

Minnesota Attorney General: Administrative Rules Proceedings

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STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

Regulations

CHAPTER TWENTY - SIX: NR 2600

DESIGNATION , CLASSIFICATION AND MANAGEMENT OF THE MINNESOTA RIVER IN LAC QUI PARLE, YELLOW MEDICINE, CHIPPEWA, RENVILLE AND REDWOOD COUNTIES.

NR 2600 DESIGNATION

A. THE RIVER

That portion of the Minnesota River from the Lac qui Parle dam to the Redwood County State Aid Highway 11 bridge near Franklin 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, Minnesota Statutes 1974, Sections 104.31 to 104.40.

C. SHORELAND INCLUDED

The designation and these rules apply to the river and the adjacent lands indicated by the Land Use District Descriptions. The land use district boundaries were delineated in accordance with Minnesota Regulations NR 78 (g) (2) (bb).

D. 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.

E. STIPULATION

The commissioner of natural resources will not request the inclusion of that portion of the Minnesota River from the Lac qui Parle dam to the Redwood County State Aid Highway 11 bridge near Franklin into the Federal Wild and Scenic Rivers System without the consent of the County Board of Commissioners of Lac qui Parle, Chippewa, Yellow Medicine, Redwood and Renville counties.

NR 2610 CLASSIFICATION

That portion of the Minnesota River and adjacent lands from the Lac qui Parle dam to the U.S. Highway 212 bridge in the corporate limits of Montevideo is classified as Scenic.

That portion of the Minnesota River and adjacent lands from the U.S. Highway 212 bridge in the corporate limits of Montevideo to the Great Lakes Pipeline one-quarter mile down-stream of the Minnesota Falls dam is classified as Recreational.

That portion of the Minnesota River and adjacent lands from the Great Lakes Pipeline one-quarter mile down-stream of the Minnesota Falls dam to the Redwood County State Aid Highway 11 bridge is classified as Scenic.

These classifications are made in accordance with the provisions of Minnesota Statutes 1974, Section 104.33, Subdivision 2; and Minnesota Regulations NR 78(f).

NR 2620 LAND MANAGEMENT

A. ZONING

1. The counties of Lac Qui Parle, Chippewa, Yellow Medicine, Renville and Redwood shall each enact or amend such ordinances and maps as necessary to:

a. Establish Scenic and Recreational river land use districts as applicable according to Minnesota Regulations NR 2610, to include the lands identified by the Land Use District Descriptions.

b. Conform to the provisions of Minnesota Regulations NR 78-81 except for extraction of sand and gravel which shall continue to be a conditional use under the regulatory discretion of local governments.

2. The municipalities of Montevideo, Granite Falls, North Redwood and Morton shall enact or amend such ordinances and maps as necessary to:

a. Establish Scenic and Recreational river land use districts as applicable according to Minnesota Regulations NR 2610 to include the lands identified by the Land Use District Descriptions.

b. Conform to the use, dimensional and sanitary provisions of the Recreational Development classification of Minnesota Regulations NR 83, (a), NR 83 (c) (1)-(2) and (4)-(5), NR 83 (d) and the provisions of Minnesota Regulations NR 79 (e–j (1)), 80 and 81.

c. The vegetative cutting provisions of Minnesota Regulations NR 79 (g) shall conform to the structural setback pattern specified in Minnesota Regulations NR 83.

3. If land is annexed, incorporated or in any other way transferred to another jurisdiction, a moratorium shall exist on all construction, grading and filling, and vegetative cutting until the newly responsible unit of government adopts zoning for that land. The zoning shall meet the provisions of this management plan which applied to the land before the transfer. This provision does not apply to work for which lawful permits were previously issued.

4. All local ordinances and regulations which are more protective than those required to be adopted by this management plan may be continued.

B. LAND ACQUISITION

1. The lands or interests in land recommended to be acquired in this plan will be acquired when funds are available for such purchases from willing sellers, as provided for in Minnesota Statutes 1974, Section 104.37.

a. Fee title acquisition is recommended in those areas where recreational sites are needed. These areas are identified in the Fee Title Descriptions.

b. Scenic easement acquisition is recommended in those areas having outstanding scenic or natural characteristics as identified in the Scenic Easement Descriptions.

c. Because fee title acquisition or scenic easement acquisition is from willing sellers at the appraised market value, some lands recommended for scenic easement acquisition may be purchased in fee title. Some lands recommended for fee title acquisition may be purchased in scenic easement. This change from the recommended acquisition would be based on the mutual agreement by and between the state of Minnesota and the landowner(s).

2. Other forms of acquisition, such as use easements or leases, may be used to acquire interests in lands within the land use districts.

3. Land will be exchanged, whenever feasible, to acquire lands within the land use districts. These exchanges will be done in the manner prescribed by state law. However, land exchanges will not be recommended if such exchanges would adversely affect this or any other Department of Natural Resources management program.

4. Additional lands or interests in land may be purchased within the land use districts from willing sellers to further the policies established in Minnesota Statutes 1974, Section 104.32 and this management plan.

5. Land acquisition authority contained in this subsection is promulgated under Minnesota Statutes 1974, Section 104.37 which does not give the commissioner of natural resources eminent domain authority within the river land use districts. If in the future, eminent domain authority is granted as a method of land acquisition under Minnesota Statutes, Section 104.37, it shall not be utilized in the river land use districts without explicit repromulgation or amendment of this rule. This provision does not apply when the commissioner of natural resources is ordered by the legislature to use eminent domain authority within the river land use districts.

NR 2630 RECREATION MANAGEMENT

A. Recreation management in the Scenic and Recreational river land use districts shall conform to the policies and provisions of Minnesota Regulations NR 80.

B. As provided for in Minnesota Regulations NR 79 (b) and the management plan, the development of public or private recreational facilities within the Scenic and Recreational river land use districts shall conform to the design specification guidelines as shown on the Recreational Site Typicals with the addition of a gate to the service trail for primitive campsites.

C. No Department of Natural Resources river–oriented camping facilities will be provided close to private river–oriented camping facilities which are designed to serve the same needs.

D. The recreational use of the Minnesota Scenic and Recreational River and adjacent public lands will be regulated where necessary to insure that the use does not adversely affect the values which qualified the river for designation.

E. Snowmobiling in the land use district will be allowed:

1. On private lands only with permission from appropriate landowners.

2. On trails specifically designated for snowmobiling in state parks, or designated by local governments or the legislature.

F. On areas which are not presently publicly owned, some type of land interest must be purchased before lands are available for public use.

G. The Division of Parks and Recreation shall allocate funds for the maintenance of Department of Natural Resources recreational facilities within the Minnesota River land use districts from the department's river development and maintenance account.

H. Priority areas for recreational development are shown:

1. In the fee title descriptions on land which is not presently publicly owned.

2. On publicly owned lands:

a. At the Corp of Engineers Recreation Site at the Lac qui Parle Dam – portage and an access.

b. At the Department of Natural Resources Access at Montevideo – A rest area.

c. At Spartan State Wildlife Management Area – An access.

d. At Renville County Park #2 – An access.

e. On Department of Natural Resources land near Morton – An access

f. At Lower Sioux Agency Historic Site – A campsite and rest area.

I. The department's Enforcement Division shall enter into discussions with the local units of government concerning the delineation of responsibilities for the enforcement of applicable Wild, Scenic and Recreational river regulations. The Enforcement Division shall extend sufficient effort to meet enforcement responsibilities in the Minnesota River land use districts.

LAND USE DISTRICT DESCRIPTIONS AND ACREAGES

All acreages shown in the Land Use District section are from the original government survey. Because of certain apparent deficiencies in the survey, a grid system was used to insure that no river mile exceeds 320 acres.

Chippewa County	(C)
Yellow Medicine County	(YM)
Redwood County	(RED)
Renville County	(REN)
Lac Qui Parle County	(LQP)

Description	Acreage
T 118 N - R 42 W	
Section 24	
Government Lot 1 (LQP) all but W 20	12.50
" Lot 2 (LQP)	37.25
" Lot 3 (LQP)	28.70
" Lot 4 (LQP)	47.90
" Lot 1 (C)	33.25
" Lot 2 (C)	22.80
" Lot 3 (C)	6.90
" Lot 4 (C)	36.40
" Lot 5 (C)	17.75
NE¼ of SW¼	40.00
SE¼ of NE¼	40.00
Section 25	
Government Lot 1 (LQP)	38.75
" Lot 1 (C)	1.00
E½ of NW¼ of NE¼	20.00
SE¼ of NE¼	40.00
T 118 N - R 41 W	
Section 19	
SW¼ of SW¼	34.19
SE¼ of SW¼	40.00
W½ of NW¼ of SW¼	20.00
Section 30	
Government Lot 1 (C)	14.85
" Lot 2 (C)	36.00
" Lot 3 (C)	60.00
" Lot 4 (C)	59.25
" Lot 6 (LQP)	20.35
" Lot 5 (LQP)	38.75
" Lot 4 (LQP)	49.50
" Lot 3 (LQP)	53.90
SW¼ of NW¼	40.00

Description	Acreage
W½ of NE¼ of NE¼	20.00
E½ of NE¼ of SW¼	20.00
Section 29	
Government Lot 1 (C)	31.25
" Lot 2 (C)	36.05
" Lot 3 (C)	37.75
" Lot 1 (LQP)	13.20
W½ of SW¼ of NW¼	20.00
SW¼ of SE¼	40.00
Section 32	
Government Lot 1 (LQP)	39.45
" Lot 2 (LQP)	48.00
" Lot 3 (LQP)	28.80
" Lot 4 (LQP)	31.00
" Lot 5 (LQP)	32.00
" Lot 2 (C)	43.35
" Lot 3 (C)	43.50
" Lot 4 (C)	45.75
SE¼ of NE¼	40.00
Government Lot 1 (C)	15.00
T 117 N - R 41 W	
Section 5	
Government Lot 1 (LQP)	41.56
" Lot 2 (LQP)	45.60
" Lot 3 (LQP)	48.25
" Lot 4 (LQP)	52.50
" Lot 1 (C)	41.25
" Lot 2 (C)	41.60
" Lot 3 (C)	30.50
" Lot 4 (C)	30.60
Section 4	
W½ of NW¼ of NW¼	20.00
SW¼ of NW¼	40.00
NW¼ of SW¼	40.00
SW¼ of SW¼	40.00
SE¼ of SW¼	40.00
Section 8	
Government Lot 1 (LQP)	18.75
" Lot 2 (LQP)	39.55
" Lot 1 (C)	18.20
NW¼ of NE¼	40.00
SW¼ of NE¼	40.00
Section 9	
Government Lot 1 (C)	30.30
" Lot 2 (C)	42.25
" Lot 3 (C)	39.99
" Lot 4 (C)	41.05
" Lot 4 (LQP)	36.80
" Lot 3 (LQP)	32.25
" Lot 2 (LQP)	35.75
" Lot 1 (LQP)	41.60
NW¼ of SW¼	40.00
W½ of NW¼ of NE¼	20.00
Government Lot 5 (C)	58.10
SW¼ of SW¼	40.00

Description				Acreage
Section 16				
Government	Lot 2	(LQP)		39.99
"	Lot 1	(LQP)		31.25
"	Lot 1	(C)		12.60
NE¼ of NW¼				40.00
SE¼ of NE¼				40.00
Section 10				
SW¼ of SW¼				40.00
SE¼ of SW¼				40.00
S½ of SW¼ of SE¼				20.00
S½ of SE¼ of SE¼				20.00
Section 15				
Government	Lot 7	(LQP)		45.95
"	Lot 8	(LQP)		16.60
"	Lot 3	(LQP)		39.99
"	Lot 2	(LQP)		17.50
"	Lot 1	(LQP)		26.40
"	Lot 1	(C)		34.75
"	Lot 2	(C)		15.00
"	Lot 3	(C)		40.00
Section 11				
S½ of SE¼ of SW¼				20.00
S½ of SW¼ of SE¼				20.00
Section 14				
Government	Lot 4	(LQP)		23.75
"	Lot 3	(LQP)	all but S 40	19.50
"	Lot 2	(LQP)		47.20
"	Lot 1	(LQP)		50.25
"	Lot 1	(C)		49.25
"	Lot 2	(C)		26.55
"	Lot 3	(C)		35.00
"	Lot 4	(C)		41.15
"	Lot 5	(C)		36.60
S½ of NW¼ of NW¼				20.00
SE¼ of SE¼				40.00
Section 13				
Government	Lot 1	(C)		7.50
"	Lot 4	(LQP)		49.00
"	Lot 3	(LQP)		45.15
"	Lot 2	(LQP)		26.20
"	Lot 1	(LQP)		22.50
"	Lot 2	(C)		35.10
"	Lot 3	(C)		33.65
"	Lot 4	(C)		17.20
"	Lot 5	(C)		58.10
NE¼ of NW¼				40.00
NW¼ of NE¼				40.00
SE¼ of NE¼				40.00
T 117 N - R 40 W				
Section 18				
Government	Lot 4	(C)	a line 300 ft. from normal high-water mark	7.00
"	Lot 1	(YM)		1.75

Description				Acreage
Section 19				
Government	Lot 1	(YM)		38.35
"	Lot 3	(YM)		37.95
"	Lot 4	(YM)		22.40
"	Lot 5	(YM)		44.75
"	Lot 1	(C)	a line 300 ft. from the normal high-water mark	11.00
"	Lot 2	(C)		33.75
Government	Lot 3	(C)		50.00
"	Lot 4	(C)		24.80
SE¼ of NE¼				40.00
E½ of NE¼ of SW¼				20.00
Section 20				
W½ of NW¼ of SW¼				20.00
W½ of SW¼ of SW¼				20.00
Section 30				
Government	Lot 3	(YM)		35.90
"	Lot 4	(YM)		35.40
"	Lot 5	(YM)		27.40
"	Lot 1	(C)		27.70
"	Lot 2	(C)		20.40
"	Lot 3	(C)		49.00
"	Lot 6	(YM)		37.43
Section 29				
NW¼ of SW¼				40.00
NW¼ of NW¼				40.00
SW¼ of NW¼				40.00
Government	Lot 1	(C)		31.80
"	Lot 2	(C)		39.75
SW¼ of SE¼				40.00
S½ of SE¼ of SE¼				20.00
Section 31				
Government	Lot 3	(YM)		39.40
E½ of NW¼ of NE¼				20.00
Section 32				
Government	Lot 1	(C)		26.40
"	Lot 2	(C)		12.70
"	Lot 2	(YM)	all but S 20	34.40
"	Lot 3	(YM)	all but S 20	31.90
"	Lot 4	(YM)	all but S 20	34.95
"	Lot 1	(YM)		34.25
Section 33				
Government	Lot 1	(C)		19.70
"	Lot 2	(C)		38.75
"	Lot 1	(YM)	all but S 20	26.75
"	Lot 2	(YM)		39.73
"	Lot 3	(YM)		26.20
"	Lot 4	(YM)	all but S 20	19.10

