(bb) Scenic River Land Use District

(i) Critical Zone

(aaa) All permitted uses allowed in the Critical Zone of the Wild River Land Use District.

(ii) Outside of Critical Zone

(aaa) All permitted uses allowed in the Wild River Land Use District.

(bbb) Governmental campground development designed per management plan specifications.

(cc) Recreational River Land Use District

(i) Critical Zone

(aaa) All permitted uses allowed in the Critical Zone of Wild and Scenic River Land Use Districts.

(bbb) Governmental public access roads designed per Management Plan specifications.

(ii) Outside of Critical Zone

(aaa) All permitted uses allowed in Wild and Scenic River Land Use Districts.

(3) Conditional Uses

All conditional uses require a conditional use permit from the local authority.

(aa) Wild River Land Use District

(i) Critical Zone

(aaa) Private parks, waysides, wildlife preserves, hiking trails, cross-country skiing and snowshoeing trails, designed per Management Plan specifications.

(bbb) Private primitive campsite development provided such recreational development is screened from the river by natural vegetation and designed per Management Plan specifications.

(ccc) Utility power lines and pipelines subject to the provisions as set forth in NR 79 (i).

(ddd) Public roads and railroads subject to the provisions as set forth in NR 79 (j).

(eee) Underground mining that does not involve surface excavation in the land use district.

(ii) Outside of Critical Zone

(aaa) All conditional uses allowed in the Critical Zone.

(bb) Scenic River Land Use District

(i) Critical Zone

(aaa) All conditional uses allowed in the Critical Zone of the Wild River Land Use District.

(ii) Outside of Critical Zone

(aaa) All conditional uses allowed outside of Critical Zone in the Wild River Land Use District.

(bbb) Private campground development designed per Management Plan specifications.

(cc) Recreational River Land Use District

(i) Critical Zone

(aaa) All conditional uses allowed in the Critical Zone for Wild and Scenic River Land Use Districts.

(ii) Outside of Critical Zone

(aaa) All conditional uses allowed outside of Critical Zone for Wild and Scenic River Land Use Districts.

(4) Nonpermitted Uses

All uses that are not (1) Nonconforming, (2) Permitted, or (3) Conditional uses in the enacted or amended local land use ordinance shall be Nonpermitted Uses. Nonpermitted Uses may be allowed only after amending the zoning ordinance, with the approval of the commissioner, as provided in NR 81.

(c) ZONING DIMENSION PROVISIONS

(1) Substandard Lots

Lots of record in the office of the County Register of Deeds (or Registrar of Titles) prior to the effective date of enactment or amendment of the local land use ordinance which do not meet the requirements of NR 79 (c) shall be allowed as building sites provided the proposed use is consistent with the local ordinance, the lot is in separate ownership from abutting lands, and SANITARY PROVISIONS, NR 79 (d) and ZONING DIMENSIONAL PROVISIONS, NR 79 (c), are complied with to the greatest extent practicable.

(2) Lot Size

(aa) For lots platted or created by metes and bounds description, the minimum size shall be:

(i) For Wild Rivers: At least 10 acres in area, and at least 500 feet in width at the building line and at least 500 feet at the water line for lots abutting a wild river.

(ii) For Scenic Rivers: At least 5 acres in area, and at least 300 feet in width at the building line and at least 300 feet at the water line for lots abutting a scenic river.

(iii) For Recreational Rivers: At least 80,000 square feet in area and at least 200 feet in width at the building line and at least 200 feet at the water line for lots abutting a recreational river.

(bb) Smaller lot sizes may be permitted for planned cluster developments. See NR 79 (f).

(3) Structures: Density, Placement, Height

(aa) Density of Dwelling Units

(i) The density of dwelling units shall not exceed 1 dwelling unit per lot.

(bb) Placement of Structures

(i) Structures shall be located outside of the critical zone except that temporary docks may be located in the critical zone in Recreational River Land Use Districts.

(ii) Structures shall not be located on slopes greater than 13 per cent.

(iii) Structures shall be set back at least 40 feet from any blufflines visible from the river.

(iv) Where a floodplain ordinance exists, as defined in Minnesota Statutes Chapter 104.02, no structure shall be located in the floodway of a stream and furthermore shall be placed at an elevation consistent with any such applicable floodplain management ordinances. Where

no floodplain ordinances exist, the elevation to which the lowest floor of a structure, including a basement, shall be placed, shall be determined after an evaluation of available flood information and shall be consistent with statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota.

(cc) Structure height shall not exceed 35 feet.

(d) SANITARY PROVISIONS

The sanitary provisions standards set forth in Minnesota Regs. Cons. 72 of the Statewide Standards and Criteria for Management of Shoreland Areas of Minnesota shall apply to Wild, Scenic, and Recreational River Land Use Districts; provided, however, that the provisions of Cons. 72 (b) (4) shall not apply. Sewage disposal systems shall be set back at least 150 feet from the Normal High Water Mark and shall not be located on slopes greater than 13 percent.

(e) WATERSHED MANAGEMENT AND FLOOD CONTROL STRUCTURE PROVISIONS

Minnesota Statutes Section 105.42, as amended, requires a permit from the Commissioner of Natural Resources before any change is made in the course, current, or cross section of public waters. The Commissioner shall reject applications for permits to construct any new watershed management or flood control structure, as defined in these rules and regulations, on Wild, Scenic or Recreational Rivers. The Commissioner may issue a permit for reconstruction, but not expansion, of existing watershed management or flood control structures if he concludes that such reconstruction is consistent with the objectives of these rules and regulations.

(f) SUBDIVISION REGULATIONS

(1) Land Suitability

No land may be subdivided which is held unsuitable by the local authority, or the Commissioner, for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities,

or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community.

(2) Subdivision Standards

The provisions otherwise set forth in NR 79 shall apply to all plats except Planned Cluster Developments.

(3) Planned Cluster Developments

Planned Cluster Developments may be approved by the local authority when the proposed clustering provides a means of preserving agricultural land, open space, woods, scenic views, and other features of the natural environment. The provisions otherwise set forth in NR 79 shall apply to all Planned Cluster Developments except as hereinafter modified:

(aa) The tract of land for which the project is proposed shall not be less than 10 acres.

(bb) The number of dwelling units per acre, computed by dividing the number of dwelling units which the applicant proposes by the total number of acres in the development, shall not be greater than one dwelling unit per three acres within Wild River Land Use District, one dwelling unit per two acres within Scenic River Land Use Districts, and one dwelling unit per one acre within Recreational River Land Use Districts.

(cc) A Planned Cluster Development shall include single family detached dwelling units, or attached or semi-attached dwelling units such as townhouses, or a combination of the two.

(dd) The land which is set aside to be preserved shall be clearly indicated on the plat. The critical zone shall be included in the land which is set aside to be preserved. At least one-third of the plat, including the critical zone, shall be set aside to be preserved. Continual protection of that area shall be required, and may be achieved by granting a scenic easement to the state, by dedication to the public, by restrictive covenants or by any other means acceptable to the Commissioner and the local authority.

(ee) Sewage facilities shall be installed which at least meet the applicable standards, criteria, rules, or regulations of the Minnesota Department of Health and the Pollution Control Agency.

(ff) Grading and filling in of the natural landscape to facilitate development shall be performed in a manner which minimizes earthmoving, erosion, tree clearance, and the destruction of natural amenities. All grading and filling is subject to the provisions in NR 79 (h).

(g) VEGETATIVE CUTTING PROVISIONS

(1) Zones of Management in Wild, Scenic or Recreational River Land Use Districts.

(aa) Critical Zone

There shall be no vegetative cutting in the Critical Zone except as follows:

(i) Selective vegetative cutting may be conducted to remove diseased vegetation.

(ii) Selective vegetative cutting may be conducted where it is accessory to Permitted or Conditional Uses as established for the Critical Zone of Wild, Scenic, or Recreational River Land Use Districts.

(iii) Clear cutting may be conducted only where it is accessory to the following Permitted or Conditional Uses. All clear cutting is subject to the Clear Cutting Provisions as established in NR 79 (g) (2).

(aaa) Wild crop harvesting as established in NR 79 (b) (2) (aa) (i) (bb).

(bbb) Governmental resource management roads as established in NR 79 (b) (2) (aa) (i) (iii).

(ccc) Governmental public access roads as established in NR 79 (b) (2) (cc) (i) (bbb).

(ddd) Utility transmission lines and pipelines as established in NR 79 (b) (3) (aa) (i) (ccc).

(eee) Public roads and railroads as established in NR 79 (b) (3) (aa) (i) (ddd).

(bb) Outside of Critical Zone

There shall be no vegetative cutting outside of the Critical Zone except as follows:

(i) Selective vegetative cutting may be conducted to remove diseased vegetation.

(ii) Selective vegetative cutting may be conducted where it is accessory to a Permitted or Conditional Use as established for Wild, Scenic, or Recreational River Land Use Districts.

