

Minnesota Attorney General: Administrative Rules Proceedings

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STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

Rules and Regulations

CHAPTER TWENTY FIVE: NR 2500

DESIGNATION, CLASSIFICATION AND MANAGEMENT OF THE NORTH FORK OF THE CROW RIVER IN MEEKER COUNTY

NR 2500 DESIGNATION

A. THE RIVER

That portion of the North Fork of the Crow River from the spillway at the southern end of Lake Koronis to the Meeker–Wright County line, located entirely within Meeker County, is designated a component of the Minnesota Wild and Scenic Rivers System.

B. AUTHORITY

This designation is made by the Commissioner of Natural Resources pursuant to the authority of the Minnesota Wild and Scenic Rivers Act, Minn. Stats. 1974, Sections 104.31 to 104.40.

C. SHORELAND INCLUDED

The designation and these rules apply to the river and the adjacent lands indicated in the property descriptions for the Land Use District.

NR 2510 CLASSIFICATION

That portion of the North Fork of the Crow River in Meeker County from the spillway at the southern end of Lake Koronis to the Meeker–Wright County line, is classified as Recreational, in accordance with provisions of Minn. Stats., Section 104.33, Subd. 2, and Minn. Regs. NR 78 (f).

NR 2520 MANAGEMENT

A. LAND USE PROVISIONS

1. The Commissioner of Natural Resources hereby adopts the Recreational River Land Use Districts as identified in the Land Use District Property Descriptions. The Land Use District was derived in accordance with NR 78 (g) (2) (bb).

a. The regulations contained in Minn. Regs. NR 78–81 and this management plan shall be applicable to all lands which are unincorporated at the time of designation within the Recreational River Land Use District.

b. The land use regulations contained in Minn. Regs. NR 82–84 and this management plan shall be applied to all incorporated lands, and shall be administered in conformity with the provisions of NR 81, as applicable.

c. All existing local ordinances and regulations, as adopted in accordance with Minn. Regs. NR 70–77, which are more protective than those in Minn. Regs. NR 78–81 shall continue to apply within the entire Land Use District, as applicable.

2. The maximum building height restriction contained in Minn. Regs. NR 79 (c) (3) (dd) shall not apply to buildings used primarily for agricultural purposes.

3. The grading and filling provisions shall be enforced by local ordinance, which shall require a grading and filling permit. Filling or drainage of federally determined type III – V wetlands (in accordance with U.S. Department of Interior circular #39) shall not be allowed within the Land Use District. A map showing the location and classification of these wetlands shall be provided to the local authority by the Commissioner of Natural Resources.

4. Clear cutting of vegetation, in accordance with Minn. Regs. NR 79 (g), shall not be allowed within 200 feet of the normal high water mark, in order to correspond with the existing structural setback.

B. LAND ACQUISITION

1. The Commissioner of Natural Resources hereby adopts the Scenic Areas, as identified in the Scenic Areas Property Descriptions, as priority areas for land or land interest acquisition.

a. All lands shown as Scenic Areas are recommended for scenic easement acquisition. However, in those areas where recreational sites are needed, fee title to the lands may be acquired, when possible.

b. Because acquisition of land, or interests in land, is from willing sellers, at the appraised value, some lands shown as Scenic Areas and not needed for recreational sites may be purchased in fee title. Purchase of fee title to lands would be based on an agreement between the State of Minnesota and the landowner(s).

c. Other forms of acquisition, such as use easements or leases, may be used to acquire land interests in the Scenic Areas if considered feasible or necessary by the Commissioner of Natural Resources.

2. Lands, or interests in land, other than those identified as Scenic Areas, may be purchased in order to further the policies established in the Wild and Scenic Rivers Act and the management plan.

3. The lands or interests in land recommended to be acquired in this plan will be acquired where funds are available for such purchases from willing sellers, as provided for in Minn. Stats., Section 104.37

4. Land exchange will be expedited, wherever feasible, in order to acquire lands within the Land Use District boundaries. These exchanges will be expedited in the manner described by state law. However, land exchanges will not be recommended if such exchanges would adversely affect other Department of Natural Resources management programs.

C. RECREATION MANAGEMENT

1. As provided for in this management plan, the recreation management policy is to provide for the orderly use of public lands and waters within the Recreational River Land Use

District. The development of selected land and river– oriented recreational facilities and the maintenance to these could help "protect the rights of private landowners, ensure quietude, prohibit trespassing, and maintain the essential quality of Wild and Scenic River Land Use Districts" as provided in NR 80 (a) (1).

2. As provided for in NR 79 (b) (2) and the management plan, development of public or private recreational facilities within the Recreational River Land Use District shall conform to the design specification guidelines shown in this plan.

3. No public river–oriented camping facilities will be provided in close proximity to private recreational developments which are designed to meet this need.

4. The recreational use of the North Fork of the Crow Recreational River and adjacent state lands will be regulated where necessary to insure that the use does not adversely affect the values for which the river qualified for designation.

5. The Commissioner of Natural Resources adopts the Recreation Management Maps for the protection, recreational use and management of public lands or interests in land, for the North Fork of the Crow Recreational River and its adjacent lands within the Recreational River Land Use District. The locations, types, and number of sites shown on the Recreation Management Map are recommendations.

6. The Division of Parks and Recreation shall allocate funds for maintenance of the Department of Natural Resources' recreational facilities within the North Fork of the Crow Recreational River area from the Department's river development and maintenance account.

7. The DNR's Division of Enforcement shall enter into discussions with the local units of government concerning delineation of responsibilities for enforcement of applicable Wild, Scenic, and Recreational River regulations.

8. Additional public snowmobile trails may be established within the Land Use District, when developed in cooperation with the Department of Natural Resources.

9. Development of any new recreational facilities (other than those shown on the Recreation Management Map) by the DNR shall be done only if assurances can be made that these facilities, and any increased use caused by them, will not adversely affect the quality of the river. Local authorities shall be consulted prior to future development of recreational facilities by the DNR.

D. ADMINISTRATION

1. Meeker County shall enact or amend such ordinances and maps as necessary to:

a. Establish the Recreational River Land Use District identified in the Land Use District property descriptions as given in this management plan.

b. Conform to the provisions of NR 78–81 and this management plan, as applicable.

2. The municipality of Kingston shall enact or amend such ordinances and maps as necessary to:

a. Establish the Recreational River Land Use District as delineated for its jurisdiction in the Land Use District property descriptions.

b. Conform to the provisions of Minn. Regs. NR 82–84 within the Land Use District, and administer these provisions according to Minn. Regs. NR 80–81, as applicable.

3. Meeker County, or its subdivisions, shall retain any existing regulations (adopted in accordance with Minn. Regs. NR 70–77) which are more protective than Minn. Regs. NR 78–81, and may adopt other more protective regulations as they deem appropriate.

4. The Department of Natural Resources shall assist the local units of government in the implementation of Minn. Regs. NR 78–81 and this management plan, in accordance with the provisions of Minn. Stats. 1974, Section 104.36, Subd. 2. The Department of Natural Resources shall delineate the Land Use District boundaries on the appropriate zoning maps, for the affected local units of government.

E. RECOMMENDATIONS

1. It is recommended that Meeker County work with the Board of Supervisors of the Soil and Water Conservation District in setting criteria for the use of Soil Conservation Service technical assistance for evaluating grading and filling permit requests relating to Minn. Regs. NR 79 (1) — Grading and Filling Provisions.

2. It is recommended that the Meeker County Highway Department and the Minnesota Highway Department cooperate with the Minnesota Department of Natural Resources by placing no–parking signs along any bridge crossing right–of–ways that are determined to be inadequate or dangerous as river access points.

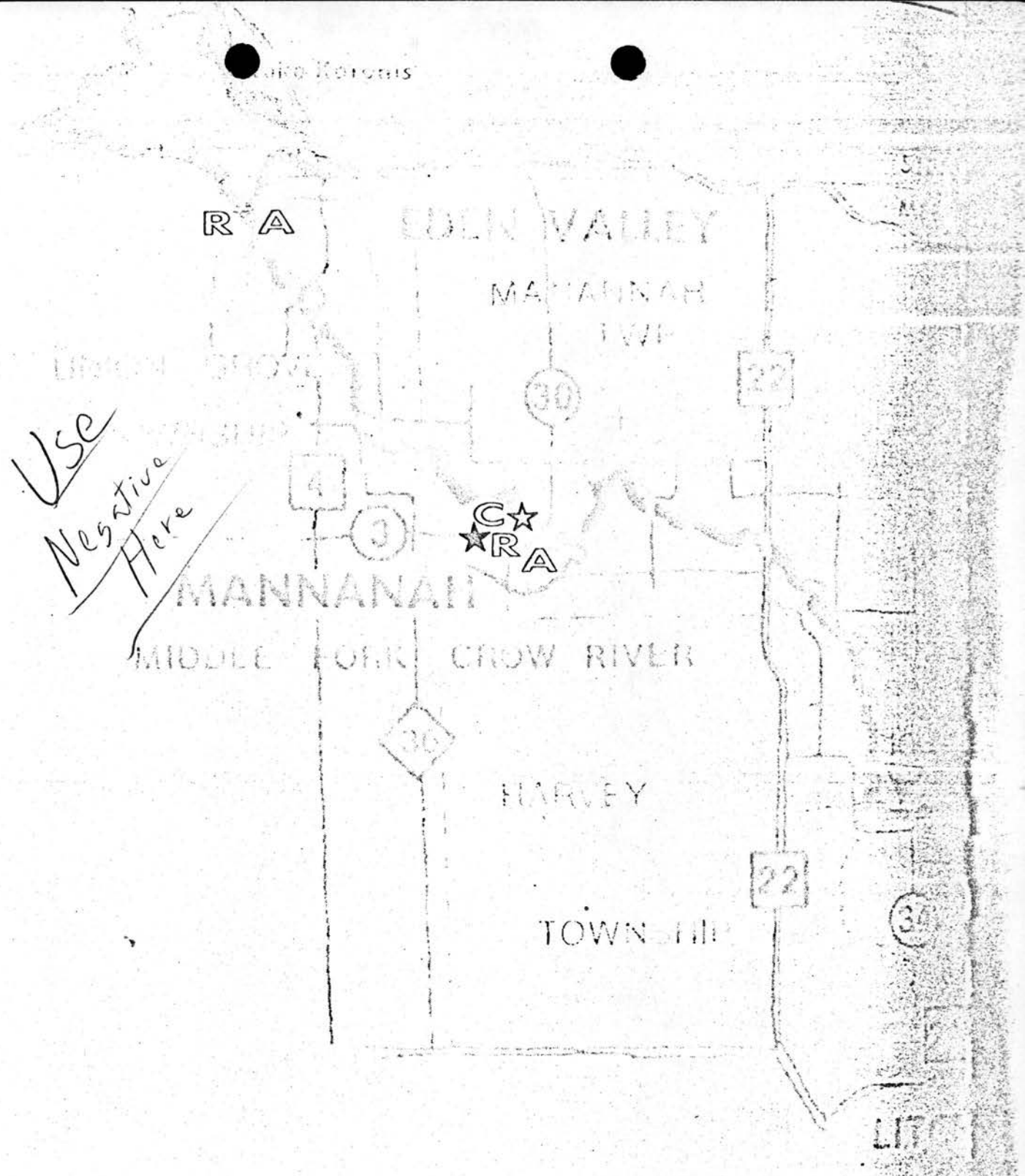
3. It is recommended that the Meeker County Park Board complete development of lands it owns along the management area. DNR assistance will be provided for development, where appropriate.