Description				Acreage
Section 28				
S½ of SW¼ of SW¼				20.00
SE¼ of SW¼			all but NW¼	30.00
Government	Lot 1	(C)		30.00
"	Lot 2	(C)		35.75
"	Lot 3	(C)	all but the NE 10	39.50
"	Lot 1	(YM)		5.43
Section 27				
Government	Lot 1	(C)		38.35
Section 34				
Government	Lot 1	(C)		48.75
"	Lot 2	(C)		42.60
"	Lot 3	(C)		39.80
"	Lot 4	(C)		39.80
"	Lot 5	(C)		58.75
"	Lot 1	(YM)		33.30
"	Lot 2	(YM)		21.55
"	Lot 3	(YM)		59.57
N½ of SW¼ of SW¼				20.00
Section 35				
Government	Lot 1	(YM)		39.50
"	Lot 2	(YM)		39.95
T 116 N – R 40 W				
Section 3				
Government	Lot 3	(YM)		27.61
"	Lot 2	(YM)		51.00
"	Lot 1	(YM)		32.45
"	Lot 1	(C)		21.65
"	Lot 2	(C)	everything W of CSAH 15	21.19
"	Lot 3	(C)		50.40
"	Lot 4	(C)		43.05
"	Lot 4	(YM)		20.25
"	Lot 5	(YM)		22.85
E½ of NE¼ of SW¼				20.00
E½ of SW¼ of SE¼				20.00
Section 10				
Government	Lot 1	(YM)		39.30
Section 2				
Government	Lot 5	(C)		36.75
"	Lot 6	(C)		30.00
SE¼ of SW¼				40.00
SE¼ of SE¼				40.00
Section 11				
Government	Lot 1	(C)		34.70
"	Lot 2	(C)		40.10
"	Lot 3	(C)		23.00
"	Lot 1	(YM)	all but the S. 40	10.25
"	Lot 2	(YM)		39.45
"	Lot 3	(YM)		25.80
"	Lot 4	(YM)		22.00
"	Lot 5	(YM)		34.00
"	Lot 6	(YM)		49.20

Description				Acreage
Section 12				
Government	Lot 1	(YM)		35.00
"	Lot 1	(C)		14.00
"	Lot 2	(C)		38.00
"	Lot 3	(C)		17.15
W½ of SW¼ of SE¼				20.00
S½ of SW¼ of NW¼				20.00
Section 13				
Government	Lot 1	(C)		38.75
"	Lot 2	(C)		41.50
"	Lot 1	(YM)		27.55
"	Lot 2	(YM)		29.90
SE¼ of NE¼				40.00
Government	Lot 3	(YM)		24.10
"	Lot 4	(YM)		37.90
"	Lot 5	(YM)		17.30
"	Lot 6	(YM)		19.75
"	Lot 3	(C)		62.15
"	Lot 4	(C)		54.15
E½ of NE¼ of SW¼				20.00
T 116 N – R 39 W				
Section 18				
Government	Lot 3	(C)		27.00
"	Lot 4	(C)		14.00
"	Lot 1	(YM)		36.88
NE¼ of SW¼				40.00
SW¼ of SE¼				40.00
W½ of NW¼ of SE¼				20.00
Section 19				
Government	Lot 1	(C)		55.25
"	Lot 2	(C)		40.50
"	Lot 3	(C)		32.40
"	Lot 1	(YM)		30.75
"	Lot 2	(YM)		37.00
"	Lot 3	(YM)	all but S 10	22.70
"	Lot 5	(YM)	all but S 20	30.50
"	Lot 6	(YM)	all but S 20	23.65
"	Lot 7	(YM)		36.15
T 116 N – R 39 W				
Section 20				
Government	Lot 1	(C)		33.80
"	Lot 2	(C)		27.00
"	Lot 3	(C)		34.60
"	Lot 4	(C)		49.55
"	Lot 5	(C)		24.00
"	Lot 1	(YM)		40.50
"	Lot 2	(YM)	all but SW 20	27.74

Description				Acreage
Section 21				
Government	Lot 1	(C)	all but E 20	19.60
Section 28				
Government	Lot 1	(C)	all but E 20	18.60
"	Lot 2	(C)		37.00
"	Lot 3	(C)		30.00
"	Lot 4	(C)		42.00
"	Lot 5	(C)		21.75
"	Lot 1	(YM)	all but S 30	23.10
"	Lot 2	(YM)		26.35
"	Lot 3	(YM)		16.70
Section 27				
Government	Lot 1	(C)	a line 300 ft. from the normal high-water mark	13.10
Section 29				
Government	Lot 1	(C)		27.45
"	Lot 1	(YM)	all but W 20	19.60
"	Lot 2	(YM)	all but W 20	18.25
"	Lot 3	(YM)	all but SW 20	24.25
Section 34				
Government	Lot 1	(C)	a line 300 ft. from the normal high-water mark	13.25
"	Lot 2	(C)	" "	11.00
"	Lot 3	(C)	" "	12.80
"	Lot 4	(C)	" "	4.00
"	Lot 5	(C)	" "	9.00
"	Lot 1	(YM)	" "	3.00
"	Lot 2	(YM)	" "	15.00
"	Lot 3	(YM)	" "	8.00
Section 33				
Government	Lot 1	(YM)	a line 300 ft. from the normal high-water mark	7.00
"	Lot 3	(YM)	" "	9.00
T 115 N – R 39 W				
Section 4				
Government	Lot 3	(YM)		38.79
Section 3				
Government	Lot 4	(C)		8.60
"	Lot 3	(C)	a line 300 ft. from the normal high-water mark	9.00
"	Lot 2	(C)	" "	9.00
"	Lot 1	(C)	" "	10.00
N½ of SE¼ of NW¼				20.00
N½ of SW¼ of NE¼				20.00
Government	Lot 2	(YM)		37.12
"	Lot 3	(YM)		38.32
"	Lot 4	(YM)		34.00

Description				Acreage
Government	Lot 5	(YM)	all but S 20	38.00
SW¼ of NW¼				40.00
Section 2				
Government	Lot 4	(C)		17.15
"	Lot 3	(C)		41.25
"	Lot 2	(C)		29.70
"	Lot 1	(C)	all but N 20	32.00
"	Lot 1	(YM)	all but S 20	27.25
"	Lot 2	(YM)		26.00
"	Lot 3	(YM)		25.40
"	Lot 4	(YM)		37.50
N½ of NE¼ of SW¼				20.00
SE¼ of NE¼ of SW¼				10.00
SW¼ of SE¼				40.00
Section 1				
Government	Lot 5	(C)		37.25
"	Lot 6	(C)		35.25
"	Lot 1	(YM)		16.10
Section 12				
Government	Lot 1	(C)		35.50
"	Lot 2	(C)		46.25
"	Lot 1	(YM)		22.96
W½ of SE¼ of NW¼				20.00
Section 11				
S½ of NW¼ of NW¼				20.00
S½ of NE¼ of NW¼				20.00
NW¼ of NE¼				40.00
Government	Lot 1	(C)		35.30
"	Lot 2	(C)		18.75
"	Lot 3	(C)	all but S 20	33.30
"	Lot 4	(C)		52.25
"	Lot 5	(C)		30.15
"	Lot 1	(YM)		50.57
"	Lot 2	(YM)		25.07
"	Lot 3	(YM)		22.65
"	Lot 4	(YM)		21.42
Section 10				
Government	Lot 3	(C)		.60
"	Lot 1	(C)		9.60
"	Lot 2	(C)		1.20
"	Lot 1	(YM)		34.00
"	Lot 2	(YM)		30.15
"	Lot 3	(YM)		59.15
Section 15				
Government	Lot 1	(C)		55.30
"	Lot 1	(YM)		49.85
SW¼ of NE¼				40.00

Description				Acreage
Section 14				
Government	Lot 4	(C)		37.70
"	Lot 3	(C)		29.30
"	Lot 2	(C)		39.10
"	Lot 5	(C)		57.75
"	Lot 1	(C)		18.70
Section 13				
Government	Lot 2	(C)		43.10
"	Lot 3	(C)		39.55
"	Lot 4	(C)	all but E 20	41.25
"	Lot 5	(C)	all but E 20	40.25
"	Lot 1	(C)		26.25
"	Lot 1	(YM)	all but portion in Indian reservation	7.00
"	Lot 2	(YM)	all but W 10	13.82
"	Lot 3	(YM)	all but W 10	25.35
Section 24				
Government	Lot 1	(C)		25.25
"	Lot 2	(C)		28.25
"	Lot 3	(C)		46.50
"	Lot 1	(YM)		43.85
"	Lot 2	(YM)		48.75
"	Lot 3	(YM)		21.43
"	Lot 4	(YM)		21.60
NE¼ of NE¼				40.00
T 115 N – R 38 W				
Section 20				
W½ of NW¼ of SW¼				20.00
Government	Lot 1	(REN)	all but E 20	19.80
Section 19				
SW¼ of NW¼ of NE¼				10.00
Government	Lot 4	(YM)		42.81
"	Lot 3	(YM)		56.43
"	Lot 2	(YM)		50.64
"	Lot 1	(YM)		31.73
"	Lot 1	(REN)		51.30
"	Lot 2	(REN)		41.35
"	Lot 3	(REN)		32.00
"	Lot 4	(REN)		44.10
"	Lot 5	(REN)		.85
N½ of SW¼ of SE¼				20.00
Section 30				
Government	Lot 3	(YM)		34.75
"	Lot 1	(REN)		.05

Description				Acreage
Section 29				
Government	Lot 1	(YM)		34.75
"	Lot 2	(YM)		29.66
"	Lot 3	(YM)		44.67
"	Lot 4	(YM)		51.85
"	Lot 4	(REN)		18.85
"	Lot 3	(REN)	all but N 20	20.75
"	Lot 2	(REN)		30.50
"	Lot 1	(REN)		17.00
Section 28				
Government	Lot 1	(YM)		31.68
"	Lot 2	(YM)		47.94
"	Lot 3	(YM)		51.06
"	Lot 4	(YM)		24.46
"	Lot 5	(REN)		20.40
"	Lot 4	(REN)		47.85
"	Lot 3	(REN)	all but N 20	41.20
"	Lot 2	(REN)		39.00
"	Lot 1	(REN)		14.00
Section 27				
Government	Lot 1	(YM)		40.69
"	Lot 2	(YM)		63.81
"	Lot 3	(REN)		51.40
"	Lot 2	(REN)		44.10
"	Lot 1	(REN)		29.75
SE¼ of SE¼				40.00
Section 33				
N½ of NE¼ of NE¼				20.00
Section 34				
Government	Lot 1	(YM)		26.93
"	Lot 3	(YM)		32.63
"	Lot 1	(REN)		32.70
N½ of NW¼ of NW¼				20.00
NE¼ of SE¼				40.00
N½ of NE¼ of NW¼				20.00
SE¼ of SE¼				40.00
Section 35				
Government	Lot 1	(YM)		16.55
"	Lot 2	(YM)		22.64
"	Lot 1	(REN)		24.00
"	Lot 2	(REN)		56.50
"	Lot 3	(REN)		38.65
"	Lot 4	(REN)		25.60
"	Lot 5	(REN)		19.50
"	Lot 6	(REN)		22.05
S½ of NW¼ of NW¼				20.00
W½ of SE¼ of NW¼				20.00

Description				Acreage
T 114 N – R 38 W				
Section 2				
Government	Lot 1	(YM)		32.46
"	Lot 2	(YM)		51.15
"	Lot 3	(YM)		12.37
"	Lot 4	(YM)	all but W 20	10.40
"	Lot 6	(YM)		29.75
"	Lot 4	(REN)		31.25
"	Lot 3	(REN)		59.20
"	Lot 2	(REN)		56.50
"	Lot 1	(REN)		5.00
N½ of SW¼ of NW¼				20.00
Section 1				
S½ of SE¼ of SE¼				20.00
Government	Lot 1	(YM)		12.34
"	Lot 5	(REN)		35.00
"	Lot 6	(REN)		52.50
"	Lot 7	(REN)		35.50
S½ of NW¼ of NW¼				20.00
SW¼ of SE¼				40.00
Section 12				
Government	Lot 1	(YM)		32.60
"	Lot 2	(YM)		23.92
"	Lot 3	(YM)	all but S 20	36.28
"	Lot 2	(REN)		12.00
"	Lot 1	(REN)		11.55
NW¼ of NW¼				40.00
T 114 N – R 37 W				
Section 7				
Government	Lot 3	(RED)		32.93
"	Lot 4	(RED)		25.86
"	Lot 5	(RED)	all but S 20	31.16
"	Lot 6	(RED)	all but S 20	30.50
"	Lot 4	(REN)		30.46
"	Lot 3	(REN)	all but N 20	24.70
"	Lot 2	(REN)	all but N 20	33.90
"	Lot 1	(REN)	all but N 20	37.50
Section 6				
Government	Lot 7	(REN)	only the S½	17.29
Section 8				
Government	Lot 1	(RED)	all but S 20	27.72
"	Lot 2	(RED)		32.18
"	Lot 3	(RED)		41.10
"	Lot 4	(REN)		25.30
"	Lot 3	(REN)		39.75
"	Lot 2	(REN)		51.00
"	Lot 1	(REN)		47.60