(iii) Clear cutting may be conducted only where it is accessory to the following Permitted or Conditional Uses. All clear cutting is subject to the Clear Cutting Provisions as established in NR 79 (g) (2).

(aaa) All Permitted or Conditional Uses established in NR 79 (g) (1) (aa) (iii).

(bbb) Agriculture Uses as established in NR 79 (b) (2) (aa) (ii) (bbb).

(ccc) Single family residential uses and structures as established in NR 79 (b) (2) (aa) (ii) (ccc).

(ddd) Private roads as established in NR 79 (b) (2) (aa) (ii) (eee).

(eee) Governmental public access roads and parking facilities as established in NR 79 (b) (2) (aa) (ii) (fff).

(fff) Timber harvesting, forage production as established in NR 79 (b) (2) (aa) (ii) (ggg).

(ggg) Governmental campground development as established in NR 79 (b) (2) (bb) (ii) (bbb).

(hhh) Private campground development as established in NR 79 (b) (3) (bb) (ii) (bbb).

(2) Clear Cutting Provisions

All clear cutting shall be subject to the following standards and criteria:

(aa) Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are fragile and subject to injury.

(bb) Clear cutting shall be conducted only where clear-cut blocks, patches or strips are in all cases, shaped and blended with the natural terrain. Clear cut blocks are not permitted in areas visible from the river.

(cc) The size of clear cut blocks, patches, or strips shall be kept at the minimum necessary for the Permitted or Conditional Uses.

(dd) Clear cutting shall be conducted only where it is determined to be essential for Permitted or Conditional Uses.

(ee) All clear cuts comprising more than one acre shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted in the same spring, or when this is not possible, the following spring to prevent erosion and to maintain the aesthetic quality of the area.

(3) Nothing in these cutting limitations shall preclude a landowner from pruning understory vegetation, shrubs, plants, bushes, or from mowing his yard, or from harvesting crops, provided that such activities occur outside of the critical zone, or pursuant to a valid nonconforming use or in accordance with a lawful variance.

(h) GRADING AND FILLING PROVISIONS

(1) Grading and filling in of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the land use district.

(2) Grading and filling in of the natural topography which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities.

(3) Grading and filling in of the natural topography shall also meet the following standards:

(aa) The smallest amount of bare ground is exposed for as short a time as feasible,

(bb) Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted,

(cc) If forested areas are cleared to facilitate the grading and filling, indigenous vegetation of the area or other compatible species shall be planted within the cleared area,

(dd) Methods to prevent erosion and trap sediment are employed, and

(ee) Fill is stabilized to accepted engineering standards.

(4) The Commissioner of Natural Resources shall reject all applications for permits to extend the cross section of public waters into Wild, Scenic, or Recreational River Land Use Districts, by any means whatsoever.

(5) Excavation of material from, or filling in a Wild, Scenic, or Recreational River, or construction of any permanent structures or navigational obstructions therein is prohibited, unless authorized by a permit from the Commissioner pursuant to Minnesota Statutes, Section 105.42, as amended.

(6) No state or local authority shall authorize the drainage or filling in of wetlands within Wild, Scenic, or Recreational River Land Use Districts.

(i) UTILITY COMPANIES, STANDARDS AND CRITERIA FOR UTILITY CROSSINGS

A permit from the Commissioner is required pursuant to Minnesota Statutes, Section 84.415, as amended, before a utility company may cross public lands and waters under the control of the Commissioner.

A conditional use permit from the local authority shall be required before a utility company may cross all other lands under the jurisdiction of the local authority within Wild, Scenic, or Recreational River Land Use Districts. Prior to granting a conditional use permit for the proposed telephone, telegraph, and electric power lines, cable, or conduit crossing, or the main or pipeline crossing for gas, liquids, or solids in suspension, the local authority shall determine that such proposals conform to the following standards and criteria. The following standards and criteria do not apply to distribution lines which are accessory to a permitted or conditional use.

(1) Utility power lines (includes all telephone, telegraph, and electric power lines)

(aa) Policies

(i) To minimize the number of lcoations where utility power lines will enter and cross Wild, Scenic, or Recreational River Land Use Districts.

(ii) To locate utility power lines where there is minimal negative social, environmental, aesthetic, safety, and engineering impacts.

(iii) To design utility power line rights-of-way and poles or towers in a manner which will have the least disruptive impact on the aesthetics, recreational use, and environment of the river and land use district.

(bb) Standards and Criteria

(i) Except in exceptional circumstances of compelling public need, where there is no feasible alternative, utility power lines shall not enter Wild River Land Use Districts.

(ii) Utility power lines may enter Wild, Scenic, or Recreational River Land Use Districts at locations where existing highway, rail, or utility crossings are located in the land use districts. Where the use of such locations would unduly damage and disrupt the natural landscape, or would result in negative social, safety, or engineering impacts, or would result in an unreasonable economic hardship, utility power line crossings may be located in alternative areas.

(iii) Except in exceptional circumstances of compelling public need, where there is no feasible alternative, utility power lines shall not cross Wild Rivers.

(iv) Utility power lines may cross Wild, Scenic, or Recreational Rivers at locations where existing public road, railroad, or utilities cross Scenic and Recreational Rivers. Where the use of such locations would unduly damage and disrupt the natural landscape and environment of the river, or would result in negative social, safety, or engineering impacts, or would result in unreasonable economic hardship, utility power lines may be located in alternative areas.

(v) Poles or towers shall be located so as to take maximum advantage of existing vegetation and topography in order to screen the poles or towers from users of the river and its land use district.

(vi) Poles or towers may not be located within 100 yards or areas used for any active recreation unless the poles or towers and right-of-way are designed to compliment such recreation activities.

(vii) Low profile poles or towers shall be required, provided such poles or towers will not have the result of making utility power line facilities unnecessarily visible to recreational users of the river. Where the use of larger poles or towers would result in less visible intrusions, larger poles or towers shall be required.

(viii) Poles or towers shall not be located within the critical zone wherever feasible alternatives exist.

(ix) Effective erosion control programs shall be conducted during all clearing, construction and maintenance operations in order to prevent the degradation of the river or its adjacent lands.

(x) Wherever feasible, rights-of-way shall be aligned with a direction change at the utility power line pole or tower nearest to the river. The direction change shall be sufficient to shield river recreation users from any view of a row of utility power line poles or towers. A change of direction shall not be planned if the larger terminal pole or tower required by such a direction change cannot be adequately screened from the river by vegetation or topography or if the local topography enables adequate screening of rights-of-way without a direction change.

(xi) Whenever possible, utility power line rights-of-way shall be located in areas that do not require extensive removal or alteration of vegetation visible from the river in order to minimize impairment of the visual quality of lands being traversed. Whenever forested areas cannot be avoided, indigenous vegetation of the area or other compatible species shall be planted within the cleared portion of the utility power line right-of-way following construction.

(xii) Any new technological approaches for location and placement of utility power line facilities that would better preserve and enhance the values of Wild, Scenic, or Recreational Rivers, established in the Wild and Scenic Rivers Act, will be permitted, provided such approaches are approved by the Department of Natural Resources and the local units of government where these new technological approaches would be applied.

(2) Pipeline Crossings

(aa) Policies

(i) To minimize the number of locations where pipelines will enter and cross Wild, Scenic, or Recreational Rivers and Land Use Districts.

(ii) To locate pipelines where there is minimal negative social, environmental, aesthetic, safety, and engineering impacts.

(iii) To design pipelines and rights-of-way in a manner that will have the least disruptive impact on the aesthetics, recreational use, and environment of the river and land use district.

(bb) Standards and Criteria

(i) Except in exceptional circumstances of compelling public need, where there is no feasible alternative, pipelines shall not enter Wild River Land Use Districts.

(ii) Pipelines may enter Wild, Scenic, or Recreational River Land Use Districts at locations where existing public road, railroad, or pipeline rights-of-way are located in the land use districts. Where the use of such locations would unduly damage and disrupt the natural landscape or would result in negative social, safety, or engineering impacts, or would result in an unreasonable economic hardship, pipelines may be located in alternative areas. Whenever feasible, pipeline rights-of-way shall not be located in the critial zone except where a pipeline has been authorized to cross the river.

(iii) Except in exceptional circumstances of compelling public need, where there is no feasible alternative, pipelines shall not cross Wild Rivers.

(iv) Pipelines may cross Wild, Scenic, or Recreational Rivers at locations where existing public road, railroad, or pipelines cross Scenic and Recreational Rivers. Where the use of such locations would unduly damage and disrupt the environment of the river or would result in negative social, safety, or engineering impacts, or would result in an unreasonable economic hardship, pipelines may be located in alternative areas.

(v) Pipelines shall cross rivers in such a manner as to minimize the adverse effect on the river environment.

(vi) Pipeline rights-of-way shall be located to take maximum advantage of existing vegetation and topography for the purpose of screening such rights-of-way from recreational users of the river.