4. It is recommended that the State Planning Agency, Office of Local and Urban Affairs, give priority to any local funding to requests for fee title acquisition of land for recreational sites within the management area, consistent with the goals of the State Comprehensive Outdoor Recreation Plan (SCORP).

5. No Department of Natural Resources "corridor" trails are proposed in this management plan for the Crow River area. Local residents and landowners may desire specific trails. If so, it is recommended that such trails be developed through DNR's trail assistance programs, which make funds for trail development and maintenance available to local units of government, and private clubs and organizations.

6. To insure that the historical heritage of the Crow River will be protected for the enjoyment of present and future generations, it is recommended that the State Historical Society consider the feasibility of conducting a study of historical and archaeological sites within the management area.

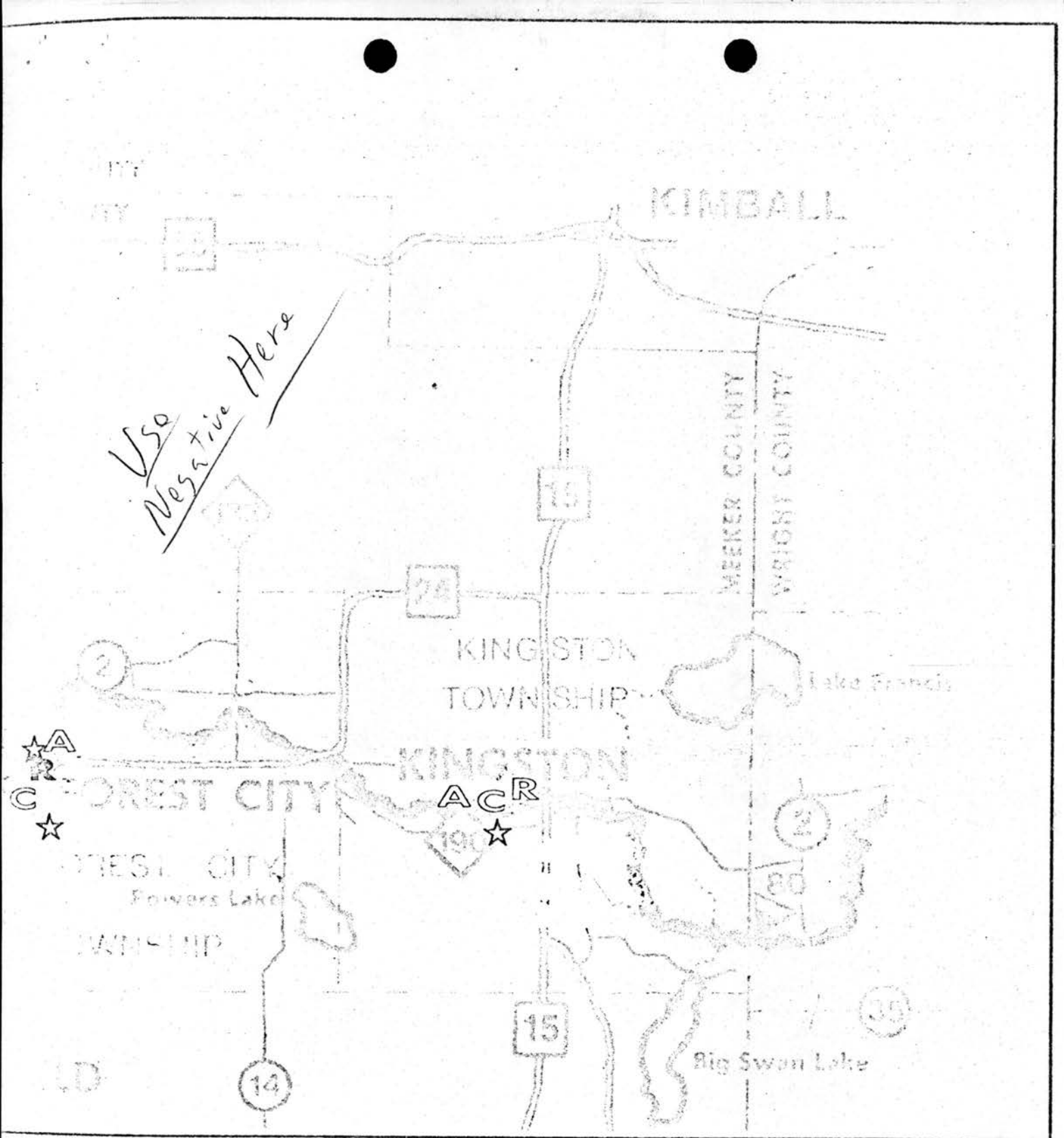
7. It is recommended that any recreational facilities, other than those shown on the Recreation Management Map, be developed by local units of government, to insure that maximum local input is obtained.



NORTH FORK
CROW RIVER
MANAGEMENT PLAN

RECREATION

PROPOSED	EXISTING	FACILITY
A	A	ACCESS
R	R	REST AREA

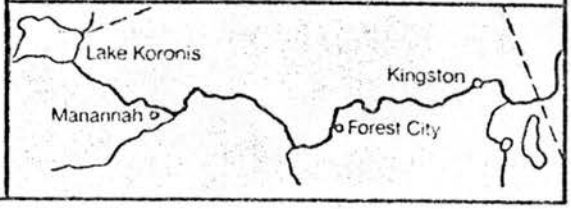


MANAGEMENT

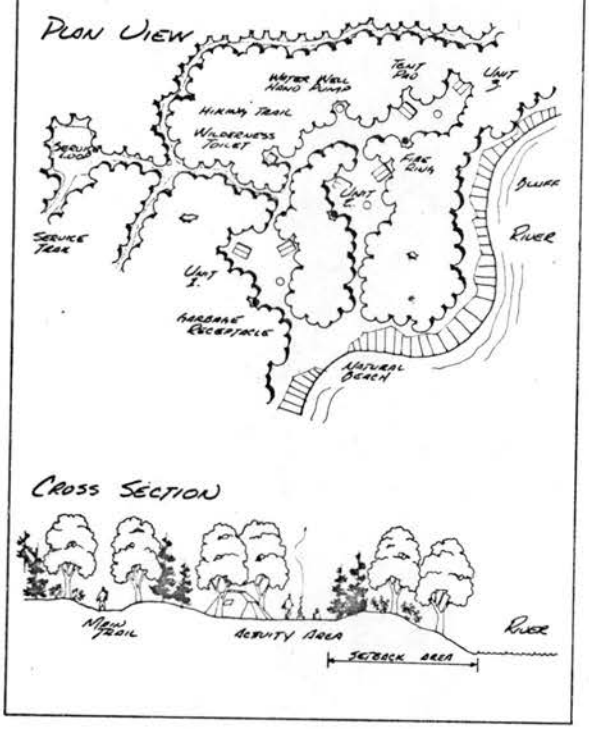
C CAMPSITE

☆ HISTORIC SITE

SCALE: 1" = 10,000'