Description				Acreage
Section 9				
Government	Lot 1	(RED)		69.12
"	Lot 2	(REN)		10.25
"	Lot 1	(REN)		45.00
W½ of SW¼ of SE¼				20.00
S½ of SW¼ of NW¼				20.00
Section 16				
Government	Lot 1	(RED)		21.45
"	Lot 2	(RED)	all but W 20	31.40
"	Lot 3	(RED)	all but W 20	33.16
"	Lot 4	(RED)		34.44
"	Lot 1	(REN)	all but E 20	28.55
"	Lot 2	(REN)	all but E 20	34.55
"	Lot 3	(REN)	all but E 20	30.75
"	Lot 4	(REN)		31.70
Section 21				
Government	Lot 1	(RED)		27.31
"	Lot 2	(RED)		27.22
"	Lot 1	(REN)		39.20
N½ of SW¼ of NW¼				20.00
Section 22				
Government	Lot 4	(REN)		29.35
"	Lot 3	(REN)		37.50
"	Lot 2	(REN)	all but N 20	22.00
"	Lot 1	(REN)	all but N 20	23.95
"	Lot 1	(RED)		40.02
"	Lot 2	(RED)		44.36
"	Lot 3	(RED)		31.53
"	Lot 4	(RED)		20.52
W½ of SE¼ of NW¼				20.00
N½ of SW¼ of SW¼				20.00
Section 23				
Government	Lot 4	(REN)	all but N 20	24.53
"	Lot 3	(REN)	all but N 20	28.25
"	Lot 2	(REN)	all but N 20	28.35
"	Lot 1	(REN)	all but N 20	25.60
"	Lot 1	(RED)		28.15
"	Lot 2	(RED)		22.64
"	Lot 3	(RED)		28.43
"	Lot 4	(RED)		27.16
Section 26				
N½ of NW¼ of NW¼				20.00
N½ of NE¼ of NW¼				20.00
N½ of NW¼ of NE¼				20.00
Section 24				
Government	Lot 4	(RED)		46.35

Description			Acreages
Government	Lot 3 (RED)		33.62
"	Lot 2 (RED)		38.27
"	Lot 1 (RED)		54.06
"	Lot 6 (REN)		18.15
"	Lot 5 (REN)	all but N 20	18.70
"	Lot 4 (REN)		32.75
"	Lot 3 (REN)		17.75
"	Lot 2 (REN)		35.75
"	Lot 1 (REN)		19.00
S½ of NE¼ of NW¼			20.00
S½ of NW¼ of NE¼			20.00
NE¼ of NE¼		everything S of CSAH 15	1.00
T 114 N – R 36 W			
Section 30			
N½ of NW¼ of SW¼			20.00
Government	Lot 1		37.75
"	Lot 2		31.70
"	Lot 3		53.85
"	Lot 4		32.85
"	Lot 5		38.75
"	Lot 6		34.75
"	Lot 7	all but S 20	37.90
"	Lot 8		35.60
SW¼ of NW¼			39.21
Section 19			
SW¼ of NW¼			40.00
Government	Lot 1		20.02
"	Lot 2		13.60
"	Lot 3		30.65
NW¼ of SW¼			39.09
NW¼ of NW¼		everything SW of CSAH 15	1.00
NW¼ of SE¼		" "	2.00
SW¼ of SE¼		everything S of CSAH 15 and W of CSAH 6	20.00
Section 29			
Government	Lot 1		48.90
"	Lot 2		39.85
"	Lot 3		28.65
"	Lot 4		27.35
Section 32			
SE¼ of NW¼			40.00
Government	Lot 1		27.50
"	Lot 2		34.20
"	Lot 3	all but N 20	19.98

Description			Acreages
Government	Lot 4		23.82
"	Lot 5		44.65
"	Lot 6		44.95
N½ of NW¼ of SE¼			20.00
E½ of NW¼ of NW¼			20.00
Section 33			
Government	Lot 1		30.00
"	Lot 2		38.25
"	Lot 3		39.10
SW¼ of SW¼			40.00
NE¼ of SW¼			40.00
SW¼ of SE¼			40.00
T 113 N – R 36 W			
Section 4			
NW¼ of NW¼			40.36
Government	Lot 1		34.90
"	Lot 2		39.25
"	Lot 3	all but N 20	38.95
"	Lot 4		52.35
"	Lot 5		32.90
E½ of SE¼ of NW¼			20.00
Section 3			
Government	Lot 1		57.42
"	Lot 2		39.72
"	Lot 3		36.20
"	Lot 4		20.60
"	Lot 5		48.00
"	Lot 6		35.50
"	Lot 7		30.10
"	Lot 8		55.20
S½ of SE¼ of NE¼			20.00
Section 2			
W½ of SW¼ of SE¼			20.00
NW¼ of SW¼			40.00
Government	Lot 1		21.56
"	Lot 2		34.10
"	Lot 3		16.10
S½ of SW¼ of NW¼			20.00
Section 10			
N½ of NE¼ of NE¼			20.00
Section 11			
N½ of NE¼ of SW¼			20.00
SE¼ of NE¼			40.00
Government	Lot 1		20.55
"	Lot 2		36.50
"	Lot 3		36.95
"	Lot 4		41.75

Description			Acreages
Government	Lot 5		29.15
"	Lot 6		39.52
"	Lot 7		15.20
N½ of NW¼ of NW¼			20.00
NW¼ of NE¼			40.00
SW¼ of SE¼			40.00
Section 12			
Government	Lot 1		17.10
"	Lot 2		56.45
SE¼ of SW¼			40.00
Section 13			
Government	Lot 1		47.40
"	Lot 2		22.90
"	Lot 3		49.18
"	Lot 4		38.28
"	Lot 5		22.72
"	Lot 6		51.25
"	Lot 7		31.00
"	Lot 8		39.58
"	Lot 9		28.92
N½ of NE¼ of SW¼			20.00
Section 14			
NE¼ of NE¼			40.00
T 113 N – R 35 W			
Section 18			
Government	Lot 1		39.82
"	Lot 2		24.83
"	Lot 3		53.48
"	Lot 4		21.26
"	Lot 5		31.23
"	Lot 6		45.72
NW¼ of SE¼			40.00
W½ of SE¼ of SE¼			20.00
Section 19			
Government	Lot 1		58.72
"	Lot 2		36.31
"	Lot 3		39.71
"	Lot 4		41.03
"	Lot 5		9.50
"	Lot 6		29.75
NW¼ of SE¼			40.00
SW¼ of SE¼			40.00
Section 20			
NE¼ of SE¼			40.00
Government	Lot 11		21.31
"	Lot 1	all but N 20	31.55
"	Lot 2		26.90

Description			Acreages
Government	Lot 3		38.05
"	Lot 4		26.79
"	Lot 5		36.35
"	Lot 6		23.51
"	Lot 7		24.45
"	Lot 8		35.00
"	Lot 9		23.34
"	Lot 10		10.73
S½ of NE¼ of NW¼			20.00
NW¼ of SE¼			40.00
Section 29			
Government	Lot 1		11.75
"	Lot 2	a line 300 ft. from the normal high-water mark	12.00
"	Lot 3	all but S 20	16.70
"	Lot 4		7.98
Section 21			
Government	Lot 1		44.86
"	Lot 2		56.20
"	Lot 3		38.80
"	Lot 4		46.93
Section 28			
Government	Lot 1		47.16
"	Lot 2		23.30
"	Lot 3		34.70
"	Lot 4		53.10
"	Lot 5		24.97
E½ of NE¼ of NW¼			20.00
E½ of NW¼ of SE¼			20.00
Section 27			
Government	Lot 1		47.50
"	Lot 2		53.10
"	Lot 3		46.35
"	Lot 4	all but N 20	36.92
"	Lot 5		43.64
"	Lot 6		18.60
"	Lot 7		39.35
"	Lot 8		23.16
S½ of SE¼ of NW¼			20.00
Section 26			
Government	Lot 1		6.50
"	Lot 2		33.42
Section 34			
N½ of NE¼ of NW¼			20.00
N½ of NE¼ of NE¼			20.00
N½ of NW¼ of NE¼			20.00
Section 35			
Government	Lot 1		46.33

Description			Acreages
Government	Lot 2		39.43
"	Lot 3		40.35
"	Lot 4	all but N 20	34.31
"	Lot 5		41.19
"	Lot 6		29.10
"	Lot 7		20.25
"	Lot 8		40.17
"	Lot 9		44.46
"	Lot 10		55.65
"	Lot 11		15.89
N½ of SW¼ of SE¼			20.00
NE¼ of SE¼ of SW¼			10.00
Section 36			
Government	Lot 1		3.90
"	Lot 2		31.22
"	Lot 3		49.61
"	Lot 4		32.28
"	Lot 5		28.05
"	Lot 6		20.61
"	Lot 7		54.05
"	Lot 8		42.48
"	Lot 9		41.35
"	Lot 10		22.71
SE¼ of NE¼			40.00
S½ of SE¼ of NW¼			20.00
T 113 N – R 34 W			
Section 31			
Government	Lot 1	a line 300 ft. from the normal high-water mark	7.00
"	Lot 2		51.60
"	Lot 3	a line 300 ft. from the normal high-water mark	12.00
"	Lot 4		25.10
"	Lot 5		37.15
"	Lot 6	all but N 20	18.60
T 112 N – R 35 W			
Section 1			
NE¼ of NE¼			40.00
T 112 N – R 34 W			
Section 6			
Government	Lot 1		12.89
"	Lot 2		39.42
"	Lot 3		42.26

Description		Acreages
Section 5		
Government	Lot 1	33.15
"	Lot 2	41.76
"	Lot 3	33.39
"	Lot 4	39.80
"	Lot 5	36.35
"	Lot 6	41.90
NW¼ of NW¼		19.20
Section 8		
Government	Lot 1	4.62
"	Lot 2	35.08
"	Lot 3	33.02
"	Lot 4	1.50
NE¼ of NW¼		40.00
N½ of SE¼ of NE¼		20.00
Section 9		
Government	Lot 1	31.74
"	Lot 2	50.27
"	Lot 3	55.74
"	Lot 4	19.52
"	Lot 5	26.76
"	Lot 6	57.21
"	Lot 7	46.76
E½ of NE¼ of SE¼		20.00
Section 4		
Government	Lot 1	33.30
"	Lot 2	2.81
SW¼ of SW¼		40.00
SW¼ of SE¼		40.00
NE¼ of SW¼		40.00
Section 10		
Government	Lot 1	58.28
"	Lot 2	49.78
"	Lot 3	53.30
"	Lot 4	43.85
"	Lot 5	32.22
"	Lot 6	23.06
"	Lot 7	26.50
"	Lot 8	51.14
Section 11		
Government	Lot 1	30.80
"	Lot 2	52.46
"	Lot 3	52.52
"	Lot 4	34.31
"	Lot 5	3.28
"	Lot 6	19.82

Description			Acreages
Government	Lot 7		22.00
"	Lot 8		36.80
S½ of SW¼ of	NW¼		20.00
NE¼ of	SE¼		40.00
N½ of SE¼ of	SW¼		20.00
Section 14			
Government	Lot 1		12.31
"	Lot 2		29.10
"	Lot 3		30.28
Section 12			
Government	Lot 1	everything W of CSAH 11	7.00
		TOTAL	22,290.45

SCENIC EASEMENT DESCRIPTIONS AND ACREAGES

Scenic easement acreages are based on the original Government Land Office survey. Certain acreages, however, have been estimated because of an apparent conflict with the survey. These estimates are denoted by an asterisk (*).

LAC QUI PARLE COUNTY

	Description			Acreage
T 118 N - R 42 W				
Section 24				
	Government	Lot 2	all	37.25
	"	Lot 3	all	28.70
T 118 N - R 41 W				
Section 30				
*	Government	Lot 6	all but SW 10	24.00
	"	Lot 5	all but S 20	18.75
	"	Lot 4	all but S 20	29.50
*	"	Lot 5	all but S 40	22.00
Section 32				
	Government	Lot 3	all	28.80
	"	Lot 4	all but W 20	11.00
	"	Lot 5	all but W 20	12.00
T 117 N - R 41 W				
Section 9				
	Government	Lot 2	all but W 20	15.75
*	"	Lot 1	all but W 20	37.00
Section 16				
	Government	Lot 1	all	31.25
Section 15				
*	Government	Lot 7	all but S 20	30.00
*	"	Lot 8	all but S 20	36.00
*	"	Lot 2	all but S 20	32.00
	"	Lot 1	all	26.40
			Lac Qui Parle County Total	420.40

YELLOW MEDICINE COUNTY

	Description			Acreage
T 117 N - R 40				
	Section 30			
	Government	Lot 3	all but W 20	15.90
	"	Lot 4	all but W 20	15.40
*	"	Lot 5	all but W 20	30.00
	"	Lot 6	all but W 20	17.43
	Section 31			
	Government	Lot 3	all but S 20	19.40
	Section 32			
	Government	Lot 1	all but S 20	14.25
	"	Lot 2	all but S 40	14.40
	"	Lot 3	all but S 40	11.90
	"	Lot 4	all but S 40	14.95
	Section 34			
*	Government	Lot 1	all	50.00
T 116 N - R 40 W				
	Section 3			
	Government	Lot 1	all	32.45
	Section 11			
	Government	Lot 5	all	34.00
	"	Lot 4	all	22.00
*	"	Lot 3	all	40.00
	"	Lot 1	all but S 40	10.25
T 115 N - R 38 W				
	Section 27			
	Government	Lot 1	all	40.69
	"	Lot 2	all	63.81
	Section 34			
*	Government	Lot 1	all	35.00
	E½ of NE¼ of SE¼			20.00
	E½ of SE¼ of SE¼			20.00
	Section 35			
*	Government	Lot 1	all	32.00
	"	Lot 2	all	22.64
T 114 N - R 38 W				
	Section 2			
	Government	Lot 1	all	32.46
	"	Lot 2	all but S 20	31.15
*	"	Lot 4	the E	20.00
	Section 1			
	Government	Lot 1	all	12.34
	Section 12			
	Government	Lot 1	all but S 20	12.60
	"	Lot 2	all	23.92
			Yellow Medicine County Total	708.94