(vii) Effective erosion and sedimentation control programs shall be planned and conducted during all clearing, construction and maintenance operations to prevent the degradation of the river and adjacent lands.

(viii) Whenever feasible, pipeline rights-of-way shall be located in areas that do not require extensive removal or alteration of trees visible from the river in order to minimize impairment of the visual quality of the lands being traversed. Whenever forested areas cannot be avoided, indigenous vegetation of the area or other compatible species shall be planted within the cleared portion of the pipeline right-of-way following construction.

(ix) Pipeline rights-of-way shall be occasionally deflected in order to minimize their visual impact on users of the river unless existing topography is adequate to screen the right-of-way from the river.

(x) Whenever feasible, pipelines shall be placed underground in Wild, Scenic, or Recreational River Land Use Districts.

(j) PUBLIC ROADS AND RAILROADS

A permit as established in Minnesota Statutes, Section 105.42, as amended, is required for a road or railroad crossing; or

reconstruction, removal, or abandonment of an existing road or railroad crossing, of a public water.

A conditional use permit from the local authority shall be required for any construction of new public roads or railroads, or the reconstruction of existing public roads or railroads, within Wild, Scenic, or Recreational River Land Use Districts. Prior to granting a conditional use permit for new public road or railroad construction, or reconstruction of existing public roads or railroads, the local authority shall determine that such proposals conform to the following standards and criteria. The following standards and criteria do not apply to private roads, governmental resource management roads, governmental public access roads, or public streets which are essential to provide access to dwelling units and are not intended to be for through traffic.

(1) Policies

(aa) To minimize the number of locations where public roads and railroads will enter and cross Wild, Scenic, or Recreational Rivers.

(bb) To locate, design and construct public roads and railroads so as to eliminate or reduce adverse effects upon the beauty and environment of Wild, Scenic, or Recreational River Land Use Districts.

(2) Standards and Criteria

(aa) Except in exceptional circumstances of compelling public need, where there is no feasible alternative, new road and railroad construction shall not be permitted in Wild River Land Use Districts.

(bb) New public road and railroad construction may be permitted in Wild, Scenic, or Recreational River Land Use Districts where there is minimal aesthetic and environmental impacts.

(cc) Except in exceptional circumstances of compelling public need, where there is no feasible alternative, new public roads and railroads shall not cross Wild Rivers.

(dd) New public roads and railroads may cross Wild,

Scenic, or Recreational Rivers at locations where existing roads or railroads cross such rivers. Where crossings at such would unduly damage and disrupt the natural landscape or river environment, or would result in negative social, safety, engineering impacts, or would result in an unreasonable economic hardship, public roads and railroads may cross Wild, Scenic, or Recreational Rivers in alternative areas. Whenever feasible, forested, marsh, and recreational areas shall be avoided. Whenever forested areas cannot be avoided, indigenous vegetation of the area or other compatible species shall be planted within the cleared portion of the roadside right-of-way following construction.

(ee) All new public roads or railroads shall rest as "lightly on the land" as feasible, avoiding cuts and fills and shall blend into the natural terrain so that it appears to be a part of the natural landscape.

(ff) Where feasible, new public roads or railroads shall not be located in the critical zone except where such a public road or railroad has been authorized to cross Wild, Scenic, or Recreational Rivers.

(gg) Reconstruction of an existing public road or railroad shall be performed in a manner that would minimize any adverse affect on the natural beauty and environment of the river.

(hh) Effective erosion and sedimentation control programs shall be conducted during all clearing, construction, and maintenance operations in order to prevent the degradation of the river and its adjacent lands.

(ii) Highway waysides shall be designed in such a manner so as to harmonize with the surroundings and shall be approved by the Commissioner.

NR 80 Public Use of Waters and Lands Within Wild, Scenic, and Recreational Land Use Districts

(a) POLICY

(1) In order to protect the rights of private landowners, to ensure quietude, to prohibit trespassing, to prevent littering, and to maintain the essential quality of Wild, Scenic and Recreational Rivers and their land use districts, the Commissioner and local governments shall adopt measures to manage the use and enjoyment of the rivers and their land use districts by the public.

(2) The public use and enjoyment of Wild, Scenic, and Recreational Rivers and their land use districts is limited to the public waters and designated public lands within the land use districts. Private lands which may be located within the Land Use District do not become public in any sense. As otherwise provided in NR 78, private landowners may grant scenic easements in their land to the State of Minnesota. However, unless specifically provided by the parties, no such easement shall give the holder or any beneficiary the right to enter on the land except for enforcement of the easement.

(3) Private landowners and their invitees are not subject to the restrictions of NR 80(b) in the use of their own land.

(b) RESTRICTIONS

No person traveling over or using Wild Scenic or Recreational rivers, or public lands within their land use districts, shall transport, use, or possess

(1) Non-burnable beverage containers which have little or no commodity value for reuse, including containers on which deposits are normally charged by vendors.

(2) Firearms, except for the purpose of hunting during those times and in those areas in which hunting for protected animals is allowed.

(3) Trail bikes, all-terrain vehicles, or vehicles of a similar nature. Provided that snowmobiles may be permitted in accordance with the provisions of NR 79(b)(2)(aa)(i)(aaa).

(4) Fires and campfires, except in areas designated by the Commissioner for such purposes.

This provision shall not apply to persons who have been authorized by the Commissioner or by the appropriate local government to possess such items for the sole purpose of removing such items from the area.

(c) WATER SURFACE ZONING

(1) Motorized boats are hereby prohibited on Wild rivers, except in those areas where the Commissioner finds that they have been customarily used in the past, and do not significantly detract from the primitive character of the Wild river environment. The boundaries of such areas shall be described with particularity in the management plan.

(2) Any further regulations which may be necessary to reduce conflicts among users of a particular river, or between users and nearby residents, shall be promulgated as part of the management plan for the river, or as amendments thereto.

NR 81 General Administration

(a) IMPLEMENTING THE PROPOSED MANAGEMENT PLAN

(1) Adoption of the management plan, and adoption or amendment of local ordinances to comply with the management plan, shall be carried out pursuant to the procedures described in Laws of Minnesota 1973, Chapter 271, sections 5 and 6.

(2) When the Commissioner deems it necessary to expedite the preservation and protection of the designated river, he may request the local authority to initially implement the land use controls described in the adopted management plan by passing an interim zoning resolution, providing such a resolution would be otherwise lawful.

(b) CERTIFYING CERTAIN ACTIONS

(1) In order to ensure that the standards herein are not nullified by unjustified exceptions in particular cases, and to promote uniformity in the treatment of applications for such exceptions, a review and certification procedure is hereby established for certain local land use decisions. These certain decisions consist of any decisions which (1) directly affect the use of land within a Wild, Scenic, or Recreational Land Use District, and (2) are one of the following types of action:

(aa) Adopting or amending an ordinance regulating the use of land, including rezoning of particular tracts of land.

(bb) Granting a variance

(cc) Issuing a conditional use permit

(dd) Approving a proposed subdivision or planned cluster development which does not conform to the provisions of NR 79(f)

(2) No such action shall be effective unless and until the Commissioner has certified that the action (1) complies with the Minnesota Wild and Scenic Rivers Act, the statewide standards and

criteria, and the management plan; and (2) conforms to the following decision guides:

(aa) A land use ordinance or amendment must comply with the Act, the statewide standards and criteria, and the management plan.

(bb) The grant of a variance requires the presence of these conditions:

(i) The strict enforcement of the land use controls will result in unnecessary hardship. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use under the conditions allowed by the zoning provisions. Economic considerations alone shall not constitute a hardship if any beneficial use for the property exists under the terms of the ordinance.

(ii) Granting of the variance is not contrary to the purpose and intent of the zoning provisions herein established by these standards and criteria, and is consistent with the comprehensive management plan adopted by the Commissioner.

(iii) There are exceptional circumstances unique to the subject property which were not created by the landowner.

(iv) Granting of the variance will not allow any use which is neither a Permitted or Conditional use in the land use district in which the subject property is located.

(v) Granting of the variance will not alter the essential character of the locality as established by the management plan.

(cc) The issuance of a conditional use permit is permissible if the use is listed as a Conditional Use in the local ordinance, and will comply with the conditions required by the ordinance.

(dd) Approval of a proposed subdivision or planned cluster development which does not conform to the requirements of NR 79(f) is permissible only if the detrimental impact of the nonconformities is more than overcome by other protective characteristics of the proposal.

(3) Procedures for the certification process.

(aa) At least 10 days before the public hearing called by the local authority to consider the proposed action, the local authority shall notify the Commissioner of the time and place of the hearing. The notice shall include a copy of the proposed ordinance or amendment, or a copy of the proposed subdivision or planned cluster development, or a description of the requested variance or conditional use.

(bb) The local authority shall notify the Commissioner of its final decision on the proposed action, within 10 days of the decision.

(cc) The Commissioner shall, no later than 30 days from the time he receives notice of the final decision, communicate to the local authority either:

(i) Certification of approval, with or without conditions; or

(ii) Notice of non-approval.