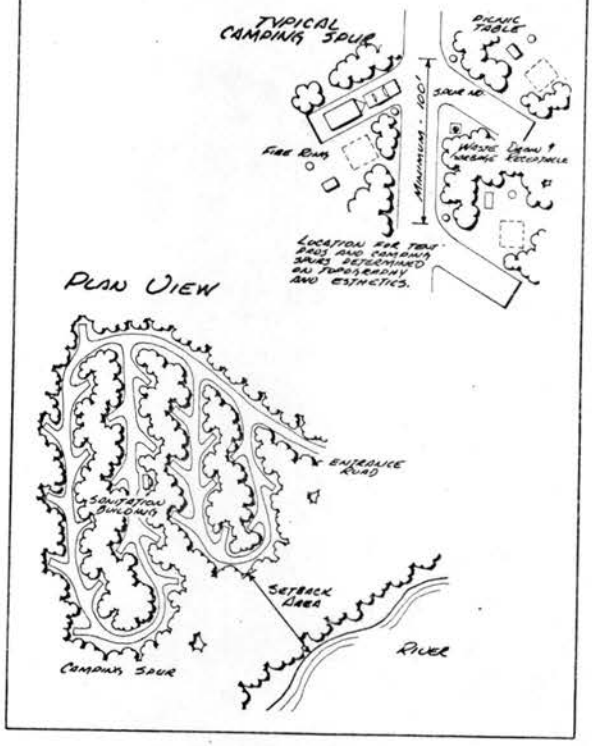


PRIMITIVE CAMPSITE



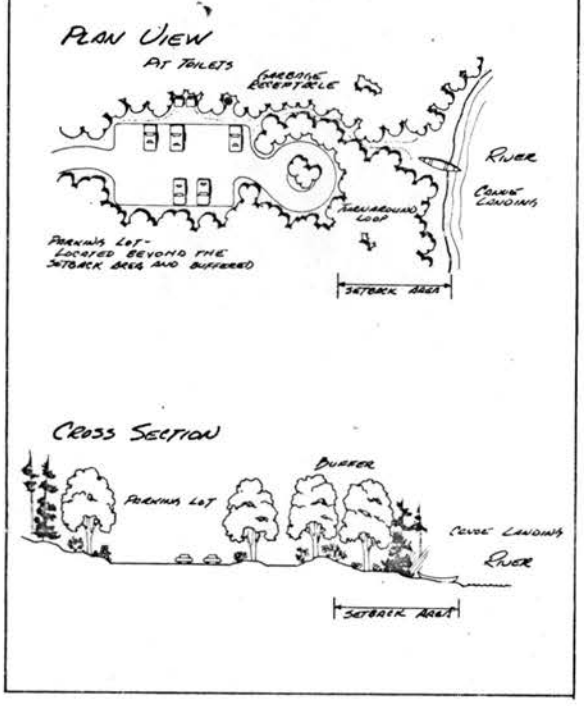
SITE TYPICAL

CAMPGROUND



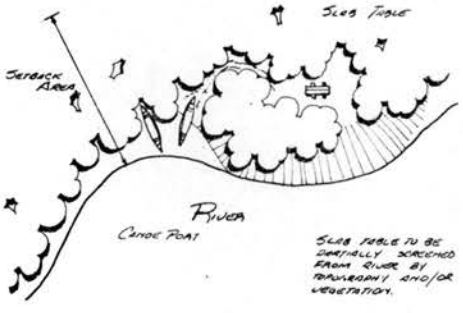
SITE TYPICAL

CANOE ACCESS



SITE TYPICAL

REST AREA



SITE TYPICAL

LAND USE DISTRICT ACREAGE PER RIVER MILE

River Mile	Acreage	River Mile	Acreage
126-125	302.67	105-104	315.00
125-124	193.00	104-103	313.00
124-123	306.00	103-102	187.00
123-122	314.00	102-101	318.00
122-121	310.89	101-100	268.00
121-120	275.93	100-99	320.00
120-119	245.00	99-98	318.00
119-118	285.00	98-97	284.00
118-117	320.00	97-96	278.00
117-116	316.00	96-95	212.24
116-115	244.00	95-94	310.00
115-114	307.00	94-93	301.00
114-113	313.00	93-92	264.00
113-112	298.00	92-91	275.00
112-111	263.98	91-90	233.00
111-110	262.51	90-89	212.00
110-109	312.00	89-88	303.00
109-108	315.00	88-87	285.00
108-107	215.00	87-86	312.00
107-106	295.00	86-85.2	243.00
106-105	273.80		

TOTAL ACREAGE 11,519.02

PROPERTY DESCRIPTIONS - LAND USE DISTRICT

(Area in which Land Use Provisions Apply)

Starting from Lake Koronis

T 121 N - R 32 W

Section 3 -	Government lot 5	16.48 East
	Government lot 4	38.88
Section 10 -	Government lot 4	31.30
	Government lot 1	32.60
	E½ of SE¼ of NW¼	20.00
	Government lot 3	41.56
	Government lot 2	39.53
	Government lot 8	35.32
	NE¼ of SE¼	40.00
	Government lot 7	40.00 East
Section 11 -	S½ of SW¼ of NW¼	20.00
	SW¼ of SE¼ of NW¼	10.00
	NW¼ of SW¼	40.00
	SW¼ of SW¼	40.00
	W½ of NE¼ of SW¼	20.00
	W½ of SE¼ of SW¼	20.00
Section 14 -	NW¼ of NW¼	40.00
	NE¼ of NW¼	40.00
	S½ of NW¼ of NE¼	20.00
	N½ of SE¼ of NW¼	20.00
	SW¼ of NE¼	40.00
	W½ of SE¼ of NE¼	20.00
	NW¼ of SE¼	40.00
	NE¼ of SE¼	40.00
	SE¼ of SE¼	40.00
Section 13 -	NW¼ of SW¼	40.00
	SW¼ of SW¼	40.00
Section 23 -	NE¼ of NE¼	40.00
	SE¼ of NE¼	40.00
	NE¼ of NE¼ of SE¼	10.00
Section 24 -	NW¼ of NW¼	40.00
	SW¼ of NW¼	40.00
	SW¼	160.00
	SE¼	160.00
Section 25 -	NE¼ of NE¼	40.00
	SE¼ of NE¼	40.00

T 121 N - R 31 W

Section 19 -	Government lot 12	38.47
	Government lot 13	38.42

T 121 N -R31 W (cont.)

Section 30 -	Government lot 4	38.37
	" " 5	38.31
	" " 12	38.25
	" " 3	40.00
	" " 6	40.00
	" " 11	40.00
	" " 7	40.00
	" " 8	40.00
	" " 9	40.00
	" " 10	40.00
	" " 16	40.00
	SW¼ of NE¼	40.00
	NW¼ of SE¼	40.00
	SW¼ of SE¼	40.00
	SE¼ of SE¼	40.00
	S½ of NE¼ of SE¼	20.00
Section 31 -	NW¼ of NE¼	40.00
	NE¼ of NE¼	40.00
	SE¼ of NE¼	40.00
Section 32 -	NW¼	160.00
	NW¼ of NE¼	40.00
	SW¼ of NE¼	40.00
Section 29 -	SW¼ of SW¼	40.00
	SE¼ of SW¼	40.00
	NE¼ of SW¼	40.00
	NE¼	160.00
	SE¼	160.00
Section 28 -	NW¼	160.00
	NW¼ of SW¼	40.00
	NE¼ of SW¼	40.00
	N½ of SE¼ of SW¼	20.00
	S½ of SW¼ of NE¼	20.00
	SE¼	160.00
Section 27 -	SW¼ of SW¼	40.00
	NW¼ of SW¼	40.00
	SE¼ of SW¼	40.00
	W½ of NE¼ of SW¼	20.00
	SW¼ of SE¼	40.00
	S½ of SE¼ of SE¼	20.00
Section 34 -	N½ of NW¼ of NW¼	20.00
	NE¼ of NW¼	40.00
	NW¼ of NE¼	40.00
	NE¼ of NE¼	40.00
	SE¼ of NE¼	40.00

T 121 N- R31 W (cont.)

Section 26 -	S½ of SW¼ of SW¼	20.00
Section 35 -	NW¼	160.00
	NW¼ of SW¼	40.00
	NE¼ of SW¼	40.00
	SE¼ of SW¼	40.00
	S½ of SW¼ of NE¼	20.00
	SE¼	160.00

T 120N- R 31 W

Section 2 -	NE¼ of NW¼	34.66
	E½ of SE¼ of NW¼	20.00
	NW¼ of NE¼	34.64
	NE¼ of NE¼	34.61
	SW¼ of NE¼	40.00
	SE¼ of NE¼	40.00
	NE¼ of SE¼	40.00
	SE¼ of SE¼	40.00
Section 1 -	W½ of NW¼ of NW¼	17.58
	SW¼ of NW¼	40.00
	W½ of SE¼ of NW¼	20.00
	NW¼ of SW¼	40.00
	W½ of NE¼ of SW¼	20.00
	SW¼ of SW¼	40.00
	W½ of SE¼ of SW¼	20.00
Section 11 -	NE¼ of NE¼	40.00
	E½ of SE¼ of NE¼	20.00
	E½ of NE¼ of SE¼	20.00
Section 12 -	NW¼	160.00
	SW¼	160.00
	W½ of SW¼ of SE¼	20.00
Section 13 -	NW¼	160.00
	SW¼	160.00
	W½ of NW¼ of NE¼	20.00
	W½ of SW¼ of NE¼	20.00
	W½ of NW¼ of SE¼	20.00
	SE¼ of NW¼ of SE¼	10.00
	S½ of NE¼ of SE¼	20.00
	SW¼ of SE¼	40.00
	SE¼ of SE¼	40.00
Section 24 -	N½ of NE¼ of NE¼	20.00

T 120 N - R 30 W

Section 18 -	NW¼ of SW¼	36.78
	W½ of NE¼ of SW¼	20.00
	SW¼ of SW¼	36.83
	SE¼ of SW¼	40.00
	SW¼ of SE¼	40.00
	SE¼ of SE¼	40.00
Section 19 -	NW¼ of NW¼	36.73
	SW¼ of NW¼	36.46
	NE¼ of NW¼	40.00
	SE¼ of NW¼	40.00
	NE¼	160.00
Section 17 -	SW¼ of SW¼	40.00
	SE¼ of SW¼	40.00
	NE¼ of SW¼	40.00
	S½ of SE¼ of NW¼	20.00
	SW¼ of SE¼	40.00
	NW¼ of SE¼	40.00
	SW¼ of NE¼	40.00
	NW¼ of NE¼	40.00
	NE¼ of NE¼	40.00
Section 20 -	NW¼	160.00
	NW¼ of NE¼	40.00
Section 8 -	SE¼ of SE¼ East of CSAH #2	30.00
	NE¼ of SE¼ East of CSAH #2	10.00
Section 16 -	NW¼ of NW¼ of NW¼	10.00
Section 9 -	SW¼ of SW¼	40.00
	NW¼ of SW¼	40.00
	NE¼ of SW¼	40.00
	N½ of SE¼ of SW¼	20.00
	SW¼ of NW¼ SE of CSAH #2	23.00
	SE¼ of NW¼	40.00
	N½ of SW¼ of SE¼	20.00
	SE¼ of SE¼	40.00
	NW¼ of SE¼	40.00
	NE¼ of SE¼	40.00
	SW¼ of NE¼	40.00
	SE¼ of NE¼	40.00
Section 15 -	NW¼	160.00
	NE¼	160.00
Section 10 -	SW¼	160.00
	NW¼ of SE¼	40.00
	SW¼ of SE¼	40.00
	SE¼ of SE¼	40.00

T 120 N - R 30 W (cont.)

Section 14 -	NW¼ of NW¼	40.00
	NE¼ of NW¼	40.00
	N½ of SW¼ of NW¼	20.00
	SW¼ of SW¼ of NW¼	10.00
	NW¼ of NE¼	40.00
	NE¼ of NE¼	40.00
	N½ of SE¼ of NE¼	20.00
Section 11 -	SW¼ of SW¼	40.00
	SE¼ of SW¼	40.00
	NE¼ of SW¼	40.00
	SW¼ of SE¼	40.00
	NW¼ of SE¼	40.00
	SE¼ of SE¼	40.00
	S½ of NE¼ of SE¼	20.00
Section 13 -	NW¼	160.00
	N½ of NE¼ of SW¼	20.00
	NW¼ of SE¼	40.00
	NE¼ of SE¼	40.00
	SW¼ of NE¼	40.00
	SE¼ of NE¼	40.00
	S½ of NW¼ of NE¼	20.00

T 120 N - R 29 W

Section 18 -	S½ of SW¼ of NW¼	20.09
	NW¼ of SW¼	40.11
	SW¼ of SW¼	40.04
	NE¼ of SW¼	40.00
	SE¼ of SW¼	40.00
	S½ of SW¼ of SE¼	20.00
	NW¼ of SW¼ of SE¼	10.00
	S½ of SE¼ of SE¼	20.00
Section 19 -	NE¼ of NW¼	40.00
	NE¼	160.00
Section 17 -	S½ of SW¼ of SW¼	20.00
	S½ of SE¼ of SW¼	20.00
	S½ of SW¼ of SE¼	20.00
	S½ of SE¼ of SE¼	20.00
Section 20 -	NW¼	160.00
	NE¼	160.00

T 120 N - R 29 W (cont.)