CHIPPEWA COUNTY

Description			Acreage
T 118 N - R 42 W			
Section 24			
Government	Lot 2	all	22.80
SE¼ of NE¼		all	40.00
Government	Lot 3	all	6.90
"	Lot 4	all	36.40
"	Lot 5	all	17.75
Section 25			
Government	Lot 1	all	1.00
T 118 N - R 41 W			
Section 19			
W½ of NW¼ of SW¼			20.00
SW¼ of SW¼			34.19
Section 30			
Government	Lot 1	all	14.85
"	Lot 2	all	36.00
"	Lot 3	all but N 20	40.00
"	Lot 4	all	59.25
Section 29			
Government	Lot 1	all	31.25
"	Lot 2	all	36.05
"	Lot 3	all	37.75
Section 32			
Government	Lot 1	all	15.00
"	Lot 2	all	43.35
SE¼ of NE¼			40.00
Government	Lot 3	all	43.50
Section 32			
Government	Lot 4	all	45.75
T 117 N - R 41 W			
Section 5			
Government	Lot 1	all	41.25
"	Lot 3	all	30.50
"	Lot 4	all	30.60
Section 4			
SW¼ of SW¼			40.00
Section 8			
Government	Lot 1	all	18.20

Section 9			
Government	Lot 4	all but E 20	21.05
"	Lot 5	all but E 40	18.10
Section 16			
Government	Lot 1	all	12.60
Section 15			
Government	Lot 1	all	34.75
Section 13			
Government	Lot 3	all	33.65
T 117 N - R 40 W			
Section 30			
Government	Lot 1	all	27.70
"	Lot 2	all	20.40
"	Lot 3	all	49.00
Section 29			
Government	Lot 1	all but N 20	11.80
"	Lot 2	all but N 20	19.75
Section 32			
Government	Lot 1	all	26.40
"	Lot 2	all	12.70
Section 27			
Government	Lot 1	all but N 20	18.35
Section 34			
Government	Lot 1	all but E 40	8.75
T 116 N - R 40 W			
Section 3			
Government	Lot 4	all	43.05
Section 2			
Government	Lot 5	all but N 20	16.75
Section 11			
Government	Lot 1	all	34.70
* "	Lot 2	S W of railroad	20.00
"	Lot 3		23.00
Section 12			
* SW¼ of SW¼ of SW¼		S W of railroad	7.00
* Government	Lot 1	S W of railroad	12.00
T 116 N - R 39 W			
Section 18			
Government	Lot 4	all	14.00
W½ of SW¼ of NE¼			20.00
Section 19			
Government	Lot 1	all but E 20	35.25
"	Lot 2	all	40.50

T 115 N - R 39 W			
Section 12			
Government	Lot 2	all	46.25
Section 11			
Government	Lot 1	all	35.30
"	Lot 2	all	18.75
"	Lot 3	all but S 20	33.00
"	Lot 4	all	52.50
"	Lot 5	all	30.15
Section 10			
Government	Lot 1	all	9.60
Section 14			
Government	Lot 4	all	37.70
"	Lot 5	all	57.75
Section 24			
Government	Lot 2	all	28.25
"	Lot 3	all but N 20	26.50
		Chippewa County Total	1,739.34

Description			Acreage
T 114 N - R 39 W			
Section 2			
Government	Lot 4	all	31.25
"	Lot 3	all but N 20	39.20
"	Lot 2	all but N 20	36.20
"	Lot 1	all	5.00
Section 1			
Government	Lot 5	all	35.00
"	Lot 6	all	52.50
"	Lot 7	all but N 20	15.50
S½ of SW¼ of SE¼			20.00
S½ of SE¼ of SE¼			20.00
Section 12			
Government	Lot 2	all	12.00
"	Lot 1	all	11.55
T 114 N - R 37 W			
Section 7			
Government	Lot 4	all	30.46
"	Lot 3	all but N 20	24.70
"	Lot 2	all but N 20	33.90
"	Lot 1	all but N 40	17.50
Section 8			
Government	Lot 4	all	25.30
"	Lot 3	all but N 20	19.75
Section 9			
Government	Lot 2	all	10.25
"	Lot 1	all	45.00
Section 16			
Government	Lot 1	all but E 20	28.55
"	Lot 2	all but E 20	34.55
"	Lot 3	all but E 20	30.75
Section 24			
Government	Lot 6	all	18.15
"	Lot 5	all but N 20	18.70
"	Lot 4	all but N 20	32.75
T 114 N - R 36 W			
Section 30			
Government	Lot 4	all	32.85
Section 32			
Government	Lot 2	all	34.20
"	Lot 3	all but N 20	19.98
"	Lot 4	all	23.82
Section 33			
SW¼ of NW¼		all	40.00
Government	Lot 1	all	30.00
"	Lot 3	all but N 20	19.10

Description			Acreage
T 113 N - R 36 W			
Section 4			
Government	Lot 2	all	39.25
"	Lot 3	all but N 20	38.95
Section 3			
Government	Lot 2	all	39.72
"	Lot 3	all	36.20
"	Lot 4	all	20.60
Section 2			
Government	Lot 1	all	21.56
Section 11			
Government	Lot 7	all	15.20
"	Lot 6	all	39.52
"	Lot 5	all	29.15
Section 12			
Government	Lot 2	all but N 20	36.45
Section 13			
Government	Lot 1	all	47.40
T 113 N - R 35W			
Section 19			
Government	Lot 4	all	58.72
Section 20			
Government	Lot 1	all but N 20	31.55
Section 28			
Government	Lot 2	all	23.30
Section 27			
Government	Lot 2	all	53.10
"	Lot 3	all but N 20	26.35
"	Lot 4	all but N 40	16.92
Section 35			
Government	Lot 1	all	46.33
"	Lot 2	all but N 20	19.43
"	Lot 3	all	40.35
"	Lot 4	all but N 40	14.31
Section 35			
Government	Lot 11	all	15.89
Section 36			
Government	Lot 3	all	49.61
"	Lot 4	all	32.28
"	Lot 5	all	28.05
T 112 N - R 34 W			
Section 6			
Government	Lot 1	all	12.89
Section 9			
Government	Lot 1	all	31.74
		Renville County Total	1,713.28

REDWOOD COUNTY

Description			Acreage
T 114 N - R 37 W			
Section 7			
Government	Lot 5	all but S 20	31.16
"	Lot 6	all but S 20	30.50
Section 23			
Government	Lot 2	all	22.64
"	Lot 3	all	28.43
Section 24			
Government	Lot 1	all but S 20	34.06
"	Lot 2	all	38.27
* "	Lot 3	all but S 20	36.00
"	Lot 4	all	46.35
T 114 N - R 36 W			
Section 19			
Government	Lot 2	all	13.60
Section 30			
E½ of SE¼ of NE¼			19.21
Government	Lot 1	all	37.75
"	Lot 8	all	35.60
"	Lot 6	all	34.75
"	Lot 5	all	38.75
Section 29			
Government	Lot 4	all	27.35
Section 32			
Government	Lot 1	all	27.50
"	Lot 6	all but S 20	24.95
"	Lot 5	all but S 20	24.65
Section 33			
Government	Lot 2	all	38.25
Section 4			
NW¼ of NW¼		all	40.36
Government	Lot 1	all	34.90
"	Lot 5	all	32.90
E½ of SE¼ of NW¼			20.00
T 113 N - R 35 W			
Section 20			
Government	Lot 5	all	36.35
Section 26			
Government	Lot 1	all	6.50
T 112 N - R 34 W			
Section 5			
Government	Lot 6	all but S 20	21.90
Section 11			
* Government	Lot 6	all	52.00
		Redwood County Total	834.68
		GRAND TOTAL	5,416.64

FEE TITLE DESCRIPTIONS AND ACREAGES

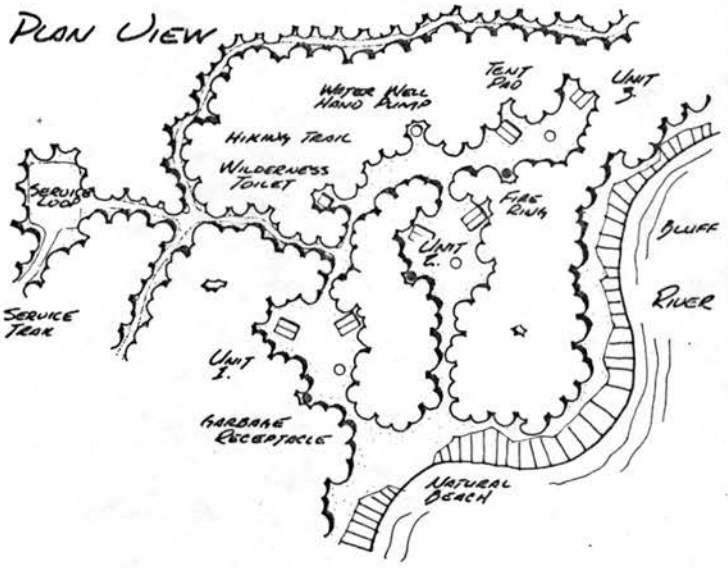
Fee title acreages are based on the original Government Land Office survey. Certain acreages, however, have been estimated because of an apparent conflict with the survey. These estimates are denoted by an asterisk *.

Description			Acreage	Proposed Recreational Facility
LAC QUI PARLE COUNTY				
T 117 N - R 41 W				
Section 9				
Government	Lot 3	all but W 20	12.25	Access
Section 14				
*Government	Lot 3	the N	10.00	Campsite
Government	Lot 2	the N	5.00	
		Lac Qui Parle Total	27.25	
YELLOW MEDICINE COUNTY				
T 116 N - R 40 W				
Section 13				
Government	Lot 3	all	24.10	Campsite & Rest Area
T 116 N - R 39 W				
Section 34		portage around Granite Falls dam	2.00	portage
T 115 N - R 39 W				
Section 1		portage around Minnesota Falls dam	2.00	portage
		Yellow Medicine Total	28.10	
REDWOOD COUNTY				
T 113 N - R 35 W				
Section 28				
Government	Lot 5		24.97	Campsite & Rest Area
Government	Lot 4	all but W 20	33.10	Campsite& Rest Area
		Redwood Total	58.07	
RENVILLE COUNTY				
T 114 N - R 37 W				
Section 24				
Government	Lots 6, 5 and 4	portage around Patterson Rapids	2.00	Portage
		Renville Total	2.00	
		TOTAL	115.42	