(dd) The action becomes effective when and only when either:

(i) The final decision taken by the local authority has previously received certification of approval from the Commissioner; or

(ii) The local authority receives certification of approval after its final decision; or

(iii) Thirty days have elapsed from the day the Commissioner received notice of the final decision, and the local authority has received from the Commissioner neither certification of approval nor notice of non-approval; or

(iv) The Commissioner certifies his approval after conducting a public hearing.

(ee) In the case of notice of non-approval of an ordinance or a variance or a conditional use permit or a subdivision or cluster development, either the applicant, or the chief executive officer of the county or municipality, may, within 30 days of said notice, file with the Commissioner a demand for hearing. If the demand for hearing is not made within the 30 days, the notice of non-approval becomes final. Also:

(i) The hearing shall be held in an appropriate local community within 60 days of the demand for it but not before 2 weeks published notice. Notice and the conduct of the hearing and the allocation of costs of the hearing shall be accomplished in the same manner as provided in Minn. Stats. 105.44, subdivisions 5 and 6 (1971) as amended.

(ii) Within 30 days after the hearing, the Commissioner shall either certify his approval of the proposed action, or deny it. His decision

shall be based upon findings of fact made on substantial evidence found in the hearing record. If the Commissioner concludes that the proposed action satisfies the standards and criteria of NR 81(b)(2), then he shall certify his approval; otherwise, he shall deny it.

11/19/73

ADDENDUM TO STATEWIDE STANDARDS AND CRITERIA FOR
THE MINNESOTA WILD AND SCENIC RIVERS SYSTEM

1. Page 2, NR 78 (d), add the following definitions:

"Essential Services" means underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.

"Forestry" means the management, including logging, of a forest, woodland, or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, and fences.

"Substandard Use" means any use of shorelands existing prior to the date of enactment or amendment of a county or local ordinance which is permitted within the the applicable land use district but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the ordinance.

2. Pages 9 and 10, NR 79 (b) (1), delete and insert the following:

(1) Nonconforming Uses and Substandard Uses
(aa) Nonconforming Uses

All uses in existence prior to the effective date of enactment or amendment of the ordinance, which do not conform to the use restrictions of the newly established land use district are nonconforming uses. All nonconforming uses shall be permitted to remain subject to the following conditions and exceptions:

(i) No such use shall be expanded or enlarged except in conformity with the provisions of the enacted or amended ordinance.

(ii) No structural alteration, addition, or repair to any nonconforming structure over the life of the structure shall exceed 50 percent of its assessed value at the time of its becoming a nonconforming use unless permanently changed to a permitted use.

(iii) If such use is discontinued for twelve (12) consecutive months, any future use of the building or premises shall conform to the provisions of the enacted or amended ordinance. The county assessor shall notify the zoning administrator in writing of instances of nonconforming uses which have been discontinued for a period of twelve (12) consecutive months.

(iv) Each local authority shall provide for the gradual elimination of nonconforming signs over a period of time not to exceed (5) years from the enactment or amendment of the ordinance. Local authorities may provide for the lawful amortization of other nonconforming uses.

(bb) Substandard Uses

All uses in existence prior to the effective date of enactment or amendment of the ordinance which are permitted uses within the newly established land use district, but do not meet the minimum lot area, setbacks or other dimensional requirements of the ordinance are substandard uses. Substandard uses, including but not limited to residential and agricultural uses within 200 feet of the river, shall be allowed to continue. However, any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.

3. Page 11, NR 79 (b) (2) (aa) (i) (fff), delete and insert the following:

(fff) Vegetative cutting accessory to a permitted or conditional use subject to the provisions as set forth in NR 79 (g).

4. Page 12, NR 79 (b) (2) (aa) (ii) (ggg), delete and insert the following:

(ggg) Forestry uses, subject to the provisions as set forth in NR 79 (g).

5. Page 12, NR 79 (b) (2) (aa) (ii), add the following:

(hhh) Essential Services.

6. Page 13, NR 79, (b) (3) (aa) (i) (aaa), delete and insert the following:

(aaa) Private hiking trails, cross-country skiing and snowshoeing trails designed per management plan specifications. Private snowmobile and horseback riding trails shall not be permitted except where such trails are provided for in the management plan.

7. Page 15, NR 79 (c) (2) (aa) (iii), delete and insert the following:

(iii) For Recreational Rivers: at least 2.5 acres in area and at least 200 feet in width at the building line and at least 200 feet at the waterline for lots abutting a recreational river.

8. Page 15, NR 79 (c) (3) (bb) (ii), add the following phrase:

where such slopes are visible from the river.

9. Page 16, NR 79 (d), delete the phrase:

and shall not be located on slopes greater than 13%.

10. Page 19, NR 79 (g) (i) (bb) (iii) (fff) delete and insert the following:

(fff) Forestry uses as established in NR 79 (b) (2) (aa) (ii) (ggg).

11. Page 26, NR 79 (i) (2) (bb) (ii), delete the first sentence and insert the the following in its place:

(ii) Pipelines may enter Wild, Scenic, or Recreational River Land Use Districts at locations where existing public road, railroad, or utility rights-of-way are located in the land use districts.

12. Page 26, NR 79 (i) (2) (bb) (iv), delete and insert the following:

(iv) Pipelines may cross Wild, Scenic, or Recreational Rivers at locations where existing public road, railroad, or utilities cross Scenic and Recreational Rivers. Where the use of such locations would unduly damage and disrupt the natural landscape or would result in negative social, safety, or engineering impacts, or would result in an unreasonable economic hardship, pipelines may be located in alternative areas.

13. Pages 28 and 29, NR 79 (j) (2) (dd), delete the first sentence and insert the following in its place:

(dd) New public roads and railroads may cross Wild, Scenic, or Recreational Rivers at locations where existing roads, railroads, or utilities cross such rivers.

14. In addition we propose to restructure NR 79 to eliminate the use of the term critical zone and substitute the term setback area or a similar phrasing in the final set of regulations.

(2) Permitted and Conditional Uses

In the following table of uses:

P means Permitted Use
C means Conditional Use
N means Nonpermitted Use

Setback means number of feet the use must be setback from the river normal high water mark. The top number refers to setback from the main stem of the river and bottom number refers to the setback from any tributaries that flow into the main stem.

		LAND USE DISTRICT					
		Wild River,	setback	Scenic River,	setback	Recreational River,	setback
(aa)	Agricultural uses	P	200' 100'	P	200' 100'	P	200' 100'
(bb)	Wild crop harvesting	P		P		P	
(cc)	Single family residential uses and structures	P	200' 100'	P	200' 100'	P	200' 100'
(dd)	Forestry uses, subject to the provisions of NR 79 (g)	P	200' 100'	P	200' 100'	P	200' 100'
(ee)	Underground mining that does not involve surface excavation in the land use district	C		C		C	
(ff)	Essential Services	P	200' 100'	P	200' 100'	P	200' 100'
(gg)	Governmental nature areas, wildlife management areas, parks, waysides, hiking trails, cross-country skiing trails, and snowshoeing trails. Snowmobile trails and horse-back riding trails shall not be permitted except where such trails are provided for in the management plan.	P		P		P	
(hh)	Private hiking trails, cross-country skiing trails, and snowshoeing trails designed per management plan specifications.	C		C		C	
(ii)	Governmental primitive campsites provided such recreational development is screened from the river by natural vegetation and designed per management plan specifications.	P		P		P	
(jj)	Privately-owned primitive camp-sites, provided such recreational development is screened from the river by natural vegetation and designed per management plan specifications.	C		C		C	

		Wild River,	setback	Scenic River,	setback	Recreational River,	setback
(kk)	Governmental campgrounds, designed per management plan specifications.	N		P	200' 100'	P	200' 100'
(ll)	Privately owned campgrounds, designed per management plan specifications.	N		C	200' 100'	C	200' 100'
(mm)	Footpaths, either private for providing the landowner access to the river, or governmentally developed for public access, provided the course of the path is deflected where approaching the river, and subject to the vegetative cutting provisions of NR 79 (g).	P		P		P	
(nn)	Governmental roads for public access and parking facilities associated with public access development.	P	200' 100'	P	200' 100'	P	
(oo)	Governmental resource management roads needed to facilitate such management activities as are necessary to protect the area from fire, insects, or disease, or to rehabilitate or stablize damaged resources.	P		P		P	
(pp)	Governmental resource management for improving fish and wildlife habitat.	P		P		P	
(qq)	Signs approved by state or local government which are necessary for public health and safety and signs indicating areas that are available, or not available, for public use.	P		P		P	
(rr)	Signs not visible from the river that are not covered by (qq).	P	200' 100'	P	200' 100'	P	200' 100'
(ss)	Vegetative cutting accessory to permitted or conditional uses, subject to the provisions of NR 79 (g).	P		P		P	
(tt)	Grading and filling in accessory to permitted or conditional uses, subject to the provisions of NR 79 (h).	P		P		P	
(uu)	Utility power lines and pipelines subject to the provisions of NR 79 (i).	C		C		C	
(vv)	Private roads and public streets	P	200' 100'	P	200' 100'	P	200' 100'
(ww)	Public roads and railroads subject to the provisions of NR 79 (j).	C		C		C	
(xx)	Sewage disposal systems	P	150' 75'	P	150' 75'	P	150' 75'