Section 21 -	NW¼	160.00
	NE¼	160.00
Section 16 -	S½ of SW¼ of SW¼	20.00
	S½ of SE¼ of SW¼	20.00
	S½ of SW¼ of SE¼	20.00
	S½ of SE¼ of SE¼	20.00
Section 15 -	SW¼ within 300 ft. of River Bank Only	17.00
	S½ of SW¼ of SE¼	20.00
	S½ of SE¼ of SE¼	20.00
Section 22 -	NW¼ within 300 ft. of River Bank Only	23.00
	NE¼	160.00
Section 23 -	NW¼	160.00
	NW¼ of NE¼	40.00
	SW¼ of NE¼	40.00
	SW¼	160.00
	W½ of NW¼ of SE¼	20.00
	W½ of SW¼ of SE¼	20.00
Section 26 -	NW¼	160.00
	W½ of NW¼ of NE¼	20.00
	SW¼ of NE¼	40.00
	SW¼	160.00
	SE¼	160.00
Section 35 -	NE¼ of NE¼	40.00
	N½ of NW¼ of NE¼	20.00
Section 25 -	NW¼ of SW¼	40.00
	SW¼ of SW¼	40.00
	SE¼ of SW¼	40.00
	S½ of NE¼ of SW¼	20.00
	SE¼ of SE¼	40.00
	SW¼ of SE¼	40.00
	S½ of NW¼ of SE¼	20.00
Section 36 -	NW¼ of NW¼	40.00
	NE¼ of NW¼	40.00
	NW¼ of NE¼	40.00
	NE¼ of NE¼	40.00

TOTAL ACREAGE 11,519.02

PROPERTY DESCRIPTIONS - SCENIC AREAS

(Priority Areas for Land or Land Interest Acquisition from Willing Sellers)

Starting from Lake Koronis

T 121 N - R 32 W

Section 3 -	Government Lot 4	38.88
Section 10 -	NE¼ of SE¼	40.00
	Government Lot 8	35.32
Section 11 -	S½ of SW¼ of NW¼	20.00
	SW¼ of SE¼ of NW¼	10.00
	NW¼ of SW¼	40.00
	W½ of NE¼ of SW¼	20.00
Section 14 -	SE¼ of NE¼ of NW¼	10.00
Section 24 -	W½ of SW¼ of NW¼	20.00
	S½ of NE¼ of SW¼	20.00
	SE¼ of SW¼ North of River only	10.00
	S½ of NE¼ of SE¼	20.00
	N½ of SE¼ of SE¼	20.00

T 121 N - R 31 W

Section 30 -	Government Lot 4 - SE¼	10.00
	" " 5 - NE¼	10.00
	" " 3 - SW¼	10.00
	" " 6	40.00
	" " 11 - N½	20.00
	" " 7 - S½	20.00
	" " 10 - N½	20.00
	" " 8 - S½	20.00
	" " 9 - N½	20.00
	" " 9 - SE¼	10.00
	" " 16 - NE¼	10.00
	SW¼ of SW¼ of NE¼	10.00
	W½ of NW¼ of SE¼	20.00
	N½ of SW¼ of SE¼	20.00
	SE¼ of SW¼ of SE¼ North of CSAH #30	4.00
Section 31 -	NE¼ of NE¼ South of River & NE of CSAH #3	18.00
Section 29 -	S½ of NE¼ of NE¼ North of River	15.00

T 121 N - R 31 W (cont.)

Section 28 -	S½ of NW¼ of NW¼ North of River	16.00
	N½ of SW¼ of NW¼ North of River	5.00
	N½ of SE¼ of SE¼	20.00
	SE¼ of SE¼ of SE¼	10.00
Section 27 -	SW¼ of SW¼	40.00
Section 34 -	NE¼ of NW¼	40.00
	N½ of NW¼ of NE¼	20.00
	SW¼ of NW¼ of NE¼	10.00
	N½ of NE¼ of NE¼	20.00
Section 35 -	SE¼ of NE¼ of SW¼ NE of River	5.00
	S½ of NW¼ of SE¼ NE of River	18.00
	SW¼ of SE¼ NE of River	16.00
	W½ of SE¼ of SE¼ East of River	18.00

T 120 N - R 31 W

Section 2 -	NW¼ of NE¼ NE of River	20.00
	SW¼ of NE¼ of NE¼	10.00
	SE¼ of NE¼ NE of River	15.00
Section 1 -	SW¼ of SW¼ of NW¼ of River	7.00
	W½ of W½ of SW¼ East of River	18.00
Section 12 -	NW¼ of NW¼ East of River	27.00
	SW¼ of NW¼ East of River	16.00
	W½ of SE¼ of NW¼	20.00
	W½ of NE¼ of SW¼ East of River	19.00
	NW¼ of SW¼ East of River	9.00
	SE¼ of SW¼ East of River	38.00
	SW¼ of SW¼ East of River	4.00
Section 13 -	NE¼ of NW¼ East of River	35.00
	SE¼ of NW¼ East of River	30.00
	SW¼ NE of River	42.00

T 120 N - R 30 W

Section 18 -	S½ of S½ of SE¼	40.00
Section 19 -	N½ of NE¼	80.00
Section 20 -	N½ of NW¼	80.00
	W½ of NW¼ of NE¼	20.00

T 120 N - R 30 W (cont.)

Section 17 -	S½ of SW¼ of SW¼	20.00
	SE¼ of SW¼	40.00
	W½ of SW¼ of SE¼	20.00
	NE¼ of SW¼ South of County Road	38.00
	SW¼ of NW¼ of SE¼	10.00
	N½ of NW¼ of SE¼ Except Forest City Park	16.00
	SE¼ of NW¼ SE of County Road	4.00
	SW¼ of NE¼ SE of County Road & except Forest City Park	28.00
	NW¼ of NE¼ East of CSAH #2	7.00
	NE¼ of NE¼ West of River	9.00
Section 8 -	SE¼ of SE¼ East of CSAH #2	30.00
Section 9 -	NE¼ of SE¼	40.00
Section 10 -	NW¼ of SW¼	40.00
	E½ of SW¼ of SW¼	20.00
	SE¼ of SW¼	40.00
	S½ of NE¼ of SW¼	20.00
Section 15 -	NE¼ of NW¼	40.00
	E½ of NW¼ of NW¼	20.00
Section 14 -	NW¼ of NW¼	40.00
Section 11 -	S½ of NE¼ of SW¼ North of River	17.00
	N½ of SE¼ of SW¼ West of River	10.00
	SW¼ of NW¼ of SE¼ North of River	8.00
	W½ of SW¼ of SE¼ North of River	2.00
Section 13 -	E½ of W½ of NW¼	40.00
	W½ of E½ of NW¼	40.00

T 120 N - R 29 W

Section 18 -	SE¼ of SW¼	40.00
Section 19 -	NW¼ of NE¼ North of River	18.00
	NE¼ of NW¼ North of River	4.00
Section 20 -	NE¼ of NW¼ North of River	27.00
	NW¼ of NE¼ North of River	26.00
	N½ of NE¼ of NE¼	20.00

T 120 N - R 29 W (cont.)

Section 21 -	NW¼ North of River	68.00
	N½ of NE¼ South of River	63.00
Section 22 -	N½ of NW¼ of NE¼	20.00
	SE¼ of NW¼ of NE¼	10.00
	NE¼ of NE¼ South of River	4.00
Section 15 -	SW¼ of SE¼ South of CSAH #27	9.00
Section 23 -	NE¼ of NW¼ South of CSAH #27	14.00
	SE¼ of NW¼	40.00
	NE¼ of SW¼	40.00
	SE¼ of SW¼	40.00
Section 26 -	NE¼ of NW¼	40.00
	SE¼ of NW¼	40.00
	SW¼ of SW¼ of NE¼	10.00
	NE¼ of SW¼ NE of River	8.00
	W½ of NW¼ of SE¼ NE of River	19.00
	SE¼ of SE¼ South of River	16.00
Section 25 -	SW¼ of SW¼ South of River	17.00
	SE¼ of SW¼	40.00
	SW¼ of SE¼	40.00
	W½ of SE¼ of SE¼	20.00
Section 36 -	N½ of NW¼ of NE¼	20.00
	NW¼ of NE¼ of NE¼	10.00

TOTAL ACREAGE 2,671.20

APPROVED AS TO FORM AND LEGALITY
OCT 5 1976 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 5 - 1976 - 3:45 pm
Joan Anderson Growe
Secretary of State

254

Attorney General

Augustus W. Clapp III
Special Assistant Attorney General
Natural Resources

September 21, 1976

Michael B. Miller
Special Assistant Attorney General

296-4692

NR 2500

Returned as you requested are five copies of the above-captioned rule.

MBM/sr

Enclosures

254

Augustus W. Clapp III
Special Assistant Attorney General
Department of Natural Resources

October 6, 1976

NR 2500

#254

STATE OF MINNESOTA

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

In the Matter of the Proposed Inclusion in the Minnesota Wild, Scenic and Recreational Rivers System of the Portion of the North Fork of the Crow River lying between the Lake Koronis spillway and the Meeker–Wright County Line (Otherwise Known as the entire portion of the Crow River North Fork located in Meeker County) and of the Proposed Adoption of a Management Plan for said proposed recreational river.

FINDINGS AND CONCLUSIONS OF THE COMMISSIONER

I have read the REPORT OF THE HEARING EXAMINER, who has concurred in the proposed designation classification, and the management plan. I adopt his FINDINGS OF FACT and CONCLUSIONS as mine, and incorporate them by reference in this document

Upon review of the hearing record, I find certain testimony not specifically alluded to in the hearing examiner's report, which merits the following.

ADDITIONAL FINDINGS OF FACT AND CONCLUSIONS

The following findings and conclusions are made in supplement to the hearing examiner's report in order to elaborate on a few minor and specific items contained in the files, records, and preceedings of the public hearings.

FINDINGS

I. Testimony by Mr. Leroy Boline, property owner along the North Fork–Crow River, indicated that 20 acres of his land should be excluded from the Land Use District area because it is not within the line–of–site from the river.

Upon review of his testimony, it was found that his property was indeed not visible from the river. Also, a 10 acre parcel owned by Mr. Elmer Johnson adjoins the Boline property and also is not visible from the river. Exclusion of these small parcels would not have an adverse impact on the designation and management of this area.

II. Minnesota State Planning Agency, Office of Local and Urban Affairs, James J. Solem, Director, indicated that recommendation number 5, page 12 of the preliminary draft of the management plan should be reworded to better comply with the policies of his office.