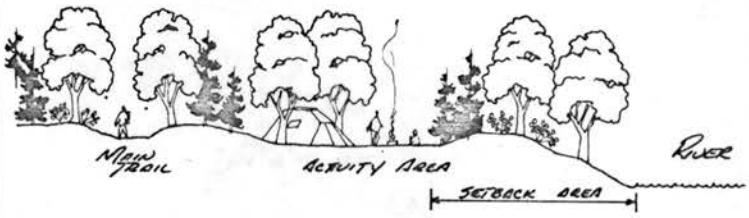
SITE TYPICALS

PRIMITIVE CAMPSITE

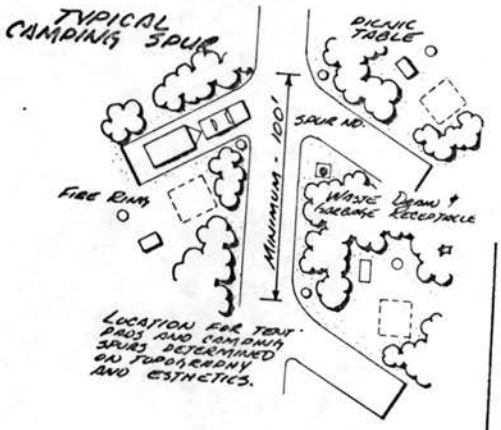
PLAN VIEW



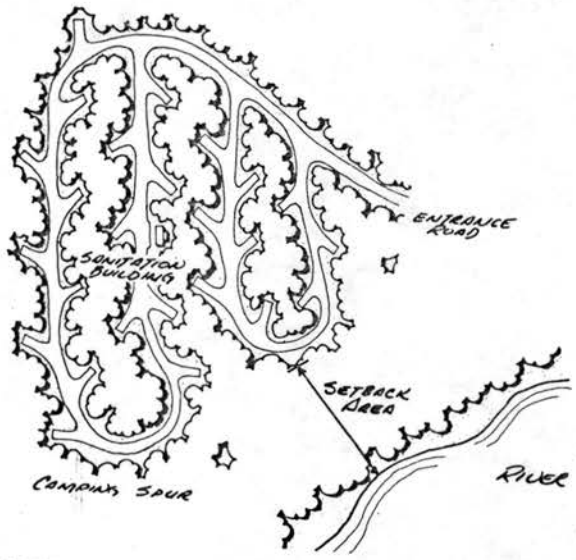
CROSS SECTION



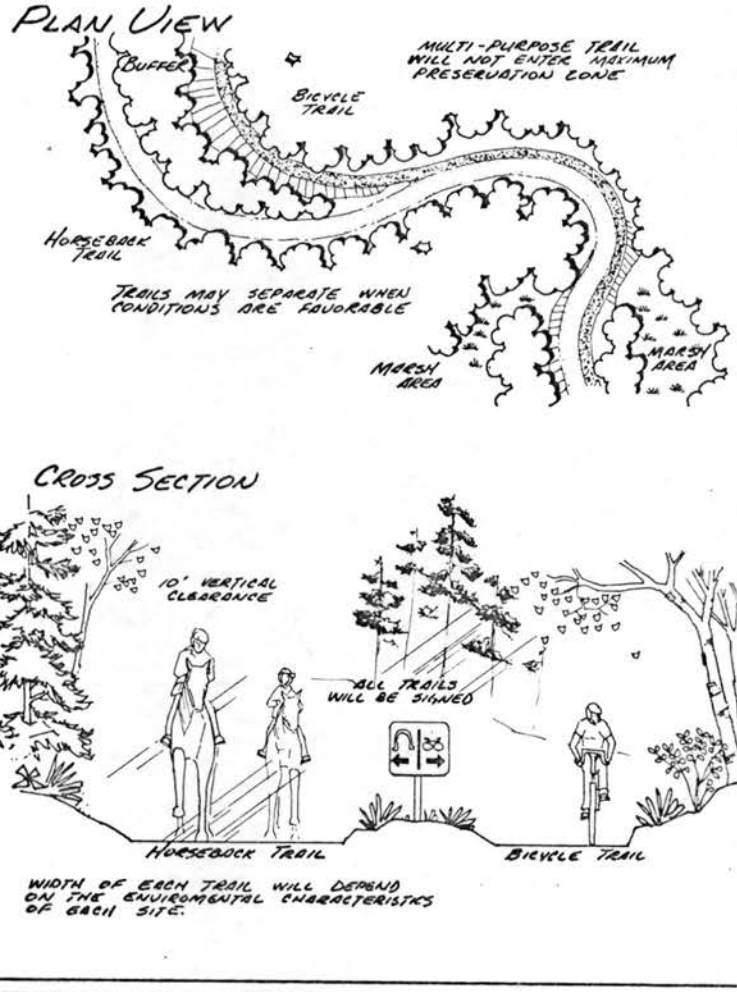
CAMPGROUND



PLAN VIEW

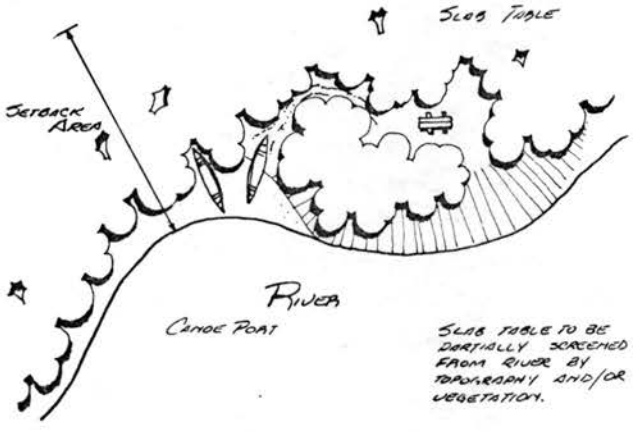


TRAIL DESIGN



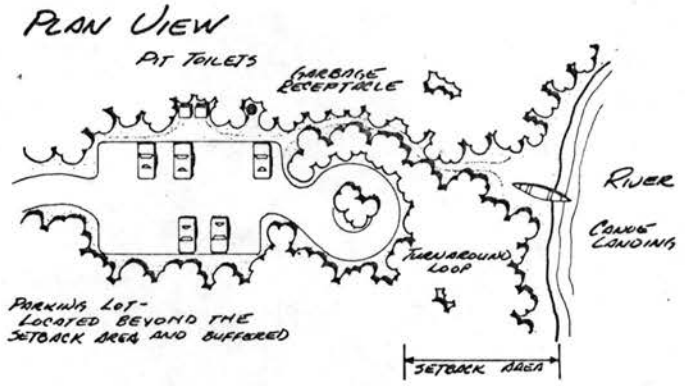
WIDTH OF EACH TRAIL WILL DEPEND ON THE ENVIRONMENTAL CHARACTERISTICS OF EACH SITE.

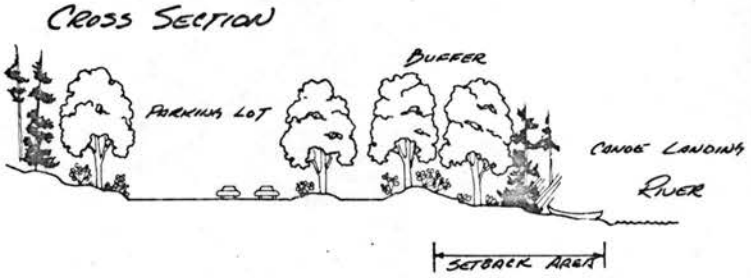
REST AREA



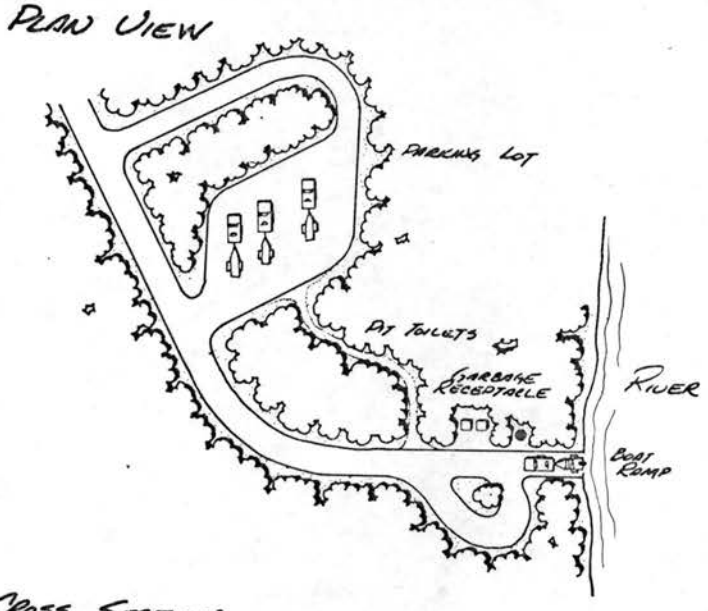
SLAB TABLE TO BE PARTIALLY SCREENED FROM RIVER BY TOPOGRAPHY AND/OR VEGETATION.

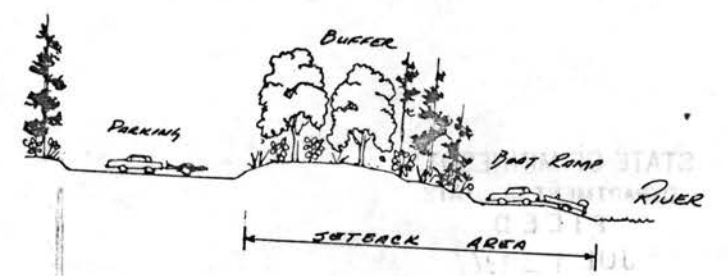
CANOE ACCESS





BOAT ACCESS





STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

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 Minnesota River lying between the Lac Qui Parle Dam and the Redwood County State Aid Highway 11 bridge near Franklin, and of the proposed adoption of a management plan for this stretch of the Minnesota River.

STATEMENT OF COMPLIANCE

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.

A. W. Clapp III

A. W. CLAPP III
Special Assistant Attorney General

Dated: June 17, 1977

STATE OF MINNESOTA

BEFORE MICHAEL C. O'DONNELL
ACTING 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 Minnesota River lying between the Lac qui Parle Dam and the County State Aid Highway 11 Bridge near Franklin and of the proposed adoption of a management plan for said proposed Scenic and Recreational River.

ORDER ADOPTING RULE

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

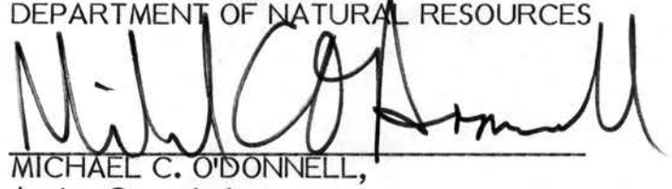
WHEREAS the REPORT OF THE HEARING EXAMINER finds all statutory and regulatory requirements have been met, and

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 through 104.40, I adopt the rules identified as Minnesota Department of Natural Resources Rules and Regulations, Chapter 26, consisting of Minnesota Regulations NR 2600, 2610, 2620, and 2630.

Dated: June 16, 1977

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES



MICHAEL C. O'DONNELL,
Acting Commissioner

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF NATURAL RESOURCES

IN THE MATTER OF THE PROPOSED INCLUSION)
IN THE MINNESOTA WILD, SCENIC AND RECREA-)
TIONAL RIVERS SYSTEM OF THE PORTION OF)
THE MINNESOTA RIVER LYING BETWEEN THE LAC)
QUI PARLE DAM AND THE COUNTY STATE AID)
HIGHWAY 11 BRIDGE NEAR FRANKLIN AND OF)
THE PROPOSED ADOPTION OF A MANAGEMENT)
PLAN FOR SAID PROPOSED SCENIC AND RECREA-)
TIONAL RIVER.)

REPORT OF THE
CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on November 13, 15, 16, 17 and 18, 1976, before Howard L. Kaibel, Jr., a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the Report of the Hearing Examiner made pursuant to Minn. Stat. §15.052, Subd. 3, was issued to the Department of Natural Resources on April 12, 1977; and

WHEREAS, the Department of Natural Resources has now determined to adopt rules pursuant to Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the Department of Natural Resources has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. §15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner has found that certain changes are proposed to be made and printed in the State Register which would be normally construed to be substantial changes in that certain legal descriptions published in the State Register are now changed. However, as the Acting Commissioner of the Department of Natural Resources, Michael C. O'Donnell, notes in his additional Findings and Conclusions and more specifically, Finding XI, the legal descriptions as published in the State Register were in error. However, the Chief Hearing Examiner has found that the documents on file in all counties, which were the documents reviewed by the public prior to the hearing, were correct and, therefore, since the only persons affected reviewed the correct language and did not review the State Register, the Chief Hearing Examiner can find no violation of any individual rights; and

WHEREAS, the Chief Hearing Examiner finds that other than as noted above, the final proposed rules are not substantially different from those proposed at the public hearing and that the Department of Natural Resources has met all requirements of Minn. Stat. §15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Department of Natural Resources has the responsibility of submitting the complete hearing record and the rules as adopted by the Department to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. §15.0412, Subd. 4.

Dated this 8th day
of June, 1977.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA
OFFICE OF HEARING 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 Minnesota River lying between the Lac qui Parle Dam and the County State Aid Highway 11 Bridge near Franklin and of the proposed adoption of a management plan for said proposed Scenic and Recreational River.	REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Howard L. Kaibel, Jr. of the Minnesota Office of Hearing Examiners on Saturday, November 13, 1976 at 10:00 a.m. in the Vocational-Technical School cafeteria, Granite Falls, Minnesota. Additional hearings were conducted as follows:

November 15, 1976 at 7:00 p.m. in Redwood Falls;

November 16, 1976 at 7:00 p.m. in Olivia;

November 17, 1976 at 7:00 p.m. in Madison; and

November 18, 1976 at 700 p.m. in Montevideo, all in the State of Minnesota.

William Augustus Clapp, III, Special Assistant Attorney General, represented the Department of Natural Resources. Also appearing on behalf of the Department were James Weseloh, River Projects Leader, and Arne Stefferud, River Projects Coordinator.

The hearings 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 proposed Rule. Over 400 persons registered at the hearings and others attended without registering. Transcripts of the testimony exceed 650 pages. More than 200 pages of written comments were submitted at and after the close of the hearings.

Pursuant to Minn. Stat. § 15.0412, subd. 4 (1976), this Report shall be available for review to all affected individuals upon request for at least ten days.

The Department shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than ten days subsequent to the receipt of this Report. This submission shall also clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Department on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Department shall be responsible for filing the rules with the Attorney General.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

1. On September 7, 1976, the Department filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules;
(b) A proposed Order for Hearing;
(c) A proposed Notice of Hearing; and
(d) A Statement of the estimated length and number of people attending the hearing.

2. On September 14, 1976, a Notice of Hearing and a copy of the proposed rules were published at 1 State Register 320.

3. On September 9, 1976, the Department mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On October 19, 1976, the Department filed the following documents:

(a) The Order for Hearing;
(b) The Notice of Hearing as mailed;
(c) The Affidavit of Receipt of the Secretary of State's list;
(d) The Affidavit of Mailing;
(e) The Secretary of State's Certificate and list;
(f) The Statement of Need; and
(g) The Statement of Evidence, including the names of witnesses to be called;
(h) The names of Department personnel who will represent the agency.

The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

5. The record remained open through December 8, 1976 for the receipt of written comments and statements.

6. Statutory authority to promulgate the proposed rule is found in Minn. Stat. § 104.35. This section of the law and the proceeding herein involve the second step of a two-step process for designating wild, scenic and recreational rivers provided for in Minn. Stat. § 104.31 et seq.

The first step in this process (described in Minn. Stat. § 104.34) was the establishment of a single uniform set of standards and criteria for management of designated rivers. In 1974, the Department of Natural Resources held rules hearings for rules setting forth these uniform land use controls and other management policies. The rules thereafter promulgated, pursuant to Minnesota Statutes, Chapter 15, the Administrative Procedures Act, are contained in Minnesota Regulations NR 78-81. Most of the criticisms and concerns that were voiced in these hearings are actually differences with these uniform, previously-promulgated standards. There was no affirmative presentation of facts at these hearings to support the need for or reasonableness of the uniform standards from minor provisions to fundamental ones.

The most serious recurring objection repeatedly expressed by the public was to the uniform rule provision for Department of Natural Resources Commissioner review and/or certification of all local land use decisions. This plea was voiced strongly and effectively by then-Representative and now Senator Setzepfandt who urged that, "our basic concerns are with local control of the area, by local government" (11/16; Page 88). It was echoed by the West Bend Resource Conservation Development Association representing 23 counties and 24 local soil and water conservation districts. It is the most common recurring theme throughout the transcripts and in written comments (E, H, II, KK, LL, MM, NN, OO, WW, YY, ZZ, CCC, EEE, FFF). Substituting a system similar to the flood plains regulations (Minn. Stat. § 104.07) wherein

prohibited actions are declared to be a public nuisance with criminal sanctions, giving the Department of Natural Resources power to enjoin and abate them would clearly make this particular designation more palatable locally. Placing the emphasis on regular inspection and enforcement personnel in place of permit staff would also alleviate the only other fundamental and recurring criticism which was advanced even by persons most strongly supporting designation, that the Department of Natural Reources needs to allocate more money to enforcement and maintenance. In final comments, the Department admitted that, "the comment on lack of maintenance" of one particular existing facility was "well taken". Inadequate present weed control and consequent "unattended foul seeds" was strongly criticized in this predominately agricultural area (11/16; Page 94, 11/17; Page 58, 11/18; Pages 49 and 71, Exhibit 8 and Comment TT). (Citations to enforcement testimony are noted later in this Report.)

After careful considerations and some research, the Examiner has concluded that the Department is correct in pointing out in their final written submission that they have no obligation in this proceeding to demonstrate the need for or reasonableness of these previously-promulgated uniform standards. This proceeding is limited to the second part of the wild and scenic river designation process, that is, analyzing and classifying particular rivers and the uniform rules are consequently properly considered only insofar as "particular attributes" of this area require "controls that differ from the statewide standards and criteria". (Minn. Stat. § 104.35, subd. 1) Unless the Department, based on its experience with other designation proceedings with which this Examiner has not been involved, can conclude that the strength of the demand for "local control" is a "particular attribute" of this area, the legislation clearly requires one set of uniform rules which has already been duly and legally promulgated. The attention of the public (nearly 200 persons have requested copies of this Report) is called to the provisions in the newly-revised Administrative Procedures Act which allow the public to petition for "amendment or repeal of any rule." (Minn. Stat. § 15.0415)

That section requires the Department to submit within 60 days "a specific and detailed reply in writing as to its planned disposition of the request." Such a petition would properly raise the fundamental policy question that is not properly before this Examiner at this time and is ultimately a question for the Department and the Legislature to examine and decide.