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST, COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES, STATE OF MINNESOTA

In the Matter of the Proposed Adoption of the Rules of the Commissioner of Natural Resources establishing the Statewide Standards and Criteria for the Minnesota Wild and Scenic Rivers System, as required by Section 4, Subdivision 2, of the Minnesota Wild and Scenic Rivers Act, Laws of Minnesota, Chapter 271.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Assistant Commissioner for Planning of the Department of Natural Resources, State of Minnesota, on December 26, 1973 at 10:00 a.m. at the University of Minnesota, St. Paul Campus, St. Paul, Minnesota, on December 27, 1973, at 10:00 a.m in the St. Louis County Courthouse, Duluth, Minnesota, and on December 28, 1973 at 10:00 a.m at Mankato State College, Mankato, Minnesota, after proper notice required by Minnesota Statute 1969, Section 15.0412, was served upon all persons, associations, and other interested groups registered with the Secreatary of State for that purpose.

After affording such interested persons, associations, and groups opportunity to present oral and written data statements, and arguments, having heard all of the evidence adduced, and upon the records, files, and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as Department of Natural Resources Rules 78 through 81, establishing the Statewide Standards and Criteria for the Minnesota Wild and Scenic Rivers System, a true copy

of which is attached to the original order, are adopted this 9th day of April, 1974, pursuant to authority vested in me by Laws of Minnesota, Chapter 271.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

ROBERT L. HERBST
Commissioner
Department of Natural Resources

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST, COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES, STATE OF MINNESOTA

In the Matter of the Proposed Adoption of Rules and Regulations of the Commissioner of the Department of Natural Resources Governing The Minnesota Wild and Scenic Rivers System, Pursuant to the Authority of Laws of Minnesota, 1973, Chapter 271

ORDER FOR HEARING

To effectively implement Laws of Minnesota, 1973, Chapter 271, the Minnesota Commissioner of Natural Resources deems it necessary to consider the proposed rules captioned above pursuant to the authority vested in me by Laws of Minnesota, 1973, Chapter 271.

NOW, THEREFORE, IT IS ORDERED this 20th day of November, 1973, that three public hearings on the proposed rules captioned above be held:

In St. Paul, Minnesota, on December 26, 1973, at the University of Minnesota, St. Paul Campus, in room B-45 of the Classroom Office Building, which is on Buford Avenue next to the Library.

In Duluth, Minnesota, on December 27, 1973, in Memorial Hall of the St. Louis County Courthouse, 5th Avenue West and First Street.

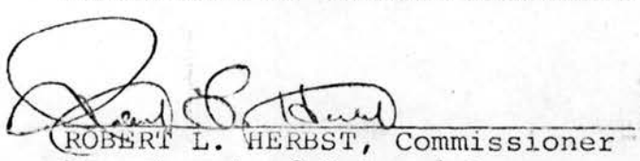
In Mankato, Minnesota, on December 28, 1973, in the Conference Auditorium of the Centennial Student Union at Mankato State College.

Each of the three public hearings shall begin at 10:00 a.m., and continue until all representatives of associations and other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that notice of said hearings be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and to all persons who are presently members of the Minnesota Legislature.

IT IS FURTHER ORDERED that notice of said hearings be published once in a legal newspaper in each of the following cities: St. Paul, Minneapolis, Duluth, and Mankato, Minnesota.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES



ROBERT L. HERBST, Commissioner
Department of Natural Resources

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST, COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES, STATE OF MINNESOTA

In the Matter of the Proposed Adoption of Rules and Regulations of the Commissioner of the Department of Natural Resources Governing the Minnesota Wild and Scenic Rivers System, Pursuant to the Authority of Laws of Minnesota, 1973, Chapter 271

ORDER FOR HEARING OFFICER

To effectively implement Laws of Minnesota, 1973, Chapter 271, the Commissioner of Natural Resources has proposed rules captioned above and has ordered public hearings to be held on the proposed rules in St. Paul, Minnesota, on December 26, 1973; in Duluth, Minnesota, on December 27, 1973; and in Mankato, Minnesota, on December 28, 1973. In order for such public hearings to be effectively conducted, a hearing officer is necessary.

NOW, THEREFORE, IT IS ORDERED this 27th day of December, 1973, that Archie D. Chelseth shall be the hearing officer who shall conduct the public hearings in the above captioned matter.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES



ROBERT L. HERBST, Commissioner
Department of Natural Resources

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST, COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES, STATE OF MINNESOTA

In the Matter of the Proposed Adoption of Rules and Regulations of the Commissioner of the Department of Natural Resources Governing The Minnesota Wild and Scenic Rivers System, Pursuant to the Authority of Laws of Minnesota, 1973, Chapter 271

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN That three public hearings will be held pursuant to Minnesota Statutes, section 15.0412, subdivision 4, in the above entitled matter, as follows

In St. Paul, Minnesota, on December 26, 1973, at the University of Minnesota, St. Paul Campus, in room B-45 of the Classroom Office Building, which is on Buford Avenue next to the Library.

In Duluth, Minnesota, on December 27, 1973, in Memorial Hall of the St. Louis County Courthouse, 5th Avenue West and First Street.

In Mankato, Minnesota, on December 28, 1973, in the Conference Auditorium of the Centennial Student Union at Mankato State College.

Each of the three hearings shall begin at 10:00 a.m. and continue until all representatives of associations and other interested groups or persons have had an opportunity to be heard concerning adoption of the proposed rules and regulations captioned above by submitting either oral or written data, statements, or arguments.

A copy of the proposed rules may be obtained by writing

Department of Natural Resources
Bureau of Environmental Planning & Protection
Centennial Building
St. Paul, Minnesota 55155

or by calling (612) 296-4786. Additional copies will be available at each hearing.

The proposed rules relate to the following matters:

The procedures and criteria which the Commissioner will follow in designating rivers to be included in the system, and in classifying them as Wild, Scenic, or Recreational.

The contents of Management Plans.

The land use controls, such as zoning and subdivision regulations, which counties will be required to apply to the shorelands of designated rivers. These controls relate to matters such as lot size and shape, setbacks of structures from the shore, cutting of vegetation, permitted and non-permitted uses, logging practices, utility crossings, roads and railroads.

Restrictions on the public's use of designated rivers and their shorelands.

Recreation management.

Commissioner procedures for overseeing county and municipal adoption and operation of the required land use controls, including a proposal that variances have no effect until approved by the Commissioner.

Dated this ___ day of November, 1973.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

BEFORE ROBERT L. HERBST
COMMISSIONER OF THE
DEPARTMENT OF NATURAL
RESOURCES

In the Matter of the Proposed Adoption of Rules and Regulations of the Commissioner of the Department of Natural Resources Governing The Minnesota Wild and Scenic Rivers System, Pursuant to the Authority of Laws of Minnesota, 1973, Chapter 271

AFFIDAVIT

OF

MAILING

Jeffrey P. Featherstone, being first duly sworn, deposes and says:

That on the 21st day of November, 1973, at the City of Saint Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing and Proposed Rules by depositing in the United States mail at said City of Saint Paul, a true and correct copy thereof, properly enveloped, and with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

Jeffrey P. Featherstone

Subscribed and sworn to before
me this 21 day of November, 1973.

Richard C. Hessburg
Notary Public

RICHARD C. HESSBURG
Notary Public, Hennepin County, Mn.
MY COMMISSION EXPIRES
March 8, 1980

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

In the Matter of the Proposed Adoption of Rules and Regulations of the Commissioner of the Department of Natural Resources Governing The Minnesota Wild and Scenic Rivers System, Pursuant to the Authority of Laws of Minnesota, 1973, Chapter 271

CERTIFICATE

I hereby certify that the attached 309 labels and one sheet constitute the complete list of persons, associations, and other interested groups who as of 2:30 o'clock P .m., this 19th day of November, 1973, have requested pursuant to Minn. Stat. 1971, Section 15.0412, Subd. 4, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearings on proposed rules on the subjects captioned above.