These changes are not substantial, and would not at all affect designation or management of the North Fork–Crow River area.

III. The Land Management maps are not necessary to the final rule because the same information is conveyed in the land descriptions sections of the rule.

CONCLUSIONS

I. The boundary of the North Fork–Crow Recreational River be modified to exclude small portions of land owned by Mr. Leroy Boline and Mr. Elmer Johnson, having the following description:

A 20 acre parcel, consisting of the S½ of the SW¼ of the SW¼ of Section 12, T 120 N-R 30W.

A 10 acre parcel consisting of the SW¼ of SE¼ of the SW¼ of Section 12, T 120 N - R 30W.

II. Recommendation number 5, page 12 of the Preliminary draft of the Crow River Management Plan is hereby amended to read:

> It is recommended that the State Planning Agency, Office of Local and Urban Affairs, give priority for any local funding requests for fee title acquisition of land for recreational sites within the management area, consistent with the goals of the State Comprehensive Outdoor Recreation Plan (SCORP).

III. In all other respects, the final rule shall be the same as the plan has proposed, except that the Land Management Maps and all reference to them shall be deleted.

The hearing examiner has determined that the changes specified above are not considered substantial and would not require rehearing.

Dated: August 9th ,1976

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

ROBERT L. HERBST, Commissioner

#254

STATE OF MINNESOTA
OFFICE OF HEARINGS EXAMINERS

FOR THE DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed Inclusion in the Minnesota Wild, Scenic and Recreational Rivers System of the Portion of the North Fork of the Crow River lying between the Lake Koronis spillway and the Meeker-Wright County Line (otherwise known as the entire portion of the Crow River-North Fork located in Meeker County) and of the Proposed Adoption of a Management Plan for said proposed recreational river.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Myron Greenberg, Hearing Examiner, 1745 University Avenue, St. Paul, Minnesota on May 22, 1976 at 10:00 a.m. at the Litchfield Senior High School Auditorium, 901 North Gilman, Litchfield, Minnesota.

The hearing continued until all representatives of associations or other interested groups or persons had an opportunity to participate and be heard concerning the adoption of the proposal noted above and the management plan relative thereto.

William Augustus Clapp, III, Special Assistant Attorney General, represented the Department of Natural Resources. Also appearing on behalf of the Department were Dale Homuth, Project Leader, and Paul Swenson, Hydrologist.

The record in this matter was kept open for 20 days after the close of the hearing to June 11, 1976. The record was further kept open to June 14, 1976, that being the date specified in the Notice of Hearing in this matter as the final date for receipt of written comments. All comments and statements, whether oral or written, offered during the hearing and through June 14, 1976, have been considered as part of the record in this matter. Comments received on or after June 15, 1976 are not considered in the Hearing Examiner's Report.

The Hearing Examiner, upon all of the records, files, evidence, arguments of counsel, and written comments, hereby makes and issues the following as his:

FINDINGS OF FACT

1. That the Order for Hearing issued on March 15, 1976 was in all respects proper in form, content, execution and filing.

2. That timely and adequate legal notice of the hearing ordered by the Commissioner of the Department of Natural Resources, State of Minnesota, (hereinafter "DNR") was properly served and filed. All other substantive and procedural requirements, statutes, or rules have been complied with, same being found at Minn. Stat. §§ 104.31 through 104.40 (1975 Supp.); Minn. Stat. § 15.0411 et seq.; Minn. Regs. NR 78 - 81, and Minn. Regs. HE 101 - 109.

3. In 1973, the Minnesota Legislature passed the Wild and Scenic Rivers Act (Laws 1973, c. 271). This Act is codified at Minn. Stat. § 104.31 - 104.40 (1975 Supp.). The policy of the State in adopting this Act is stated in § 104.32 as:

> "The legislature finds that certain of Minnesota's rivers and their adjacent lands possess outstanding scenic, recreational, natural, historical, scientific and similar values. Because it is in the interest of present and future generations to retain these values, it is hereby declared to be a policy of Minnesota an authorized public purpose to preserve and protect these rivers."

The sections following § 104.32 define what constitutes a river, establish general criteria for including rivers or segments thereof in the system, define wild, scenic and recreational, and set forth procedures for designating a river or segments thereof as wild, scenic and recreational.

4. In 1974, the DNR held rules hearings for rules setting forth land use controls and other management policies in order to administer the Wild and Scenic Rivers Act. The rules thereafter promulgated pursuant to Minnesota Statutes, Chapter 15, the Administrative Procedures Act, are contained in Minn. Regs. NR 78-81.

5. In accordance with Minn. Stat. § 104.35, the DNR started working on a management plan for the portion of the North Fork of the Crow River lying between the Lake Koronis spillway and the Meeker-Wright County line (otherwise known as the entire portion of the Crow River-North Fork located in Meeker County), said river area constituting 40.8 miles of the North Fork

of the Crow River. In this effort, the DNR held several meetings with interested persons in the areas that would be affected by the contemplated designation of that part of the river as recreational.

6. In late 1975, the DNR published its proposed management plan, including rules to be adopted by DNR for the said segment of the river (Ex. 13), and later published an addendum thereto (Ex. 14). This plan, and the addendum, were available for public inspection throughout the affected area in libraries. They were also available upon request from DNR, and copies were distributed at the public hearing.

7. The plan shows that the DNR proposes to designate the North Fork of the Crow River in Meeker County as "recreational" which is defined in the Minnesota Wild and Scenic Rivers Act as a river that may have undergone source impoundment or diversion in the past and may have adjacent lands which are considerably developed but which is still capable of being managed so as to further the purposes of the Act.

The plan also proposes to establish a land use district along both sides of the river, such district not exceeding 320 acres per river mile. The proposed land use district comprises 11,549.02 acres, an average of 283.06 acres per river mile.

8. The mangement plan incorporates Minn. Rules NR 70-77, 78-81 and 82-84 as applicable to the various incorporated or unincorporated portions of Meeker County within the Recreational River Land Use District and requires Meeker County and the municipality of Kingston to adopt, enact or amend their respective ordinances in order to conform to and comply with the plan.

9. DNR has the authority to, and by the terms of the management plan does, allow for special standards and criteria for local land use controls which differ from the state-wide standards (contained in Minn. Rules 70-77, 78-81 and 82-84) to the extent necessary to take account of the particular attributes of the area. Changes from, or amendments of, the state-wide standards which apply specifically to the North Fork of the Crow River in Meeker County include:

(a) The maximum building height restriction is amended so that it does not apply to buildings used primarily for agricultural purposes (i.e., silos, barns). The DNR noted that because the river area is currently used primarily for agricultural uses, this constitutes a particular attribute to the area and, therefore, no unreasonable restrictions, such as a height requirement, should be imposed.

(b) The county would be required to retain existing land use controls (as adopted in accordance with Minn. Rules NR 70-77), which are more protective than Minn. Rules NR 78-81. These existing regulations would be expanded to apply within the Wild and Scenic River Land Use District for ease of ordinance amendment. This does not constitute a change from the provisions of NR 78-81, since the most protective provisions would apply.

(c) The controlled vegetative cutting zone is increased from 100 feet to 200 feet from the normal high water mark. This change is proposed to correspond with the existing building setback requirement which is an attribute particular to the area.

(d) The grading and filling provision is different from those in the state-wide standards. The change, however, is one of clarification only, and the effect of the provision is unchanged.

(e) The municipality of Kingston would be required to adopt the provisions of the statewide Standards and Criteria for the Management of Municipal Shoreland Areas of Minnesota (Minn. Rules NR 82-84). The DNR indicated that the existing incorporation and development within the area is a particular attribute of the area. It further noted its position that zoning controls should be less restrictive in incorporated areas to attract development there rather than in the less developed areas along the river.

The changes noted herein are reasonable and necessary to take account of the particular attributes of the area.

10. The standards and restrictions on land use and development imposed by the proposed plan differ in relatively few and minor ways from the standards and restrictions already in force by virtue of state and local legislation.

11. Public comment received during and after the hearing represented the opinions of both proponents and opponents of the plan's adoption. At the hearing, most of the comments and questions from non-DNR personnel were of a critical nature with certain notable exceptions. Of the written materials received after the hearing, and within the time specified in the Notice of Hearing, 16 of the comments were in favor of the proposed plan, and seven were against its adoption and promulgation. (Some of the material received cannot be classified as either.)*

12. Opponents of the proposed plan were primarily concerned with the following:

(a) Loss of property or limitation of property rights with or without just compensation;

(b) Local control of the river and land use district;

(c) An influx of vast numbers of river users accompanied by increased pollution and much nuisance to landowners on the river;

(d) Adequate and proper maintenance and administration of the management plan;

(e) Funding for the project;

(f) Whether people who do not sell scenic easements are restricted in the same way as those who do;

(g) That the rules and management plan governing the river and land use district may be changed and/or supplemented without citizens' input;

(h) That studies other than the one prepared by the DNR did not recommend the river for various recreational functions or indicate that there were particularly scenic areas along the river;

(i) That other programs or projects, such as the West Minnesota Resource Conservation Development Project could conflict with or take the place of the proposed plan;

(j) That the river does not, in fact, meet the criteria for a recreational river as established by the Wild and Scenic Rivers Act or fulfill the legislative intent of that Act.

13. Non-agency proponents of the plan indicated that their support was based on general agreement with the justification of

the plan noted by the DNR in its Statement of Need, the management plan, and its presentation at the hearing. A concise statement of this support is noted in the letter from Messrs. Philip and Michael Behr (Ex. 32), a copy of which is appended hereto. Additional support for the proposal offered orally at the hearing emphasized a desire on the part of many citizens or citizen groups to preserve the river for its historic, wild life, scenic and recreational values. It was noted that "The only way to prevent over-use of the river is to adopt some sort of plan which provides for proper utilization. . . . It is always easier, cheaper and more desirable to preserve something than it is to try to repair the damage when it is too late." (T.76, 79)

14. In its written and oral presentation, as well as in its response to questions and comments at the hearing, the DNR adduced sufficient facts to show the reasonableness of the plan to allay or ameliorate the fears and concerns expressed. No specific recitation of all the facts and comments introduced by the DNR is necessary as a specific finding in this report. Such facts, including the specific responses of the DNR to the concerns voiced by the opponents to the plan, are contained in the record. Three areas of concern, however, do require specific comment.