7. The sole question in this proceeding is whether this particular section of the Minnesota River qualifies for classification and designation as proposed. The Department's affirmative presentation of facts as to the need for and reasonableness of the designation was weak, at best. With regard to recreation, the Department confessed that, "we have no 'hard', user data on the upper Minnesota River" (Comment HHH). The management plan does cite without contradiction the existence of scenic, natural, historical, scientific and similar values worthy of preservation and protection. Documentation on the need for protective measures was largely limited to new evidence and "expert" testimony presented in the Department's final comments which was not noted in its Statement of Evidence and was not subject to examination and rebuttal by the public at the hearings. Arguments and factual data to document Department capability in the area of preservation and protection under the plan as proposed, was not preponderant. The public on the other hand presented considerable evidence documenting the need for and reasonableness of the proposed designation including particularly the members of the public opposed to designation. Except for a short--roughly two mile--stretch near Granite Falls, the Department proposes that the River be designated as "scenic". In an effort to document the success of "local control," opponents of designation were virtually unanimous in agreeing that the River meets this statutory definition existing "in a free-flowing state and with adjacent lands that are largely undeveloped." [Minn. Stat. § 104.33, subd. 2(b)] Documentation of the immediacy of the need for protection is found in the Renville County Board Statement (Comment M) indicating their intention to preserve tillable land by placing future residential development along bluff lines and citizens openly expressed

intentions to clear cut timber before the designation can be made effective (11/18; Page 94). The resort owner downstream from the Minnesota Falls Dam in testimony and written comments provides documentation in support of the proposed recreational designation, if that designation is extended downstream to the Williams Pipe Line as he recommends. The Department did not introduce an affirmative presentation of facts to support a more restrictive "scenic" classification for this resort-recreation facility (under which, for example, temporary docks would not be a permitted use) nor did it demonstrate that these lands are "largely undeveloped". This boundary revision (or a similar lesser revision that would allow the resort to be included within the recreational classification) would not be a substantial change requiring new hearing. On balance, it is specifically found that the proposed rule and management plan are needed and reasonable with the inclusion of a number of mitigating revisions and other modifications discussed in the following finding.

8. No specific recitation of all the facts and comments introduced by the DNR and the public is necessary as a specific finding in this Report. Those facts and comments, including the specific responses of the Department of Natural Resources to the concerns voiced by the opponents of the plans, are contained in the record. The following areas of concern, however, do require specific comment and revision.

(a) Four proposals have been made for changes in the land use district description:

(1) The "Wegdahl elevator" revision was sought by the owners and agreed to at the hearing by DNR staff. The necessary changes are included in the staff's final comments and are insubstantial, needed and reasonable to permit expansion or reconstruction of this essential commercial use.

(2) Similarly, the proposed expansion area for the trailer court should be omitted from the district on this record (11/18; Page 33 et seq.). The owner was assured at the hearing, "so you could develop that land, sir." A Memo (December 3) included in the staff's final comments indicates that that assurance may have been misleading. The Hearing Examiner requested that

the Department take a specific position on the proposed deletion within the 20-day period, and no further documentation was offered to demonstrate either the need for or the reasonableness of including this portion of the trailer court property within the land use district. Department of Natural Resources Staff indicated at the hearing that deletion "could be done fairly easily on that piece." This property appears relatively close to the River on the map (Exhibit 2, plate 3) and it may be that the Department has simply neglected to respond to the request for further documentation, in which event the rule as adopted can be amended later to put this acreage into the district upon proper notice to the landowner and a proper record.

(3) Mr. DePaul Willette submitted written comments (L and RR) urging omission of part of a lot he owns which might be developable for residential purposes. The lot appears to be on the bluff line, visable from the River, and no documentation has been offered to distinguish this property from others similarly situated. The request should be denied.

(4) The Department proposed in written comments submitted before the hearing (PP) and in a differing document submitted at the hearing (Exhibit 5, which does not have the confusing words "delete" and "add" in the left-hand margin) that the description be amended (the precise amendment is unclear as underlined words are changed and changed words are not underlined) to conform to relocation of the Franklin Bridge. Insofar as this proposed amendment merely reduces the area subject to district control it is reasonable, insubstantial and legally proper. Insofar as it appears to propose addition of government lot 3 in section 12, the proposed modification must be rejected as there is no jurisdiction for such an addition. The lot involved was not included in the Notice of Hearing as mailed and published nor in the addendum distributed at the hearings.

(b) Testimony and written comments (A, B, DDD, and GGG) adequately document the need for and reasonableness of amending the proposed rule to permit removal of gravel within the land use district. The absence of gravel elsewhere in this part of the

modifications the staff might suggest to accomodate the other public criticisms and objections. A single additional hearing at this point in this proceeding to supplement the existing record would appear to "promote justice, fairness and economy" [HE 104(1)] avoiding the need for five additional hearings in each county seat as would be the case if the Department were to instead adopt the rules without substantial modification and subsequently amend them in a new proceeding.

If the Department decides to pursue the route of adoption and a future hearing on amendments, substantially, the following language which would not be a substantial change should be added to proposed rule 2620(A)(1)(bb): ", except for extraction of sand and gravel which shall continue to be left to the regulatory discretion of local governments."

(c) As alluded to above, enforcement was one of the most important concerns of the public throughout the transcript and the written comments. Even the Northstar Chapter of the Sierra Club which was a vigorous proponent of designation provides support for the landowners proposition that designation without more and better enforcement will do more harm than good:

> "The Sierra Club strongly urges the appointment of a river manager for the enforcement authority to act as the manager for the Minnesota Scenic and Recreational River. The Sierra Club believes that it is important that there be an officer with law enforcement capacities to assist landowners adjacent to the River in the control of litter and trespassing. We also believe it important that there be a central contact point so that problems relating to the Minnesota Scenic and Recreational River can be brought to the immediate attention of the Department of Natural Resources for appropriate action. We are cognizant of the fact that there presently are conservation officers appointed by the Department for each of the counties affected by the river plan. However, their duties traditionally have been limited to the regulation of fish and wildlife ordinances, etc. We believe that the Department can satisfy this request by utilizing, on either a permanent or rotational basis, one or more of the presently appointed conservation officers in the counties affected by the plan. The Department could also meet this request by appointing an additional individual to the position. This appointment could be temporary during the summer months or year-around, depending upon River usage." (Comment HH)

Department staff indicated at the hearings their agreement with the need to add enforcement personnel:

state is a particular attribute of this area. The Department agreed during the hearing that changes to permit gravel mining are necessary and suggested that special provisions would have to be developed to govern environmental protection, reclamation, etc. "Basically, how this would have to be handled though, if the River were designated and these rules were to go into effect, there would have to be a rehearing. And we're willing to hold a rehearing on this fact because of the uniqueness of the Minnesota River Valley for sand and gravel." (11/18; Page 54) The Department also indicated at the first hearing that the changes necessary in this area would probably be a substantial change requiring a new hearing (11/16; Page 53). The Department proposes in its final submission amendatory language which would make such gravel operations a conditional use and confine them to the proposed building set back distance from the River. No affirmative presentation of facts was made to support the need for or reasonableness of making this a conditional as opposed to permitted use or the distance limitation. The amendment moreover would appear to be a substantial change from the rule as initially proposed (particularly since it was never presented to the public at the hearings) requiring a reconvened hearing as the Department suggested it would during the hearings. (The final determination on whether this is a "substantial change" is of course reserved to the Chief Hearing Examiner under Chapter 15 after final promulgation.)

Members of the public pleaded strongly for at least one reconvened additional hearing in this proceeding, indicating that they felt unfairly prejudiced in being unable to properly prepare. In its final written submission, the DNR staff takes the position that a reconvened hearing should not be ordered citing the extensive public information and other meetings preceding the hearing. The motion was taken under advisement at the hearing and is hereby certified to the Department without recommendation for their consideration and determination. A new hearing would enable staff to prepare amendments and/or documentation with regard to the boundary description changes discussed above as well as any other

"There hasn't been proposed that any new enforcement officers be put on but we're saying that this is a possibility, you know, if you make these recommendations that more should be put on and I believe from the response we're getting that more should be put on this section of the river." (11/16; Page 50)

Proposed rule 2630(7) would require allocation of funds for maintenance by the Division of Parks and Recreation and a similar requirement for enforcement should be added to proposed 2630(8) substantially as follows: "The enforcement division shall allocate increased funds to meet enforcement responsibilities within the Minnesota River land use district." The change would clearly be insubstantial.

(d) The reference in proposed rule 2620(A)(2)(bb) to: "use, dimensional and sanitary provisions of the recreational development classification of Minnesota Regulation NR 83," must be made more specific to be comprehensible and enforceable. The specific sections and subsections of rule 83 that will govern should be referred to. Depending on which provisions are specified, it would not likely be a substantial revision.

(e) "Shall" should be changed to "may" in proposed rule 2620(A)(4) as proposed by the Department at the hearing (11/18; Page 29) without objection to avoid the misimpression that local political subdivisions could not revise local laws so long as they continue to meet minimum standards.

(f) Proposed rule 2620(B)(4) should be revised to specify, as the public was assured at the hearings, that this authority to purchase land would be limited to acquisitions "from willing sellers" (11/16; Page 166-167). Unless that language is inserted in this subdivision, a contrary misconception is possible when the language is read together with subsection (b)(1) which does contain this qualification. This plan was "sold" to the public based upon repeated assurances that eminent domain or condemnation authority would not be used to acquire property or scenic easements. In response to the public's concern that once the designation is complete some future condemnation authority might be retroactively applied, the DNR staff further sought to reassure the public that a statement could be inserted in the plan to deal

with this very real danger. "I think possibly we could add a recommendation that it doesn 't do it in the plan. That the legislature will not put an eminent domain, you know, in." (11/13; Page 35) In order to explicitly state the DNR assurances and avoid the possibility of appeal solely because of contrary fears, the following insubstantial modifying language should be added to proposed rule 2620(B) dealing with land acquisition: "(5) The land acquisition authority contained in this subsection is promulgated with assurances to landowners that eminent domain authority will not be utilized in this land use district. The Department of Natural Resources will not subsequently acquire lands or interests in land from unwilling sellers without explicit repromulgation or amendment of this rule to so state."

(g) The Department similarly assured or sought to assure the public that the Department of Natural Resources would not subseqently request that this land use district be made part of the federal wild and scenic river system which has eminent domain authority (11/16; Page 28 et seq.). They went so far as to say, "We might be able to work out or we probably would be able to work out" a statement as part of the plan that this segment would not be put into the federal system. (Emphasis added) Later, in the same hearing, the staff indicated that they are working at the present time on a statement for the Crow Wing River designation plan that the Commissioner of the Department of Natural Resources would never request inclusion of that land use district within the federal system (11/16; Page 128). Similar language should be inserted into this rule to conform to this record.

(h) The "recommendations" section numbered 2640 should be eliminated entirely from the proposed rule. The specific recommendations contained were objected to, particularly the recreation trail (11/17; Page 45) and the acquisition of the federally-owned islands (Comment CC). Virtually no affirmative presentation of facts was made at any point during the hearing to support the need for or the reasonableness of the specific recommendations. When the lack of any justification for the recreational trail was

per acre (11/18; Page 84) the annual cost of the property taken off the tax roles entirely due to outright purchase in fee (115 acres) would be roughly $575.00. Assuming that scenic easements were to be purchased reducing the taxable value of that property by 75%, (11/18; Page 72) the decrease would be $3.75 per acre or a total of $18,750 if the entire scenic easement program were accomplished within two years. Assuming that the devaluation of the remaining 17,000 acres were 10% due to the land use district restrictions (and there is no basis for any specific quantification in the record) the maximum devaluation would come to less than $30,000. The staff further indicated there is very little likelihood that the entire acquisition program would even be attempted in such a short period as two years. Although there is no basis again in the record for quantifying the one time direct cost to the five counties and four municipalities of hearings, publication, etc. to amend local ordinances to conform to the minimum standards plus the annual cost of sending copies of notices, ordinances, applications, etc. affecting the land use district to the Department; it does not appear that such costs could possibly exceed $70,000 in the two years following promulgation. It is recommended that in the future, the Department either attach a cost statement or provide the more specific testimony necessary to allow for a proper finding in this regard.

CONCLUSIONS

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

2. The Department of Natural Resources duly acquired and now has jurisdiction over the within proceeding.

3. The DNR proposed management plan with the modifications herein recommended complies with all statutory and rule requirements relating thereto.

4. The area proposed with the modifications herein recommended in the boundaries thereof meets the criteria for designation as a scenic and recreational river.

5. The proposed management plan will impose certain restrictions on landowners in the affected area, but the restrictions on individual use prerogatives are outweighed by the public's interest

in managing and preserving a segment of one of the state's valuable scenic and recreational rivers.

6. That the rules hereinafter recommended for adoption will properly implement the legislative mandate of the wild and scenic rivers act.

7. That there is a need for the adoption of the proposed rules as hereinafter recommended.

8. That individually and taken together, the rules as hereinafter recommended for adoption are a reasonable implementation of the legislature's delegated responsibility.

RECOMMENDATION

IT IS HEREBY RECOMMENDED: That the proposed rules of the Department of Natural Resources be promulgated, approved and adopted after attention to the modifications suggested by the Findings.

Dated: April 12, 1977.

HOWARD L. KAIBEL, JR.
Hearing Examiner

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 Minnesota River lying between the Lac Qui Parle Dam and the County State Aid Highway 11 bridge near Franklin and of the proposed adoption of a management plan for said proposed Scenic and Recreational River.

AFFIDAVIT OF MAILING

Sherry Lee Nunnelee, being first duly sworn, deposes and says:

That on the 9th day of September, 1976, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. 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.

Sherry Lee Nunnelee

Subscribed and sworn to before
me this 9 day of Sept, 1976

Dorothy J. O'Connell

DOROTHY O'CONNELL
Notary Public, Ramsey County, Minn.
My Commission Expires Jan. 11, 1978

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 Minnesota River lying between the Lac Qui Parle Dam and the County State Aid Highway 11 bridge near Franklin and of the proposed adoption of a management plan for said proposed Scenic and Recreational River.