Arlen I. Erdahl

SECRETARY OF STATE
ARLEN I. ERDAHL

By Gail Dion

	ALBERT,AA CALDER CORP 366 JACKSON ST ST PAUL MN 55101
AM CAMPING ASSN MRS LEACOCK 1235 BRIGHTON SQ NEW BRIGHTON MN 55112	AM INST PROF GEOLOGISTS 2201 PRINCETON AVE ST PAUL MN 55105
ANDERSON JAMES 7703 NORMANDALE RD MPLS MN 55435	ANTHONY R.S. E.L.M. 1222 FOURTH ST. S.E. MINNEAPOLIS MN 55414
ASMUSSEN,DENNIS,MPIRG 3036 UNIV AVE SE MPLS MN 55414	ASSOCIATED INDUST OF MPLS NATIONAL BLDG MPLS MN 55402
	BADALICH JOHN P 2025 THOMPSON AVE SO ST PAUL MN 55075
BARTHOLOW HAROLD E FIRE CHF 2600 109 AVE N W COON RAPIDS MN 55433	BECKLIN ROBERT C 447 N W 4TH CAMBRIDGE MN 55008
BENSONI PETER USW OF AM. 609 PROVIDENCE BLDG. DULUTH MN	BERGERUD ALF 300 ROANOKE BLDG MPLS MN 55402
BREHL JAMES W 332 HAMM BLDG ST PAUL MN 55102	BRIGGS & MORGAN - B F FRIEL 2200 W 1ST NATL BK BLDG ST PAUL MN 55101

ALLEN CLAUDE H
1200 N W BK BLDG
ST PAUL MN
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ANDERSON HERBERT
418 8TH ST. SO.
VIRGINIA MN
55792

ARMOUR AND COMPANY
UNION STOCK YARDS
SO ST PAUL MN
55075

ARVER JOHN A
2467 CCHANCY
ST PAUL MN
55113

ASSN OF MINN COUNTIES
55 SHERBURNE AVE #203
ST PAUL MN
55103

AUTOMOBILE MFRS ASSN INC
55 SHERBURNE AVE
ST PAUL MN
55103

BARRETT FRED
ST LOUIS CO COURT HOUSE
DULUTH MN

BARKER KENT
8100 34TH AVE SO
MPLS MN
55420

BEECHER EVERETT
10 10 1ST ST SO
HOPKINS MN

BEMIDJI STATE COLLEGE
PLACEMENT BUR. J.C. BRADY
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MPLS MN
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BROWN D M GOODRIDGE PUB SCH
IND DIST #561
GOODRIDGE MN
56725

BRUBACHER RICHARD COMM ADM
208 ADM BLDG
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55101

BUR.ENGR.IND.DIV. MR.KIBIGER
219 N. 2ND ST.
MPLS. MN

BUR NATL AFFAIRS INC
1231 25TH ST NW
WASHINGTON DC
20037

CARPENTER MRS MARY LEE
DOW CHEMICAL 47 BLDG
MIDLAND MICH.
48640

CARRISON DALE K
MANKATO STATE COLLEGE
MANKATO MN
56001

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CHAMBERLAIN WARREN D
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MINNEAPOLIS MN
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CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

CONSUMER SERVICES DEPT COMM
230 STATE OFF BLDG
ST PAUL MN
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CUSHMAN J S DAYTON HUDSON
700 NICOLLET MALL
MPLS MN
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DANIELSON RODNEY L
418 AUDITORIUM
ST PAUL MN
55102

DAVIS HENRY
6301 SHINGLE CREEK
BROOKLYN CTR MN
55429

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
55101

DORSEY MARQUART
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MPLS MN
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RT 7 BOX 122
EXCELSIOR MN
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DUNN OLIVER PLUMBERS LOC 15
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4801 W 50TH ST
EDINA MN
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ELDER DR JAMES B
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BLOOMINGTON MN
55431

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EMP HANDICAPPED PERSONS COMM
527 JACKSON RM 227
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BRUNING C.R.DEPT.CLINIC.EXP.
BURTON HALL
MPLS. MN
55455

BURGER ALBERT
600 DEGREE OF HONOR BLD
ST PAUL MN
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COTTAGE GROVE MN
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BENSON MN
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CHAMBER OF COMMERCE
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ELY MN
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ST LOUIS PARK MN
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CHRISTIAN SCI COMM ON PUB
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COLEMAN NICHOLAS D
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ST PAUL MN
55105

COLLIN LAURENCE
RT 2
ISANTI MN
55040

COX AND KING
600 BUILDERS EXCH
MPLS MN
55402

CROW WING CO PLANNING & A
COURT HOUSE
BRAINERD MN
56401

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RED WING MN
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DIEHL JOHN 26 Kenwood PKWY
~~DOUGLASS BELL BLDG~~
~~MPLS~~ ST PAUL MN
~~55402~~ 55105

DOUGLASS BELL
525 OSBORN BLDG
ST PAUL MN
55102

DOYTON MAURICE, MET SEWER
350 METRO SQ BLDG
ST PAUL MN
55101

EBELING EDWARD H.
161 h. MAIN
PERHAM MN
56573

ELDRED R W ARMOUR & CO
UNION STOCK YARDS
SO ST PAUL MN
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ESSE KENNETH
4801 W 50TH ST
EDINA MN
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ENGELWOOD CLIFFS
NEW JERSEY

EVERETT JERRY NW PETRO ASSN
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MPLS MN
55402

FINNEGAN J.R.
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ST.PAUL MN
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FLEMING FREDERICK A
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ST PAUL MN
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FORBES GORDON MINN RRS ASSN
207 UNION DEPOT
ST PAUL MN
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EDINA MN
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BLOOMINGTON CITY HALL
BLOOMINGTON MN
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COURT HOUSE
ANOKA MN
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FURLONG DR JOHN
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55709

GALVIN M J JR
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55101

GAS HUT INC
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HESS DONALD MIDWEST PLANN
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MPLS MN
55405

HENN CO WELFARE BRD RM 26
COURT HOUSE
MPLS MN
55415

HILL JIM ASSOC. MILK PROD
7850 METRO PARKWAY
MINNEAPOLIS MN
55420

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HOUSE ED STANDING SUB COM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HUNT MRS CHAS L MECCA
26 E EXCH CENTRAL MANOR
ST PAUL MN
55101

HUNT JAMES P JR
11470 GALTIER DR
BURNSVILLE MN
55378

INGEBRIGTSEN DR K H
23 SE 4TH ST
MPLS MN
55414

INGVALSON VERN MN. FARM BU
3110 WOODDALE DR PO 337
OST PAUL MN
55165

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

IUOE LOC 49 CHAS SWENSON
2580 UNIV AVE
ST PAUL MN
55101

JACKMAN DONALD G
4023 E LAKE ST
MPLS MN
55406

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

KABLE RICHARD W

BETHEL MN
55006

KING, TIMOTHY
3333 OAKLAND AVE S
MPLS MN
55407

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LARSON C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MALONE E I COMM LABOR & INDU
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MECCA R.F. NELSON
26 E EXCHANGE ST
ST PAUL MN
55101

MET OPEN SPACE INFOR PROJ
111 E FRANKLIN AVE SO
MPLS MN
55404

MET TFR MEN ASSN A ROSENTHAL
1821 UNIV AVE
ST PAUL MN
55104

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

JOHNSON M.D. FRUNDT & FRU

BLUE EARTH MN
56013

KANE ANTHONY
176 E FIFTH ST
ST PAUL MN
55101

KIMBALL ROBERT
647 CAPITOL SQ BLDG
ST PAUL MN
55101

KNOWLES, LARRY D
8025 33RD AVE N
CRYSTAL MN
55427

KNUTSON DR KEITH, BIOLOGY
ST CLOUD STATE
ST CLOUD MN
56301

LAKE SUPERIOR INDUSTRIAL
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LARSON HANS P DIV HOSP SERV
717 DELAWARE ST SE
MPLS MN
55440

LAUNDERERS&DRY CLEANERS A
W 1ST NATL BK BLDG
ST PAUL MN
55101

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LOOS CALVIN J
6809 LYNDALE AVE SO
MPLS MN
55423

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

MANTHEY T J PICKANDS MATHER
2000 UNION COMM BLDG
CLEVELAND OH
44115

MASTOR MATTSON HART ET AL
414 ROANOKE BLDG
MPLS MN
55402

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

MERRITT GRANT POLLUTION C
OAK & DELAWARE
MPLS MN
55440

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MN. ASN.C&IND H.D.PETERSON
480 CEDAR ST.
ST.PAUL MN
55101

MINN AFL-CIO, L O LA SHO
414 AUDITORIUM ST
ST PAUL MN
55102

MINN ASS COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN ELEC COOPERATIVES
[illegible]01 N 77TH ST
MPLS MN
55435

MINN BD PODIATRY EXAM & REG.
1111 N 2ND ST.
CROOKSTON MN
56716

MINN COUNCIL STATE EMP NO 6
475 RICE ST
ST PAUL MN
55103

MINN ELECTRICAL ASSN INC
525 SO 7TH
MPLS MN
55415

MINN ENV CONTROL CITIZEN ASN
CENTRAL MANOR 26 E EXCH
ST PAUL MN
55101

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINN.MTR.TRANSP. .J.N.DENN
1821 UNIV.
ST.PAUL MN
55104