(a) The Wild and Scenic Rivers Act does not contain any provisions for eminent domain. It does provide at Minn. Stat. § 104.37 (1975 Supp.), that the DNR may, through the Commissioner of Administration,

> ". . . acquire the title, scenic easements or other interest in land, by purchase, grant, gift, devise, exchange, lease, or other lawful means. 'Scenic easements' means an interest in land, less than the fee title, which limits the use of such land for the purpose of protecting scenic, recreational, or natural characteristics of a 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 upon 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."

Specific note was taken that any interest in the land, which the DNR wishes to acquire would be paid for. This applies both to an easement as well as acquisition of fee title. A system for valuation of property for the acquisition of scenic easements was outlined and discussed at the hearing.

The DNR also pointed out that an individual may limit the type of scenic easement he is willing to sell by excluding from the easement rights which he desires to retain without restriction.

(b) The plan will be administered by local authorities. Much concern was voiced with the possibility of a state agency controlling local affiars. It was emphasized at the hearing that the DNR does not control the program; it just sets it up. County and municipal authorities will administer the program at the local level.

(c) There is no specific advertising program contemplated to encourage citizens of the State of Minnesota or of any other state to flock to the banks of the North Fork of the Crow River. The fear that such a program of encouraged use is part of the DNR's plan appears to be without foundation. There is no doubt that the river will be receiving increased usage because of the increased availability of leisure time and the relatively few recreational rivers in the most populated area of this state. The proposed plan, however, appears to be designed to anticipate such increased use and to preserve the river against possible increased abuse.

Based on the foregoing Findings of Fact, the Hearing Examiner makes the following as his

CONCLUSIONS

1. The hearing in this matter was held pursuant to proper notice, authority and substantive procedures of law and rule.

2. The DNR's proposed management plan complies with all statutory and rule requirements relating thereto.

3. The area of the North Fork of the Crow River located in Meeker County meets the criteria for designation as a recreational river.

4. The proposed management plan will impose certain restrictions on landowners in the affected area, but the restrictions on individual preferences is outweighed by the public's interest in managing and preserving a segment of one of the State's valuable recreational rivers.

5. Under the proposed management plan, any interest in property cannot be taken from landowners by condemnation. Any interest in land to be acquired by the State under the plan must be acquired through the landowners' voluntary sale thereof.

6. The concerns of the opponents of the plan are sincere and legitimate. Many of the objections raised to the plan, however, were based on misunderstanding or misconceptions of the meaning and effect of some parts of the proposed plan. The DNR, by its written and oral presentation, and by its written comments regarding statements made at the hearing, has more than adequately substantiated the need for and reasonableness of all aspects of the plan.

7. Designation of the North Fork of the Crow River located in Meeker County will accomplish the legislative purpose in enacting the Wild and Scenic Rivers Act.

Based upon the foregoing Findings of Fact and Conclusions, the Hearing Examiners makes the following

RECOMMENDATIONS

That the portion of the North Fork of the Crow River located in Meeker County be designated as a recreational river for inclusion in the Minnesota Wild, Scenic and Recreational River System in accordance with the DNR's management plan for said portion, including the rules and regulations specifically applicable thereto.

Dated this 29th day of July, 1976.

Myron Greenberg

MYRON GREENBERG
Hearing Examiner

Ex. 32

Public Exhibit No. 32
File No. NR-76-603-MG
Date 6/8/76

RECEIVED
JUN 8 1976
OFFICE OF HEARING EXAMINERS

June 1, 1976

To: Mr. Myron Greenberg
Office of Hearing Examiners
Room 300
1745 University Avenue
St. Paul, Minnesota 55104

From: Philip Behr, Landowner, Section 3, Union Grove Township, Meeker County
Michael Behr, Landowner, Sections 10 and 11, Union Grove Township, Meeker Co.

Re: Evaluation of DNR Management Plan for North Fork of Crow River in Meeker County

The plan is basically sound for the following reasons.

I. The resource is adequate.

A. The area is of substantial size. Forty miles of river and eighty miles of shoreline with adjacent swamps, flood plains, steep and wooded banks, rolling farm lands, segments of wilderness, and some inhabited areas provide a wide variety of landscapes.

B. The natural resource is of good quality.

1. Most of the area retains enough of its natural characteristics so that with proper management it will be suitable for a natural environment recreation area and also retain most of its agricultural value. Residential value can be increased.

2. The river is of good quality.

a. The Rice Lake and Lake Koronis reservoir provides a more uniform flow of water than is available in many other rivers.

b. The Rice Lake and Lake Koronis reservoir removes the silt from the upper reaches of the river.

c. Rice Lake and Lake Koronis are comparatively clean lakes and under present laws will remain so. Thus, if the Meeker County segment of the river is controlled the quality of the water will be good.

II. The desire and need for development of the Meeker County segment of the Crow River is apparent.

A. Canoe traffic on the river has been increasing in recent years as canoeing has become more popular.

B. Increasing metropolitan population will create greater demand for canoeing areas. Population projections and forecasts for Wright County indicate a probable rapid increase in population adjacent to the Meeker County segment of the Crow River.

III. The present plan will preserve the river and its surroundings so that additional recreation resources can be developed there in the future if or when they are needed.

IV. Development and/or preservation of this type of resource requires centralized planning because:

A. It is part of a larger resource, the upper and lower river, the management of each part being significant to the other two, especially to the segment below.

B. Local management alone can not or will not develop the public resource to the greatest benefit for the greatest number because:

1. Local interests and concerns are too narrow.

2. Local expertise is inadequate.

3. Local political pressures are not conducive to wise decisions regarding resources of so broad a concern.

C. Neither County nor township governments have demonstrated ability to control so transient a group dispersed over so great a distance as the persons who will be using this resource.

D. The state can more effectively control or regulate activities that threaten the quality of the resource. Examples of this are transmission lines and highway construction.

V. The management plan supplements and complements constructive activities of individuals and organizations without unduly infringing upon their rights.

A. The Soil and Water Conservation District can continue as usual with their program which has been beneficial to both the land and the surface waters.

B. The county will lose very little of its control with almost complete freedom to implement more stringent regulations if it so wishes.

C. Landowners will be subject to no additional significant controls except insofar as they voluntarily relinquish those rights in return for compensation from the State.

D. Private enterprise retains the right to develop commercial recreation enterprises with only those controls that prevent practices which would be detrimental to the resource upon which the enterprise is based. This prevents one entrepeneur from destroying the resource that supports another enterprise.

VI. Summary.

A. The recreational resource is adequate and well located to satisfy a wide variety of needs for a large segment of Minnesota's population.

B. With a background of forty years of soil and water conservation experience and a lesser knowledge of residential and recreational use of shorelands, the proposal appears practical.

C. Local control and management needs assistance and guidance.

D. The proposal promises a maximum of benefits to the greatest number of people with a minimum of sacrifice to the riparian property owners.

VII. Personal Note.

A. We wish the public would go away and leave us in peace to enjoy our property along the Crow River. Since this is no longer a reasonable expectation, we feel that adoption of this management plan for the Crow River is the best solution to the problems created by conflicting interests of those entitled to use of private property and those who wish to use public property.

Signed:

Philip Behr

Philip Behr
614 Wilson S.E.
St. Cloud, MN 56301

Michael Behr

Michael Behr
802 N 20th St.
Superior, WI 54880

FILE NO. NR-76-002-MG

I. Exhibits Received at the Hearing held May 22, 1976.

1. Letter dated May 22, 1976 from Ben Thoma, Biology Instructor
2. Letter dated May 18, 1976 from Paul Magnuson, President, Willmar Sportsmen's Club, Inc.
3. Letter from Ron Gerard
4. Letter from Oscar Olson
5. Letter from Jimmy L. Terhune
6. Letter dated May 21, 1976 from Dan Kellen
7. Order for Hearing dated March 15, 1976
8. Notice of Hearing dated March 15, 1976
9. Copy of Secretary of State's rules hearing mailing list
10. Certification of delivery and receipt of Secretary of State's list
11. Affidavit of Mailing
12. Statement of Need
13. Statement of Evidence (Management Plan)
14. Addendum to Statement of Evidence (Management Plan)
15. Brochure entitled "Minnesota's Wild and Scenic Rivers".
16. Brochure entitled "Questions and Answers; North Fork - Crow River Management Plan"
17. Picture of people with fish
18. Document entitled "The Opposition Speaks (The Crow Route Plan)"
19. Petition entitled "Crow River Petition" signed by "The property owners of the Crow River" with 29 signatures.
20. Letter dated May 23, 1976 from Mr. and Mrs. Robert Lounsbury
21. Resolution of the Litchfield Chamber of Commerce of May 18, 1976 signed by Wm. Martens, President.

II. Received after the Hearing (during the 20-day period through June 11, 1976).

22. Letter dated May 19, 1976 to Robert L. Herbst, Commissioner of the Department of Natural Resources from Howard N. Anderson, President, New London Chapter, Izaak Walton League.
23. Letter to Commissioner of Conservation from Mrs. Morris L. Ramey, Secretary, Meeker County Historical Society, with attachments.
24. Letter dated March 9, 1976 to Mr. Dale E. Homuth, Rivers Project Leader, from James J. Solem, Director, Office of Local and Urban Affairs of the Minnesota State Planning Agency.
25. Letter dated May 24, 1976 from Meta Lohse (on related matter.)
26. Letter dated June 2, 1976 from Kenneth B. Hendrickson.
27. Letter dated June 1, 1976 to the Department of Natural Resources, Division of Parks and Recreation from Leland A.Olson, Chairman, Meeker County Park Commission.
28. Statement by Fred Marshall in support of designating the North Fork of the Crow River as a recreational area.

29. Letter from Albin Hendrickson
30. Letter from Mrs. Albin Hendrickson
31. Letter/Comment from Mrs. Zella Hegg
32. Letter from Philip Behr and Michael Behr regarding evaluation of DNR Management Plan for North Fork of Crow River in Meeker County
33. Correspondence between Michael Link, Director, Northwood Audubon Center (letter dated March 3, 1976), and Don D. Davison, Director, Division of Parks and Recreation (letter dated March 12, 1976, by Dale E. Homuth, River Project Leader), including newspaper clipping.
34. Letter dated June 8, 1976 from Mary Chastek
35. Letter dated June 8 from Cindy Anderson
36. Letter dated June 9, 1976 from LeRoy Boline, including newspaper clipping.
37. Letter dated June 8, 1976 to Myron Greenberg, Hearing Examiner, from Don Davison, Director, Division of Parks and Recreation, by Dale Homuth, Rivers Project Leader.
38. Additional Comments on the testimony of State Representative Adolf L. Kvam given on May 22, 1976 at Litchfield, Minnesota in regard to the proposed designation of the North Fork-Crow River in Meeker County as a "Recreational" component to the Wild and Scenic Rivers System.
39. Copy of letter dated June 3, 1976 to Mr. and Mrs. Robert Lounsbury from Don D. Davison, Director, Division of Parks and Recreation by Dale E. Homuth, Rivers Project Leader.
40. Document entitled "Remarks on Crow River Petition; submitted as Exhibit #19-Docket NR-76-002-SF. Petition of Union Grove Township riverside property owners."