CERTIFICATION

I hereby certify that the attached 502 labels and 2 sheets constitute the complete list of persons, associations, and other interested groups who as of 2:45 o'clock PM, this 8th day of September 1976, have requested pursuant to Minnesota Statutes 1974, Section 15.0412, Subdivision 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: Neil Dion

STATE OF MINNESOTA

COUNTY OF RAMSEY

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

The proposed inclusion in the Minnesota Wild, Scenic, and Recreational Rivers System of the portion of the Minnesota River lying between the Lac Qui Parle Dam and the Redwood County State Aid Highway 11 bridge near Franklin, and of the proposed adoption of a management plan for this stretch of the Minnesota River.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that public hearings 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:

Granite Falls, Minnesota, on Saturday, November 13, 1976, in the Vocational-Technical School Cafeteria, located on U. S. Highway 212, west of Granite Falls, beginning at 10:00 a.m.

Redwood Falls, Minnesota on Monday, November 15, 1976, in the Redwood Falls High School Little Theater, beginning at 7:00 p.m.

Olivia, Minnesota on Tuesday, November 16, 1976, in the Olivia High School Gymnasium, beginning at 7:00 p.m.

Madison, Minnesota on Wednesday, November 17, 1976, in the Madison High School Cafeteria, beginning at 7:00 p.m.

Montevideo, Minnesota on Thursday, November 18, 1976, in the Montevideo High School Cafeteria, beginning at 7:00 p.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-mentioned 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 Ethics Commision as a lobbyist within five days of the commencement of such activity by the individual.

The hearing record will be kept open to receive written statements until 4:30 p.m. Wednesday, December 8, 1976.

The proposed Management Plan relates to the following matters:

Reasons for including the Minnesota River (Lac Qui Parle to Franklin) in the Minnesota Wild, Scenic, and Recreational Rivers System.

The proposed classification of the river or segments of the river.

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

The proposed methods for preserving the river and its adjacent lands, including the recommended land acquisition.

The proposed regulations for local land use control, including such matters as lot size and building height and setback requirements, vegetative cutting provisions, use within land use districts, and criteria for utility crossings, public roads, and river crossings.

The proposed plan for recreational management within the land use district, including the location and design of campsites, rest areas, and accesses.

The proposed plan for administration of the management plan.

Copies of the management plan are available for inspection at public libraries in Montevideo, Granite Falls, Redwood Falls, Madison, Olivia, and Marshall; the

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, B-95 Centennial Building, St. Paul, Minnesota 55155. Phone: 296-4780.

The proposed Management Plan for the Minnesota River (Lac Qui Parle to Franklin) 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 26th day of August, 1976.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

C B Buckman

C. B. BUCKMAN, Deputy Commissioner
Department of Natural Resources

STATE OF MINNESOTA

COUNTY OF RAMSEY

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

The proposed inclusion in the Minnesota, Wild, Scenic and Recreational Rivers System of the portion of the Minnesota River lying between the Lac Qui Parle Dam and the Redwood County State Aid Highway 11 bridge near Franklin, and of the proposed adoption of a management plan for this stretch of the Minnesota 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 26th day of August, 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; the following times and places:

Granite Falls, Minnesota, on Saturday, November 13, 1976, in the Vocational Technical School Cafeteria, located on U. S. highway 212, west of Granite Falls, beginning at 10:00 a.m.

Redwood Falls, Minnesota, on Monday, November 15, 1976, in the Redwood Falls High School Little Theater, beginning at 7:00 p.m.

Olivia, Minnesota, on Tuesday, November 16, 1976, in the Olivia High School Gymnasium, beginning at 7:00 p.m.

Madison, Minnesota, on Wednesday, November 17, 1976, in the Madison High School Cafeteria, beginning at 7:00 p.m.

Montevideo, Minnesota, on Thursday, November 18, 1976, in the Montevideo High School Cafeteria, beginning at 7:00 p.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, Office of State Register, members of the Legislature, affected local governmental 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

C. B. BUCKMAN, Deputy Commissioner
Department of Natural Resources

STATE OF MINNESOTA

COUNTY OF RAMSEY

STATE OF MINNESOTA
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 Minnesota River lying between the Lac Qui Parle Dam and the County State Aid Highway 11 bridge near Franklin and of the proposed adoption of a management plan for said proposed Scenic and Recreational River.

S T A T E M E N T O F

E V I D E N C E

The evidence is summarized in the Statement of Need.

The source for the evidence is "A Management Plan for the Minnesota River - Lac Qui Parle to Franklin", published by the Minnesota Department of Natural Resources dated June, 1976, and the "Addendum to the Management Plan for the Minnesota River -- Lac Qui Parle to Franklin."

Set 2

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 Mississippi River lying Between the County State Aid Highway 7 Bridge at St. Cloud and the U.S. Highway 52 and 169 Bridge at Anoka, and of the Proposed Adoption of a Management Plan for said Proposed Scenic and 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 12 day of January, 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, the following times and places:

St. Cloud, Minnesota, on Saturday, March 20, 1976, in the Atwood Center Theatre, beginning at 10:00 A.M.;

Minneapolis, Minnesota, on Monday, March 22, 1976, in the Commissioners Meeting Room, Hennepin County Government Center, beginning at 7:00 P.M.;

Elk River, Minnesota, on Tuesday, March 23, 1976, in the North Junior High School Auditorium, beginning at 7:00 P.M.;

Monticello, Minnesota, on Wednesday, March 24, 1976, in the Monticello High School choir room, beginning at 7:00 P.M.;

Buffalo, Minnesota, on Thursday, March 25, 1976, in the Junior High School Auditorium, beginning at 7:00 P.M.;

Anoka, Minnesota, on Saturday, March 27, 1976, in the Fred Moore Junior High School Auditorium, beginning 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 that portion of the Mississippi River lying Between the County State Aid Highway 7 Bridge at St. Cloud and the U.S. Highway 52 and 169 Bridge at Anoka, and of the Proposed Adoption of a Management Plan for said Proposed Scenic and 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.

St. Cloud, Minnesota, on Saturday, March 20, 1976, in the Atwood Center Theatre, beginning at 10:00 A.M.;

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Anoka, Minnesota, on Saturday, March 27, 1976, in the Fred Moore Junior High School Auditorium, beginning 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 Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual.

The hearing record will be kept open to receive written statements through Friday, April 16, 1976.

The proposed Management Plan relates to the following matters:

Reasons for including the Mississippi River in the Minnesota Wild, Scenic, and Recreational Rivers System.

The proposed classification of the river or segments of the river.

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

The proposed methods for preserving the river and its adjacent lands, including the recommended land acquisition.

The proposed regulations for local land use control, including such matters as lot size and building height and set-back requirements, vegetative cutting provisions, use within land use districts, and criteria for utility crossings, public roads, and river crossings.

The proposed plan for recreational management within the land use district, including the location and design of camp-sites, rest areas, and accesses.

The proposed plan for administration of the management plan.

Copies of the Management Plan are available for inspection at the St. Cloud Regional Library, St. Cloud State College Library, St. Cloud Regional Bookmobile (which services the towns

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 Mississippi River lying between the County State Aid Highway 7 bridge at St. Cloud and the U.S. Highway 52 and 169 bridge at Anoka and of the proposed Adoption of a Management Plan for said proposed Scenic and Recreational River.

CERTIFICATION

I hereby certify that the attached 457 labels and one sheet(s) constitute the complete list of persons, associations, and other interested groups who as of 2:15 o'clock PM, this 7th day of January, 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
SECRETARY OF STATE
JOAN ANDERSON GROWE

BY: Gail Diane

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

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

In the Matter of the Proposed Inclusion in the Minnesota Wild, Scenic, and Recreational Rivers System of that portion of the Mississippi River lying Between the County State Aid Highway 7 Bridge at St. Cloud and the U.S. Highway 53 and 169 Bridge at Anoka, and of the Proposed Adoption of a Management Plan for said Proposed Scenic and Recreational River

AFFIDAVIT OF MAILING

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

That on the 15 day of January, 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 12th day of March, 1976.

Helen A. Hanauer
Notary Public

HELEN A. HANAUER
Notary Public, Ramsey Co., Mn.
MY COMMISSION EXPIRES
Sept. 12, 1980

STATEMENT OF NEED

Relating to the proposed designation, classification and management of the Mississippi River from St. Cloud to Anoka as a State Scenic and Recreational River.

NR 2400 Designation

(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 Mississippi River described in the preceding summary, 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.

Historical

The Mississippi River between St. Cloud and Anoka has a rich historical heritage. Reference to historical events, people, and places along

Exhibit No. 4
File No. AR-76-001-SF
Date

the river are contained in innumerable sources. A complete and thorough history of the river in the management plan area could well occupy a large volume in itself. The following brief account may serve to indicate the richness and scope of this historical resource. A more detailed description is provided in the "History" section of the Analysis.

Before the coming of the white man to the Upper Mississippi area, it was the home of several Indian nations including the Cheyenne and later the Dakota and Ojibway. The Indians, like the later white settlers, used the river as a water highway, hunting grounds, and place for settlement. It is not surprising that the Mississippi was often the scene of conflict between the tribes, particularly the Dakota and Ojibway.

The first white men to enter the area were trappers, traders, and explorers. Numerous trading posts were built between what are now the location of St. Cloud and Anoka. Some of the famous explorers who traveled through this area include Father Hennepin, Jonathan Carver, Zebulon Pike, J. C. Beltrami, and Henry Schoolcraft.

As the fur trade began to diminish, the lumber industry became more important. Several towns between St. Cloud and Anoka had large sawmills which processed an enormous amount of lumber during the mid

and late 19th century. Other industry, such as flour milling and rock quarrying gained importance.

With increasing settlement, transportation networks evolved. The famous Red River Ox Cart trail paralleled the river on the east side. Remnants of this trail can still be seen. Steamboat traffic was important in the 1850's and 1860's.

Farming later became the dominant industry. Some of the earliest settlers in the area homesteaded near the river. In 1850, Oliver H. Kelley, founder of the National Grange, staked a claim on the river between Elk River and Anoka. His farm is now preserved by the State Historical Society.

Soon settlements began to be established. Though some of the early villages are now ghost towns, most have survived and are viable and growing communities today.

The historical values of this area are of statewide significance because of the integral part which the river has played in the exploration, settlement, and development of Minnesota. Protection and preservation of this portion of the Mississippi River through inclusion in the Wild, Scenic, and Recreational Rivers System reflects both the recognition and preservation of this heritage.

Scenic

The Mississippi River valley between St. Cloud and Anoka is a uniquely scenic area of Minnesota. The Mississippi is by far the largest river in the central portion of the state. Between St. Cloud and Anoka, it flows through a broad valley averaging several hundred feet in width. In several places, the bluffs rise 50 to 100 feet or more from the water's edge. Over 100 islands, varying in size from sandbars to over a mile in length, are located within this 55 mile stretch of river. The river bed itself contains rock rapids and large boulders.

Much of the river corridor is wooded and either used for pasture or is undisturbed. The flood plain and bluff areas are largely undeveloped and, in general, retain a natural character. Remnants of the original "Big Woods" and prairie vegetation have survived along some of the bluff areas. The diversity of vegetation presents a particularly pleasing scene, especially in autumn when the colorful foliage of red cedar, oak, aspen, birch, maple, elm, basswood, cottonwood, ash, dogwood, sumac and many other species combine to lend a special beauty to the river corridor.

Although a glimpse of this scenic beauty can be obtained at several points along the river's edge, it is best viewed from the river itself. There you can travel through large sections of the river which appear virtually unchanged from their original condition. Some of the more

scenic areas, however, are being threatened by residential development which often results in removal of vegetation and alteration of the banks or shorelines.

Many of the early explorers were very impressed with the scenic values of this portion of the Mississippi River. Management of this area as a State Scenic and Recreational River will help to preserve at least a part of these values for future generations to enjoy.

Recreational

Outstanding recreational opportunities are available along the Mississippi River from St. Cloud to Anoka. The river is excellent for fishing, canoeing, and boating. Some of the finest fishing opportunities in the region are available on the Mississippi River. Small boats can be operated along the entire 55 miles between St. Cloud and Anoka. It is ideal for family type canoeing because the rapids are mild and the current is quite moderate. A choice of several one-day trips is available, including St. Cloud to Clearwater, Clearwater to Monticello, Monticello to Elk River, and Elk River to Anoka. In addition, the entire stretch can be motored easily in two days, making it suitable for a weekend outing.

A number of recreational sites, including city and county parks, are located along this portion of the river. A more detailed listing and description of these recreational areas is given in the "Recreational

Features" section of the Analysis. In addition to those areas providing for picnicking, boat launching, etc., there are historical points of interest, such as the Kelley Farm; the Red River Ox Cart trail and site of old Itasca Village at the Highway Rest Area at Anoka; the site of the historic Clearwater Ferry; and the monument describing the Beaver Islands at Riverside Park in St. Cloud.

An interesting bike trip is available along the west side of the river from Anoka to St. Cloud utilizing county and state highways roughly paralleling the river. (Most automobile traffic is now carried by Interstate 94 on the West and U.S. 10 and 52 on the East side of the river). Towns along the way provide convenient rest stops.

At the present, there appears to be adequate access facilities to the river. Though there is a lack of large public-use recreational sites, such as state parks or recreation areas, the river itself provides the primary attraction and recreational opportunities. Because of its location between the large population centers of St. Cloud and the Twin Cities metropolitan area, the Mississippi River will likely experience an increasing recreational demand. Designation of this area as a state Scenic and Recreational River will provide for the regulation of this public use, where necessary, to insure the preservation of the existing recreational amenities, as well as the other outstanding values of the river.

Natural and Scientific

Lands adjacent to the river reflect a wide variety of natural amenities that, in combination, make this portion of the river a valuable natural area. Perhaps the most important resource of the shoreland area is the vegetation. One of the most striking aspects of this portion of the Mississippi River and adjacent lands is that its vegetation has remained essentially the same as when white explorers first described it. Approximately 70% of the shoreland is wooded, in addition to the numerous, heavily wooded islands. The upland areas still harbor remnants of the original "Big Woods" with some excellent examples of vegetation such as basswood, ash, elm, maple, ironwood, and others. Bluff areas retain some of the original prairie and oak savannah species. The islands and flood plain areas that have not been pastured are probably very similar to those that Pike and other explorers observed over 150 years ago.