MINN PUB INT RES DAYTON
2418 UNIV AVE SE
MPLS MN
55414

MINN REP STATE CEN COMM
~~[illegible]~~ 555 WABASHA
~~[illegible]~~ ST PAUL MN AVE
~~[illegible]~~ 55102

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN SCH BUS OPERATORS ASSN

FARIBAULT MN
55021

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN ST BD PHAR P G GRUSSING
1965 FORD PKWY
ST PAUL MN
55116

MINN STATE OPTOMETRIC ASSN
333 E HENNEPIN AVE
MPLS MN
55414

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MINN-WISC BOUNDARY AREA COMM
600 2ND ST
HUDSON WI
54016

MOONEY, MICHAEL A.
BOX 903, ST.JOHN'S UNIV
COLLEGEVILLE MN
56321

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

MINN. ASSN. PET[illegible]TAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN AU[illegible]MOBILE DEALERS A
GRIGGS MIDWAY BLDG
ST PAUL MN
55104

MINN DEPT HEALTH J C MCKASY
717 DELAWARE S E
MPLS MN
55440

MINN DENTAL HYGIENISTS
5041 YVONNE TERRACE
MPLS MN
55436

MINN ENV LAW INST INC
PO BOX 15076 COMM STA
MPLS MN
55415

MINN FARMERS UNION PRES O
1275 UNIV AVE
ST PAUL MN
55104

MINN HWYS MANAGEMENT SERVICE
410 HWY BLDG
ST PAUL MN
55101

MINN HOUSING INST N T CAR
7801 METRO PKWY
MPLS MN
55420

MINN PETROLEUM COUNCIL
446 BUILDERS EXCH BLDG
MPLS MN
55402

MINN POULTRY & HATCHERY A
BOX 158
MADELIA MN
56062

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN 55
104

MINN RETAIL FEDERATION
7600 PARKLAWN STE 457
MPLS MN
55435

MINN SOCIETY ARCHITECTS AIA
NW NATL BK BLDG
ST PAUL MN
55101

MINN SCC CERTIFIED PUB AC
1102 WESLEY TEMPLE BLDG
MPLS MN
55403

MINN STATE CAPITOL EMP UNION
PO BOX 3215
ST PAUL MN
55165

MINN STATE MED ASSN
375 JACKSON ST
ST PAUL MN
55101

MINN.TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN ASSN WATERSHED DIST'

ADA MN
56510

MOFFITT R.C. DIR.ENV.CONTROL
MPLS.CITY HALL RM 301M
MPLS MN
55415

MOOD R BLOOMINGTON HLTH D
10200 PENN SO
BLOOMINGTON MN
55431

NASS GEO V HENN CO GEN HOSP
5TH AND PORTLAND AVE
MPLS MN
55415

NATL CAR RENTAL ATT D MIT
5501 GREEN VALLEY DR
MPLS MN
55437

NAT'L SOLID WASTES-R. GRASSO
1730 RHODE ISLAND AV.NW
WASHINGTON DC
20036

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NELSON DONALD E NSP CO
414 NICOLLET AVE
MPLS MN
55401

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

NURSING HOME ADMRS BD EXAMRS
277 W UNIV AVE
ST PAUL MN
55103

O'BRIEN J.DENNIS
1200 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OHMAN W C NATL ELEC CONTRS
608 AM NATL BK
ST PAUL MN
55101

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PETERSEN JOHN W
525 OSBORN BLDG
ST PAUL MN
55102

PHAR MFGRS ASSN WM D PATTON
1155 15TH ST NW
WASHINGTON DC DC
20005

PORTER LYLE O

TRACY MN
56175

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

RACHNER MARY JANE
1917 PINEHURST AVE
ST PAUL MN
55116

RENNER R.H. ST PAUL AREA CC
300 OSBORN BLDG.
ST PAUL MN
55102

RAMSEY CO MEDICAL SOCIETY
1500 LOWRY MEDICAL BLDG
ST PAUL MN
55102

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

ROBERTS DAVID E
1260 NW NATL BK BLDG
ST PAUL MN
55101

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG
PAYNESVILLE MN

ST PAUL BUR HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

ST PAUL FOOD RETAILERS ASSN
1220 ARCADE
ST PAUL MN
55106

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NORTH CENTRAL ELEC ASSN
PO BOX [redacted]2
BATTLE LAKE MN
56515

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

OCONNELL THOMAS
941 LAUREL
ST PAUL MN
55104

OCONNOR GREEN THOMAS ET A
845 NW BANK BLDG
MPLS MN
55402

OLD COLONY GAS & OIL COMPANY
17TH AVE N AT 2ND ST
MPLS MN
55411

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PAYNE COL ALVIN

DEGRAFF MN
56233

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PHILLIPS LEGISLATIVE SERVICE
113 W UNIV AVE
ST PAUL MN
55103

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

PULSCHER RBT SPRINGSTED I
813 OSBORN BLDG
ST PAUL MN
55102

RANALLO CLARENCE
800 CENTRAL AVE N E
MPLS MN
55413

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROCHE T E
5007 FREMONT AVE S
MPLS MN
55419

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

SATHRE, HARVEY
77 SHERBURNE
ST PAUL MN
55103

ST PAUL ASSN PLBG HTG MEC
614 AM NATL BK
ST PAUL MN

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHAPS NICHOLAS
100 DAIN TOWER
MPLS MN
55402

SCHMIDT H W TCHRS RETIREMENT
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHMIDT LARRY MCCU-TV TERS
50 S 9TH ST
MPLS MN
55402

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SENATE FINANCE COMMITTEE
113 STATE CAPITOL
ST PAUL MN
55101

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SHINER JOHN T.
297 GOODRICH AVE
ST PAUL MN
55102

SKELLY OIL CO R R WELLINGTON
PO BOX 436
KANSAS CITY MO

STATE BD. BARBER EXAMINERS
555 WABASHA
ST PAUL MN
55102

STATE BD VETERINARY EXAMINER
C/O DR A C SPANNAUS DVM
WACONIA MN

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SUMMIT NATL BANK D L MORRILL
205 AURORA AVE
ST PAUL MN
55103

SWANSON GERALD H
212 CITY HALL
ROCHESTER MN
55901

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VILLAGE OF WOODBURY-F.STRONG
561 TOWER DRIVE
NEWPORT MN
55055

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WEST MIDWAY-SO.ST ANTH.PK.AS
898 RAYMOND AVE.
ST PAUL MN
55114

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WOLKERSTORFER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

WOZNIAK D C
828 MINN BLDG
ST PAUL MN
55101

ZATARGA A E CPA
1800 MIDWEST PLAZA BLDG
MPLS MN
55402

SCHNEIDER MAHLUM
GREEN GIANT
LESUEUR MN
56058

SCHWINN ROBT.P.
1400 SO LINE BLDG.
MPLS. MN
55402

SEARS ROEBUCK & CO
2929 ELLIOT AVE D 703MW
MPLS MN
55401

SENATE COUN OFF J ST MARI
STATE CAPITOL
ST PAUL MN
55101

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SHELL OIL CO. W.A. ROQUET
ONE SHELL PLAZA BX 2463
HOUSTON TX
77001

SMERIKA WM.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

STANSFIELD ARLENE LAND O
PO BOX 116
MPLS MN
55440

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

STENSLAND M.E. PRES. MVMA
203 NW 22ND ST.
AUSTIN MN
55912

SUSSEL CO.ATTN:TED SCHWENKER
1850 COMO AVE.
ST PAUL MN
55108

SWANSON BURT E
W-2162 1ST NATL BK BLDG
ST PAUL MN
55101

TIMESAVERS INC ATT R S VOLD
5270 HANSON COURT
MPLS MN
55422

TWIN CITY RETAIL DRUGGIST
2388 UNIV AVE
ST PAUL MN
55104

VAN CLEVE JOHN H
2101 HENN AVE
MPLS MN
55405

VOGEL HOWARD G
814 FLOUR EXCH BLDG
MPLS MN.
55415

VOLDNESS PERRY
IDS 8TH & MARQUETTE
MPLS MN
55402

WELLS G W INS FED OF MINN
RT 4 BOX 194
WAYZATA MN
55391

WEST & GOWAN
ATTORNEYS AT LAW
PINE ISLAND MN
55963

WM.MITCHEL COLLEGE LAW LIB.
2100 SUMMIT AVE.
ST.PAUL MN
55105

WIS FEEDER PIG MARKET CO-

FRANCIS CREEK WI

WYANT CLINTON W ATTY

ATKIN MN
56431

STATE OF MINNESOTA
OFFICE of SECRETARY of STATE

NOTICE of HEARINGS MAILING LABEL SYSTEM

NAME	ADDRESS STREET	CITY	STATE	ZIP CODE
BELISLE JON	2040 WILSON #28	ST PAUL	MN	55119
BRIGHAM E M III	RR 4	RED WING	MN	55066
GEORGE K GRANSE CO	1477 SELBY AVE	ST PAUL	MN	55104
LOWE DOUG	2701 N LEXINGTON AVE	ROSEVILLE	MN	55113
THOMPSON MESSIAH ET AL	1500 MIDWEST PLAZA BLDG	MPLS	MN	55402
LEAGUE MN MUNIC MC ADDICKS	3300 UNIV AVE SE	MPLS	MN	55414