III. Received on June 14 (the date specified in the Notice of Hearing as the final date for receipt of written comments.

41. Letter dated June 10, 1976 from Michael Link, Director, Northwoods Audubon Center.
42. Letter and petition from Robert Geislinger, Secretary-Treasurer, Watkins Sportsmen's Club.
43. Letter dated June 11, 1976 from Charles L. Anderson
44. Letter dated June 9, 1976 from Steve Chesney, Chairperson, Land Use Task Force, North Star Chapter, Sierra Club

IV. Received on June 15 of later (not considered as part of the record and not considered in the Hearing Examiner's preparation of the Report.)

A. Letter dated June 10, 1976 from Mr. and Mrs. Clinton L. Mann.
B. Petition entitled "Crow River Petition" signed by "The property owners of the Crow River" with 33 signatures.

STATE OF MINNESOTA

OFFICE OF HEARING EXAMINER

FOR THE DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed Inclusion in the Minnesota Wild, Scenic and Recreational Rivers System of the Portion of the North Fork of the Crow River lying between the Lake Koronis spillway and the Meeker–Wright County Line (Otherwise Known as the entire portion of the Crow River–North Fork located in Meeker County) and of the Proposed Adoption of a Management Plan for said proposed recreational river.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, public hearings on the above–captioned matter have been held in the manner prescribed by law before a hearing examiner assigned by the Chief Hearing Examiner; and

WHEREAS, the hearing examiner, upon review of the record, has found that the agency has statutory authority to take the proposed action, and that it has fulfilled all relevant requirements of law and that it has, by affirmative presentation of facts, demonstrated that the proposed action is reasonable and needed, and has recommended that the agency proceed with the action as proposed; and

WHEREAS, the commissioner of natural resources has accepted the hearing examiner's findings and recommendations and has added findings and conclusions of his own which result in the final proposed rule being different in certain details from the rule presented at the hearing; and

WHEREAS, the changes do not make the final rule substantially different, as that phrase is defined in Minn. Regs. HE 108;

NOW THEREFORE, I conclude that the agency has met the requirements of the law and of the rules of the Office of Hearing Examiners, and that the commissioner of natural resources may adopt the attached proposed final rule without further hearing.

Dated: August 9th, 1976.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

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

In the Matter of the Proposed Inclusion in the Minnesota Wild, Scenic and Recreational Rivers System of the Portion of the North Fork of the Crow River lying between the Lake Koronis spillway and the Meeker–Wright County Line (Otherwise Known as the entire portion of the Crow River–North Fork located in Meeker County) and of the Proposed Adoption of a Management Plan for said proposed recreational river.

ORDER ADOPTING
RULE

WHEREAS, public hearings on the above–captioned matter have been held, and

WHEREAS the REPORT OF THE HEARING EXAMINER finds all statutory and regulatory requirements have been met, and

WHEREAS, the proposed final rule drafted per the FINDINGS AND CONCLUSIONS OF THE COMMISSIONER has been approved by the chief hearing examiner,

NOW, THEREFORE, pursuant to the authority vested in me by Minnesota Statutes Section 104.31 throught 104.40, I adopt the rules identified as Minnesota Department of Natural Resources Rules and Regulations, Chapter 25, consisting of Minnesota Regulations NR 2500, 2510, and 2520.

Dated: August 24, 1976

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

ROBERT L. HERBST, Commissioner

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 Inclusion in the Minnesota Wild, Scenic, and Recreational Rivers System of that Portion of the North Fork of the Crow River lying between the Lake Koronis spillway and the Meeker-Wright County Line (Otherwise Known as the Entire Portion of the Crow River-North Fork located in Meeker County) and of the Proposed Adoption of a Management Plan for said Proposed Recreational River.

STATEMENT OF COMPLIANCE

I, Special Assistant Attorney General A. W. Clapp III, have examined the proposed rule and all related documents. Based on that and my familiarity with applicable statutes and regulations, I declare that all required procedures have been followed.

Dated: August 25, 1976.

A. W. Clapp III

Special Assistant Attorney General

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 Inclusion in the Minnesota Wild, Scenic, and Recreational Rivers System of the Portion of the North Fork of the Crow River lying between the Lake Koronis Spillway and the Meeker-Wright County Line (otherwise known as the entire portion of the Crow River-North Fork located in Meeker County) and of the Proposed Adoption of a Management Plan for said proposed Recreational River.

ORDER FOR HEARING

In accordance with the Minnesota Wild and Scenic Rivers Act (Minnesota Statutes, Sections 104.31 through 104.40), the Commissioner of Natural Resources has prepared a Management Plan for the above-captioned segment of the river as a component of the state's wild and scenic river system, the Commissioner must hold public hearings in each affected county, but not before copies of the management plan have been available to the public for at least 60 days.

NOW, THEREFORE, IT IS ORDERED this 15th day of March, 1976, that a public hearing be held on the above-captioned matter, in the manner provided by Minnesota Statutes, Sections 15.0411 through 15.051 and Section 15.052 at:

Litchfield, Minnesota, on Saturday, May 22, 1976, in the Litchfield Senior High School Auditorium, 901 N. Gilman, at 10:00 a.m.

IT IS FURTHER ORDERED that Notice of Hearing be provided by mail or publication, as possible and appropriate, to the Secretary of State's mailing list, members of the Legislature, affected local government bodies, shoreland owners, conservation and outdoor recreation groups, and the general public.

IT IS FURTHER ORDERED that the Notice of Hearing name places where copies of the management plan will be available for inspection.

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 Inclusion in the Minnesota Wild, Scenic, and Recreational Rivers System of the Portion of the North Fork of the Crow River lying between the Lake Koronis Spillway and the Meeker-Wright County Line (otherwise known as the entire portion of the Crow River-North Fork located in Meeker County) and of the Proposed Adoption of a Management Plan for said proposed Recreational River.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held on the above-captioned matter, in the manner provided by Minnesota Statutes, Section 15.0411 through 15.051, and Section 15.052 at:

> Litchfield, Minnesota, on Saturday, May 22, 1976, in the Litchfield Senior High School Auditorium, 901 N. Gilman, at 10:00 a.m.

The hearing shall continue until all representatives of associations and other interested or affected persons or groups have had an opportunity to be heard concerning the above-captioned matter by submitting oral or written data, statements, or arguments.

Under Minnesota Statutes 10A.01, Subdivision 11 (1974), any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State

Legislative Library, and at the Department of Natural Resources, Division of Parks and Recreation, Centennial Building, St. Paul, Minnesota.

Copies of the Management Plan will be available at the public hearings. For those unable to attend the public hearings, copies are available for review at the above-mentioned locations. In addition, a copy may be obtained at no charge by contacting the Rivers Section, Division of Parks and Recreation, 320 Centennial Building, St. Paul, Minnesota 55155. Phone: 296-2573.

The proposed Management Plan for the North Fork of the Crow State Recreational River has been prepared in accordance with Minnesota Statutes 104.35 and the Statewide Rules and Regulations relating to the Wild, Scenic, and Recreational Rivers system Minnesota Regulations NR 78-81.

Dated this 15th day of March, 1976.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

ROBERT L. HERBST, Commissioner
Department of Natural Resources

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Inclusion in the Minnesota Wild, Scenic, and Recreational Rivers System of the Portion of the North Fork of the Crow River lying between the Lake Koronis Spillway and the Meeker-Wright County Line (otherwise known as the entire portion of the Crow River-North Fork located in Meeker County) and of the Proposed Adoption of a Management Plan for said proposed Recreation River.

CERTIFICATION

I hereby certify that the attached 472 labels and one sheet constitute the complete list of persons, associations, and other interested groups who as of 9:00 o'clock am, this 10th day of March, 1976, have requested pursuant to Minnesota Statutes 1974, 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.

Joan Anderson Growe

Joan Anderson Growe
Secretary of State

By: Gail Dion

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STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

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

RECEIVED
APR 23 1976
OFFICE OF HEARING
EXAMINERS

In the Matter of the Proposed Inclusion in the Minnesota Wild, Scenic, and Recreational Rivers System of the Portion of the North Fork of the Crow River lying between the Lake Koronis Spillway and the Meeker-Wright County Line (otherwise known as the entire portion of the Crow River-North Fork located in Meeker County) and of the Proposed Adoption of a Management Plan for said proposed Recreational River.

AFFIDAVIT OF MAILING

Jane Harper, being first duly sworn, deposes and says:

That on the 19 day of March, 1976, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing 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.

Jane Harper

Subscribed and sworn to before me
this 16th day of April, 1976.

Helen A. Hanauer

HELEN A. HANAUER
Notary Public, Ramsey Co., Minn.
MY COMMISSION EXPIRES
Sept. 15, 1980

STATEMENT OF NEED

Relating to the proposed designation, classification and management of the North Fork of the Crow River in Meeker County only, as a "recreational" component of the Minnesota Wild, Scenic and Recreational Rivers System.

NR 2500

(a) Eligibility

Under the authority granted in the Minnesota Wild and Scenic Rivers Act, Minnesota Statutes, 1974, Sections 104.31 to 104.40, the Commissioner of Natural Resources shall be responsible for designating rivers for inclusion in the system. The Act states that the whole or a segment of any river and its adjacent lands in this state that possess outstanding scenic, recreational, natural, historical, scientific and similar values shall be eligible for inclusion within the Minnesota Wild and Scenic Rivers System.

It is our finding that the portion of the North Fork of the Crow River in Meeker County, and its adjacent lands, possess a number of outstanding values referred to in Minnesota Statutes, Section 104.32. A brief description of these outstanding amenities is provided below.

Scenic Values

Dense woods of oak, elm, basswood, maple, ash and cottonwood can be seen along the river, providing outstanding fall colors and beautiful scenery year-around. Banks rise 50 to 70 feet above the river in some areas, providing scenic vistas of the river valley. Nearby lands are essentially undeveloped, except for agricultural purposes. In fact, a canoeist may travel two or three miles in places without seeing a farm or house.

The Crow is a narrow, winding river. Protected from wind, it is usually calm. The character of its banks changes abruptly; within a mile or two, a canoeist may pass pastures, dense thickets, wooded bluffs, croplands and sparsely-wooded prairie lands.

Recreational Values

Three publicly-owned sites now exist along the river, all owned by Meeker County. However, development of only one site is complete. There are no state- or federally-owned recreational lands along the river. One goal of the management plan is to provide an adequate number of developed recreational areas near the river.

This portion of the river is ideal for family canoe trips. Rapids are mild, though interesting, and currents are moderate. The Crow River is expected to draw an increasing number of canoeists. In general, people have more leisure time and canoe sales are on the rise throughout the state. The Crow River is only slightly more than an

hour's drive from the Twin Cities. Two canoe outfitters already are situated within the study area.

The study area also is suitable for snowmobiling, fishing and picnicking. A snowmobile trail parallels and occasionally crosses the river. Fishing is good, although there are few anglers. Daytime outings will become even more popular once Meeker County fully develops its park lands.

Natural Values

The study area sustains a wide variety of plant and animal life. This area is unique in that it contains remnants of both Big Woods and original prairie vegetation. Marshlands adjacent to the river are heavily utilized by waterfowl and fur bearers. Woodlands along the river provide much-needed habitat for a healthy population of white-tailed deer. A wide variety of fish species inhabit the river and portions of this segment are important spawning grounds for certain species.

Historical Values

Several archaelogical sites along the river provide evidence of the Crow River's importance to prehistoric man. The river played an instrumental role in white man's discovery of the prairie lands of southwestern Minnesota. Three mills once existed along the study area and were extremely important to early settlement and economic development of this part of the state. The Crow River, being a dividing line between the prairie and the Big Woods, also became the northernmost

battlegrounds during the Sioux Indian War of 1862. The townspeople of Forest City became famous for their role in the Indian War by erecting a life-saving stockade in a 24-hour period. With the completion of a wagon road from Monticello to Forest City, many new settlers crossed the Crow River on their way to Minnesota's prairie lands.

(b) Justification for Recommending Designation at this Time:
In addition to verifying the eligibility of the river, the DNR study also indicated that designation should be made as soon as possible. Designation is recommended at an early date, to insure that the values the river possesses are not lost.

Population projections indicate that the population in the county will increase by 8.5 percent over the next 25 years. While this increase is not an alarming one, it is felt that any new residents coming into the area and existing residents will be looking at the river area as an attractive place to build.

Most of the land within the proposed land use district is used for agricultural purposes. The increasing demand for agricultural products has lead to cultivation of marginal riverside land and extensive land drainage and filling practices.

Designation of the river at this time could help to prevent the loss of scenic wooded areas, help control erosion, prevent drainage of remaining wetland areas, prevent disruption of historical or archeological sites, and promote open space land uses in the area. To wait, would encourage additional erosion and drainage problems, and may ruin the values by which the river qualifies for designation.

Recreational use of the river is expected to increase in the near future. The Crow River is a small, environmentally sensitive river, and overuse of it could destroy its values. There currently is unlimited access to the river via 15 bridge crossings. Designation would insure that measures would and could be taken to prevent overuse of the river.

(c) Justification for Shoreland Included

The Wild and Scenic Rivers Act, Section 5, Subdivision 1, states that the management plan shall set forth the boundaries of the area along the river to be included within the system. The boundaries shall include not more than 320 acres per mile on both sides of the river. The proposed boundary in the management plan for the Crow River does not exceed the 320 acre/mile limit. The average for the entire boundary is 283 acres/mile.

The proposed boundary roughly follows the "line of sight" as determined by field observations from the river. It also includes areas of particular scenic or natural values. For ease of description and

administration, the final boundary was determined by following original survey lines, government lot lines, and roads.

NR 2510 Classification

The Wild and Scenic Rivers Act, Section 3, Subdivision 2, states that rivers or segments thereof included within the system shall be clasified as wild, scenic, or recreational, and that the proposed management plan shall set forth these proposed classifications.

Based on a study of the river, the Department of Natural Resources has determined that the entire river segment meets the criteria for "recreational" designation.

The Wild and Scenic Rivers Act, Section 3, Subdivision 2, describes recreational rivers as those rivers that may have undergone some impoundment or diversion in the past and may have adjacent lands that are considerably developed, but that are still capable of being managed so as to further the purposes of this act. The river meets or exceeds these requirements.

The DNR feels that the river segment does not qualify for either the wild or scenic classification because:

1. The Wild and Scenic Rivers Act states that rivers or segments thereof must "exist in a free-flowing state" to be classified as Wild or

Scenic components. Past channelization of a two-mile segment of the Crow River is one reason for the less restrictive Recreational classification.

2. Lands adjacent to the Crow River are largely undeveloped, but do not present an overall natural character because of extensive agricultural use. The Wild or Scenic classification requires an overall natural character.

3. The 15 bridge crossings within the 40.8-mile study area also preclude the Crow River from a Wild or Scenic classification. To be classified Scenic, rivers may occasionally be crossed by roads. In contrast, the Crow River is frequently crossed by roads.

NR 2520 Management

In accordance with the proposed rules and regulations for the Crow River in Meeker County, the County would be required to adopt the Land Use Provisions contained in Minnesota Regulations NR 78-81.

In accordance with the Wild and Scenic Rivers Act, Section 5, Subdivision 1, the management plan may include proposed standards and criteria for local land use controls which differ from the statewide standards to the extent necessary to take account of the particular

attributes of the area. Regulations that are proposed which differ from the statewide standards include:

1. The maximum building height restriction is amended so that it doesn't apply to buildings used primarily for agricultural purposes (i.e. silos, barns). It is felt that because the river area is currently used primarily for agricultural uses, this constitutes a particular attribute to the area. Therefore, no unreasonable restrictions, such as a height requirement should be placed upon them.

2. The county would be required to retain existing land use controls (as adopted in accordance with Minnesota Regulations NR 70-77), which are more protective than Minnesota Regulations NR 78-81. These existing regulations would be expanded to apply within the Wild and Scenic River Land Use District for ease of ordinance amendment. This does not constitute a change from the provisions of NR 78-81, since the most protective provisions would apply. It is merely to emphasize that some of the existing land use controls are more protective and will continue to apply.

3. The controlled vegetative cutting zone is amended from 100 feet to 200 feet from the normal high water mark. This change is being proposed to correspond with the existing building setback requirement which is an attribute particular to the area.

4. The grading and filling provision contained in the proposed Crow River Rules and Regulations is different from those in the statewide standards. However, the change is one of clarification only and the intent of the provision has been unchanged.

5. The municipality of Kingston will be required to adopt the provisions of the statewide Standards and Criteria for the Management of Municipal Shoreland Areas of Minnesota (Minnesota Regulations NR 82-84). It is felt that the existing incorporation and development within the area is a particular attribute of the area. It is further felt that zoning controls should be less restrictive in incorporated areas, to attract development there rather than in the less developed areas along the river.

In particularly scenic areas or environmentally sensitive areas, scenic easements will provide additional protection for these areas. Because many of the dimensional standards currently applied in the river area meet or exceed the requirements of Minnesota Regulations NR 78-81, the purchase of scenic easements will be the most important tool for managing the river.

The recreation management policies set forth in the proposed management plan have been developed to provide for the orderly use of public lands and waters within the recreational river land use district. The proposed regulations will help protect the rights of private landowners, ensure

quietude, prohibit trespassing, and maintain the essential quality of wild and scenic river land use districts. The river presently receives significant recreational use and is expected to receive increased use in the future.

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STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST
COMMISSIONER OF THE
DEPARTMENT OF NATURAL
RESOURCES, STATE OF
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In the Matter of the Proposed Inclusion in the Minnesota Wild, Scenic, and Recreational Rivers System of the Portion of the North Fork of the Crow River lying between the Lake Koronis Spillway and the Meeker-Wright County Line (otherwise known as the entire portion of the Crow River-North Fork located in Meeker County) and of the Proposed Adoption of a Management Plan for said proposed Recreational River.

STATEMENT
OF
EVIDENCE

The evidence is summarized in the Statement of Need.

The source for the evidence is "A Management Plan for the North Fork of the Crow River, Meeker County" published by the Minnesota Department of Natural Resources, dated December 1975, and the "Addendum" to that plan dated February 1976.

ADMIN 1000

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Attorney General

TO : Augustus W. Clapp III
Special Assistant Attorney General
Natural Resources

DATE: September 21, 1976

FROM : Michael B. Miller
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: NR 2500

Returned as you requested are five copies of the above-captioned rule.

MBM/sr

Enclosures

Fixed as requested.

Bill Clapp

TRANSMITTAL - MESSAGE SLIP

TO	LOCATION
DATE	TIME
FROM	LOCATION

TRANSMITTAL ACTION	CALL OR VISIT
☐ Review and see me	NAME
☐ Review and return	
☐ Prepare reply for my sig.	FROM
☐ Reply and send me copy	
☐ For your approval	PHONE NO.
☐ For your information	
☐ For signature	☐ Called
☐ As we discussed	☐ Was here to see you
☐ As you requested	☐ Please call
☐ Take appropriate action	☐ Will call again unclear

MESSAGE

2520 A2 - ? change

[redacted]

[redacted] would be

[redacted] - will (shall)

unclear

~~notice vs reg~~

c9 should?

Admin 1010(Rev. 10/75) (55)

☐ OVER

~~D1 auth.?~~

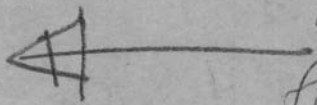
~~D2 "~~

~~D3 " how reg.~~

E. Recommendations

↓

appropriate for rulemaking?



~~How do Supp materials fit in?~~

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 Inclusion in the Minnesota Wild, Scenic, and Recreational Rivers System of that Portion of the North Fork of the Crow River lying between the Lake Koronis spillway and the Meeker-Wright County Line (Otherwise Known as the Entire Portion of the Crow River-North Fork located in Meeker County) and of the Proposed Adoption of a Management Plan for said Proposed Recreational River.

STATEMENT OF COMPLIANCE

I, Special Assistant Attorney General A. W. Clapp III, have examined the proposed rule and all related documents. Based on that and my familiarity with applicable statutes and regulations, I declare that all required procedures have been followed.

Dated: August 25, 1976.

A. W. Clapp III

Special Assistant Attorney General

ADMIN. 1000

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL
NATURAL RESOURCES

Office Memorandum

TO : Mike Miller
Spec. Asst. Attorney Genral
Administration

DATE: 8/26/76

FROM : Bill Clapp
Spec. Asst. Attorney General
Natural Resources

SUBJECT: Minn. Regs. NR 2500-2520:
North Fork of the Crow Recreational River

Here for Attorney General review are the necessary documents regarding the subject rule.

tgh

RECEIVED
AUG 2 1976
Dept. of Administration