STATE OF MINNESOTA
OFFICE of SECRETARY of STATE

NOTICE of HEARINGS MAILING LABEL SYSTEM

NAME	ADDRESS STREET	CITY	ZIP CODE
COMMUNITY DESIGN CENTER	118 E 26th St	MPLS	MN 55404
[illegible] SERV - GEN RESOURCE COAR	6340 INDUSTRIAL DR	WORKINS	MN 55343
JOHNSON LANCE J	265 S LAFAYETTE RD	ST PAUL	MN 55107
[illegible] FULLER CO	2400 KASOTA AVE	ST PAUL	MN 55108
[illegible] ROGER TENNANT CO	701 N LILAC DR	MPLS	MN 55441
SCHMIDT D R MN ASSN REALTORS	6101 WAYZATA BLVD	MPLS	MN 55416
SWEITZER R L HONEYWELL INC	2701 4th AVES	MPLS	MN 55408

A-Line Company The, [redacted] Winnetka Ave. N., Golden Valley 55427
Rider, Bennett et al, 1910 1st Natl Bk Bldg, Mpls. 55402
Emery, K. Kieth, 4636 Upton Ave. S. Mpls. 55410

Chapman, John P., c/o Loon Falls Portage, Crane Lake

Chu, Lori, 1098 13th Ave. S.E., Mpls. 55414

Fargo-Moorhead Ecological Coodinating Comm., 513 South St., Moorhead 56560

Johns, Susan, 4110 E Lake St., Mpls 55406

Green, Prof. John C., U of M, Div.Science & Math,Dept.Geology,Duluth 55812

Hubachek, Frank B., Sr., 3220 Prudential Plaza, Chicago 60601

Halvorson Equipment Inc., 325 Lake Ave. S., Duluth 55802 , c/o John Clay
Johnson, G. Robert, 2300 Central Ave. N.E., Mpls. 55418
Lindahl, John R., 1202 W. 53rd St., Mpls. 55419

Nachbar, R. H., PO Box 911, Intl Falls, Mn. 56649

Rahr, Frederick, 8301 W 108th St., Bloomington 55438

Rovers Outting Club, c/o Conservation Chrman,Uof M, Coffman Union, Mpls.55455

[redacted]

Steinman, George A., Box 245, Prior Lake, Minn. 55372

U.S. Dept.of Interior, Field Solicitor, 686 Fed.Bldg.,Fort Snelling,Mpls.554

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

STATEMENT OF NEED

In the Matter of the Proposed
Adoption of the Rules of the
Commissioner of Natural Resources
establishing the Statewide
Standards and Criteria for
the Minnesota Wild and Scenic
Rivers System, as required by
Section 4, Subdivision 2,
of the Minnesota Wild and
Scenic Rivers Act, Laws of
Minnesota, Chapter 271.

STATEMENT OF NEED

1. The Statewide Standards and Criteria for the Minnesota Wild and Scenic Rivers System are required by Section 4, Subdivision 2, of the Minnesota Wild and Scenic Rivers Act, Laws of Minnesota, Chapter 271.

2. The Statewide Standards and Criteria for the Minnesota Wild and Scenic Rivers System are necessary in order to implement the purpose and intent of the Minnesota Wild and Scenic Rivers Act. No rivers can be included in the Minnesota Wild and Scenic Rivers System until the Statewide Standards and Criteria for the Minnesota Wild and Scenic Rivers System are promulgated in the manner provided in Chapter 15.

3. The Statewide Standards and Criteria for the Minnesota Wild and Scenic Rivers System are necessary for the preservation and protection of wild, scenic, and recreational rivers and lands within the boundaries of wild, scenic, and recreational river land use districts.

Robert L. Herbst, Commissioner
Department of Natural Resources

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

FINDINGS OF FACT

In the Matter of the Proposed Adoption of the Rules of the Commissioner of Natural Resources establishing the Statewide Standards and Criteria for the Minnesota Wild and Scenic Rivers System, as required by Section 4, Subdivision 2, of the Minnesota Wild and Scenic Rivers Act, Laws of Minnesota, Chapter 271.

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Assistant Commissioner for Planning of the Department of Natural Resources, State of Minnesota, on December 26, 1973 at 10:00 a.m. at the University of Minnesota, St. Paul Campus, St. Paul, Minnesota, on December 27, 1973, at 10:00 a.m. in the St. Louis County Courthouse, Duluth, Minnesota, and on December 28, 1973 at 10:00 a.m. at Mankato State College, Mankato, Minnesota, after proper notice required by Minn. Statute 1969, Section 15.0412, was served upon all persons, associations, and other interested groups registered with the Secretary of State for that purpose.

After affording such interested persons, associations, and groups opportunity to present oral and written data statements, and arguments, having heard all of the evidence adduced, and upon the records, files, and proceedings herein, I find the following:

1. Section 4, Subdivision 2 of the Minnesota Wild and Scenic Rivers Act, Laws of Minnesota, Chapter 271, authorizes the Commissioner to promulgate, in the manner provided in Chapter 15, statewide minimum standards and criteria for the preservation and protection of shorelands within the boundaries of wild, scenic, and recreational rivers.

2. It is a policy of Minnesota and an authorized public purpose to preserve and protect certain of Minnesota's rivers and their adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific and similar values.

3. To further the purpose and intent of the Minnesota Wild and Scenic Rivers Act, it is essential to differentiate certain land use provisions between wild, scenic, and recreational rivers in order to manage such rivers according to the classification criteria for wild, scenic, and recreational rivers.

4. The use of lands along wild, scenic, and recreational rivers must be regulated in order to protect and preserve the values which qualified such rivers for inclusion in the Minnesota Wild and Scenic Rivers System.

5. It is essential that local authorities adopt provisions to regulate nonconforming and substandard uses in order to preserve and protect designated wild, scenic, and recreational rivers.

6. It may be unreasonable to require an owner of two or more contiguous substandard lots to combine such lots in order to meet the full minimum requirements of a local ordinance which was created or amended to comply with the minimum standards and criteria established in a management plan.

7. Restrictions on lot size and structure density, setback, placement and height are essential to preserve natural beauty and quietude, to reduce the effects of over-crowding and poorly planned development, to prevent pollution, to provide ample space on lots for sanitary facilities, to maintain the essential character of wild, scenic and recreational rivers and to promote the general welfare.

8. Minimum lot sizes greater than 6 acres have not been upheld in a court of law.

9. Restrictions on the placement of sanitary facilities are essential to prevent pollution into wild, scenic, and recreational rivers.

10. Restrictions on platting are essential to reduce the effects of overcrowding and poorly planned development and to maintain the essential character of wild, scenic, and recreational rivers.

11. An entire prohibition of vegetative cutting adjacent to designated wild, scenic, or recreational rivers may be unduly restrictive, however, certain restrictions on cutting of vegetation along such rivers are essential to preserve shoreland aesthetics and to prevent erosion into wild, scenic, and recreational rivers.

12. Restrictions on grading and filling of lands along wild, scenic, and recreational rivers are essential to preserve shoreland aesthetics, to prevent damage and destruction to the natural landscape, to prevent pollution, and to prevent drainage and filling of wetlands.

13. It is essential to regulate utility crossings of wild, scenic, and recreational rivers and adjacent lands in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from such utility crossings.

14. For more effective administration of permits for utility crossings, it is desirable that the standards and criteria for utility crossings be consistent with other state and local regulations concerned with utility crossings and that the jurisdiction of the standards and criteria be clearly distinguished from all other such state and local rules and regulations.

15. It is essential to regulate road and railroad crossings of wild, scenic, and recreational rivers and to regulate public road construction or reconstruction on lands adjacent to wild, scenic, and recreational rivers in order to provide maximum preservation of the natural environment and to minimize any adverse effects which may result from such road or railroad crossings or public road construction or reconstruction.

16. In order to protect the rights of private land-owners to ensure quietude, to prohibit trespassing, to prevent littering, and to maintain the essential character of wild, scenic, and recreational rivers and adjacent lands, it is essential for the Commissioner and local governments to adopt measures to manage the public use and enjoyment of the rivers and adjacent lands.

17. In order to ensure that the statewide standards and criteria are not nullified by unjustified exceptions in particular cases, and to promote uniformity in the treatment of applications for such exceptions, it is essential for the Commissioner to establish a procedure for reviewing and certifying certain local land use decisions.

Robert L. Herbst, Commissioner
Department of Natural Resources

STATEMENT OF COMPLIANCE WITH
MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General A. W. Clapp III, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

A. W. Clapp III

Spec. Asst. Attorney General

Dated: 4-8-74