This fact is made even more intriguing because the study is sandwiched between the large population centers of St. Cloud and the Twin Cities. With so much settlement, it would be expected that more alteration should have taken place. It is also significant because other rivers in the state have not always fared as well. For example, original pine forests which once bordered many northern rivers have in many cases been replaced by aspen, mixed hardwoods, or a mixture of conifers and hardwoods.

An explanation of this interesting situation probably lies in the characteristics of the vegetation itself. Unlike the great white and red pine forests of the north, trees along this portion of the Mississippi did not constitute such a vast economic asset. It was of value to the local settlers to meet their immediate needs for fuel, building materials, etc. Though settlement of various forms has altered the vegetation types, especially along the bluffs and lowlands.

One of the threats to existing vegetation is in expanded growth of residential housing. In many cases, trees are cleared to provide for houses, driveways, lawns, and/or an unobstructed view of the river. On an individual basis, this reduction may seem insignificant. Taken as a whole, however, this development does indeed pose a threat to vegetation. Only the steeper bluffs, wetter lowland areas, and islands can be considered relatively safe from such alteration.

The Talahi area at St. Cloud, which is owned by St. Cloud State College, preserves some excellent examples of prairie oak savannah, and a small area of flood plain. This area is used as a outdoor classroom and research area by the college. It is typical of many areas along the river which retain significant remnants of the original vegetation resources.

One particularly notable plant species, bladdernut, has been identified on one of the islands between Monticello and Elk River. Bladdernut

was formerly thought to extend no farther north than the Twin Cities. Its discovery on this island represents the northwestern most occurrence, and as such is worthy of protection.

The vegetation resource provides immeasurable scenic, historical and scientific values, in addition to wildlife habitat. Therefore, it is in the interest of present and future generations to preserve and protect this vegetation to the greatest extent possible.

The wildlife resource is another important natural amenity of the Mississippi River. The river itself has an excellent population of game fish, including bass, walleye, northern pike, and catfish. White-tailed deer are quite common in the wooded areas adjacent to the river. Perhaps the most frequently observed animals are the many species of wetland birds, shorebirds, song birds, hawks, and owls. The great blue heron is very common, and nests at some locations along the river. Some of the species rare to this part of Minnesota that have been observed along the river include mule deer, northern bald eagle, and osprey.

As previously stated, the river flows through a broad valley and is bordered in many areas by high bluffs. In some areas, natural terraces were formed along these bluffs as water levels receded during post-glacial times. The Talahi area preserves an excellent example of this terracing. The river flows through a large glacial outwash plain composed of sand and gravel. This same material, along with some large boulders, is found in the river bottom as well.

In summary, the combination of historical, scenic, recreational, natural and scientific values; the location of this area between large population centers; and the increasing pressure on the above mentioned values qualifies the Mississippi River from St. Cloud to Anoka for inclusion within the Minnesota Wild, Scenic, and Recreational Rivers System.

(b) Justification for Recommending Designation at This Time

In addition to verifying the eligibility of the Mississippi River from St. Cloud to Anoka for designation, the D.N.R. study also indicated that such designation should be made immediately. This is suggested because of the likelyhood that many of the values for which the river qualifies for designation would be jeopardized if no action is taken.

Population projections indicate that the populations of the five counties in the study area are among the fastest growing in the state. It is expected that by 1980 the combined population will increase by over 300,000. This would be equivalent to a 27% increase. In recent years residential and commercial development has begun to spread along the river shoreline from both St. Cloud and the Metropolitan Area. Designation of the river at this time could help to prevent the loss of scenic wooded areas, help control erosion, prevent disruption of historical or archeological sites, and protect the agricultural and open space land uses in the area. To wait

until substantial additional development has occurred would make implementation of land use controls and land acquisition much more difficult, which could in turn make designation an exercise in futility.

(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 Mississippi River does not exceed the 320 acre/mile limit. The average for the entire boundary is approximately 285 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, property lines, and roads.

NR 2410 Classification

The Wild and Scenic Rivers Act, Section 3, Subdivision 2, states that rivers or segments thereof included within the system shall be classified 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 portion from St. Cloud to Clearwater meets the criteria for "scenic" classification, and the portion form Clearwater to Anoka meets the criteria for "recreational" designation.

The Wild and Scenic Rivers Act, Section 3, Subdivision 2, describes scenic rivers as those rivers that exist in a free-flowing state and with adjacent lands that are largely undeveloped. Below the St. Cloud dam there are no other dams and no bridges until Clearwater. Shorelands are largely undeveloped, with much of the shoreland wooded.

Recreational rivers are described 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. Although no real impoundment or diversion has occurred on the portion of the river from Clearwater to Anoka, certain areas have been considerably developed for residential use and some industrial development, such as power generating plants. There are also several more towns and bridges.

NR 2420 Management

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 scenic and 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.

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 that differ from the statewide standards and criteria to the extent necessary to take account of the particular attributes of the area. The recommendation that certain municipalities along the river adopt certain provisions of the Statewide Standards and Criteria for the Management of Municipal Shoreland Areas of Minnesota (Minn. Regs. 82-84) is based on this provision.

RECEIVED
JUN 4 1976
Department of Natural Resources
Administration

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed Inclusion in the Minnesota Wild, Scenic and Recreational Rivers System of that Portion of the Mississippi River Lying Between the County State Aid Highway 7 Bridge at Anoka, and of the Proposed Adoption of a Management Plan for Said Proposed Scenic and Recreational River.

REPORT OF HEARING EXAMINER

The above entitled matter came on for hearing before S. B. Fried, Hearing Examiner, 1745 University Avenue, St. Paul, Minnesota, on and at the the following respective dates and cities:

March 20, 1976, St. Cloud, Minnesota
March 22, 1976, Minneapolis, Minnesota
March 23, 1976, Elk River, Minnesota
March 24, 1976, Monticello, Minnesota
March 25, 1976, Buffalo, Minnesota
March 27, 1976, Anoka, Minnesota

The Department of Natural Resources was represented at said hearing by Bill Clapp, Special Assistant Attorney General.

The following witnesses testified on behalf of the Department of Natural Resources:

Wayne Sames, Assistant Rivers Coordinator

Mike Priesnitz, Rivers Coordinator

Numerous questions were asked by members of the public at the said hearing, and several members of the public testified on their own behalf or on behalf of various organizations. The record was kept open for twenty days after the last hearing, through April 16, 1976, and several letters and statements filed by mail have been considered as part of the record of this proceeding.

Based upon all of the files, records and proceedings herein, the Hearing Examiner makes the following:

FINDINGS OF FACT

I

The title of this matter is self-explanatory as to the purpose

of the hearing. This portion of the Mississippi River covers about 55 miles between St. Cloud and Anoka. The statutes and rules pertaining to this matter are found respectively at Minn. Stat. Sections 104.31 through 104.40 (1975 Supp.) and Minn. Regs. NR 78 through 81.

II

In accordance with the above statutes and rules, Minn. Stat. Chapter 15 and the rules of the Office of Hearing Examiners, the following filings were made at the Office of Hearing Examiners on March 15, 1976:

Statement of Need, Notice of Hearing;

Certification by Secretary of State's Office of list of persons, associations and other interested groups as of 2:15 p.m. on January 8, 1976 who are to be notified of hearings pertaining to the above entitled subject matter;

Affidavit of service by mail on January 15, 1976 of the notice of hearing on all persons shown on the Secretary of State's list;

The proposed management plan and addendum.

III

The applicable statute requires a minimum 60 day notice of hearing for the instant subject matter.

IV

In 1973 the Minnesota Legislature passed the Wild and Scenic Rivers Act (Laws 1973, c. 271). This Act is codified at Minn. Stat. Sections 104.31 through 104.40 (1975 Supp.). The policy of the state in adopting this Act is stated in Section 104.32 as follows: "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 and 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 or recreational.

V

In 1974, the Department of Natural Resources (DNR) held rules hearings for rules setting forth land use controls and other management policies in order to administer the Wild and Scenic River The rules thereafter promulgated pursuant to Minn. Stat. Chapter 15, the Administrative Procedures Act, are contained in Minn. Regs. NR 78-81.

VI

In accordance with Minn. Stat. Sections 104.35, the DNR started working on a management plan for the said 55 mile area of the Mississippi River. In this work, 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 scenic and recreational. (See Finding VIII below regarding scenic and recreational designation.)

VII

In late 1975, the DNR published its proposed management plan including rules to be adopted by DNR for the said segment of the river (Exhibit 5)* and later published an addendum thereto (Exhibit 6)*. This plan and the addendum were available for public inspection throughout the affected areas in their respective libraries. They were also available upon request from DNR, and several copies were distributed at the above-shown public hearings.

VIII

The proposed plan shows that the DNR desires to designate the area of the Mississippi from St. Cloud to Clearwater as "scenic" and the area from Clearwater to Anoka as "recreational". No part of the area would be designated as "wild" because the criteria for wild designation as defined in the Act are not met. "Scenic" is

*Exhibits in hearing transcript.

defined in the Act as rivers that exist in a free-flowing state and with adjacent lands that are largely undeveloped. "Recreational" is defined as 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 purpose of the Act.

IX

The proposed management plan imposes land use restrictions in the affected corridor including set-back requirements and minimum lot areas where construction of buildings would be allowed. Existing uses that do not conform to the plan would not be prohibited. Local zoning authorities, in cooperation with DNR, would work out the enforcement and variance problems that would inevitably arise if the plan is adopted.

The minimum lot areas and set-back requirements under the proposed plan and the existing state shoreland management minimum standards are shown as follows from page 18 of Exhibit 5: (These standards are contained in Minn. Reg. NR 79(c)).

	RIVER CLASSIFICATION	
	Scenic	Recreational
Lot Area*+	4 acres (174,240 Sq. Ft.)	2 acres (87,120 Sq. Ft.)
Water Frontage	250 Ft.	200 Ft.
Lot Width at Building Line*	250 Ft.	200 Ft.
Building Setbacks From:		
Normal High Water Mark	150 Ft.	100 Ft.
Designated Tributaries	100 Ft.	100 Ft.
Bluff Line	30 Ft.	20 Ft.
Sewage System Setbacks From:		
Normal High Water Mark	100 Ft.	75 Ft.
Designated Tributaries	75 Ft.	75 Ft.

Existing State Shoreland Management Minimum Standards

	Recreational Development-Lakes	General Development Lakes & Streams
Lot Area *+	40,000 Sq. Ft.	20,000 Sq. Ft.
Water Frontage	150 Sq. Ft.	100 Sq. Ft.
Building Setback from:		
Shoreline	100 Ft.	75 Ft.
Soil Absorption Unit Setback from shoreline	75 Ft.	50 Ft.

+Smaller lot sizes may be permitted for planned cluster developments
*Applies only to newly platted lots.

X

Vegetative cutting provisions which are contained in Minn. Reg. NR 79(g) are also included in the proposed plan. Summarized briefly this rule with regard to scenic rivers and recreational rivers provides that: On lands within 150 feet of the normal high water mark of scenic rivers, 100 feet of the normal high water mark of recreational rivers, 30 feet landward of the bluffline on scenic rivers and 20 feet landward of the bluffline on recreational rivers that: clear cutting except for any authorized public services such as roads and utilities, shall not be permitted; that selective cutting of trees exceeding 4 inches in diameter at breast height is permitted if cutting is spaced in several cutting operations and a continuous tree cover is maintained, uninterrupted by large openings; that these provisions will not prohibit removing diseased or insect infested trees or of rotten or damaged trees that present safety hazards, or of pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops or cutting suppressed trees or trees that are less than 4 inches in diameter at breast height. The rule also includes standards for clear cutting which will not be detailed in this report.

XI

The set-back, lot size minimums and vegetative cutting provisions were testified to and extensively questioned and discussed at the public hearings.

XII

The five counties affected by the proposed law, Stearns, Sherburne, Wright, Anoka and Hennepin, are the fastest growing counties in the state.

XIII

The Wild and Scenic Rivers Act does not contain any provisions for eminent domain. It does provide at Minn. Stat. Sec. 104.37 (1975 Supp.) that the DNR may, through the Commissioner of Administration, "...acquire the title, scenic easements or other interests in land, by purchase, grant, gift, devise, exchange,

lease, or other lawful means. 'Scenic easement' means an interest in land, less than the fee title, which limits the use of such land for the purpose of protecting the 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."

XVI

Some members of the public questioned the plan of removing property that the DNR might purchase scenic easements on, from the tax roles as higher assessable residential developable property. This was an important issue at some of the hearings where citizens owned land that, according to their testimony, was ready for development. They were concerned that the County's taxes would thus be jeopardized. Interrelated with that question was the one of who will pay the taxes on the land upon which DNR purchases easements. The answer was to the effect that the landowner would still pay taxes on the land but that the assessed value should be substantially reduced because of the limitations on its use due to the scenic easement.

XV

In general, the public's testimony was either for the proposed plan or against the plan. Those favoring the plan stressed the need for preserving the environment along the Mississippi and protecting this state's and the nation's great rivers of the world from exploitation and spoilage. Persons testifying against the proposed plan voiced fears of heavy-handed bureaucracy

dictating to landowners who have historically respected and appreciated the river how they may use their land....or phrased in the negative, what they may no longer do with their land. There was also concern voiced about whether the DNR or local governments could effectively police proposed public areas.

XVI

The proposed management plan (Exhibits 5 and 6) is an exhaustive study of the affected areas and it details, among various analyses, planned camping sites, rest sites, access areas for canoers, trails that might be used for hiking, biking or horse riding, nature preserves and so forth.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

I

The DNR and the office of Hearing Examiners has complied with all statutory and rule requirements concerning filings, notice of the hearing, service of the notice, the 60-day minimum notice period before the first hearing and the twenty-day open-record period following the last hearing.

II

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

III

The area of the Mississippi River as proposed from St. Cloud to Clearwater meets the criteria of scenic designation and the area of the Mississippi as proposed from Clearwater to Anoka meets the criteria of recreational river.

IV

The proposed management plan will impose certain restrictions on landowners in the affected areas, but the restrictions on individual preferences is outweighed by the public's interest in managing and preserving a segment of the state's most valued river.

V

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 landowner's voluntary sale thereof.

VI

Designation of the instant segment of the Mississippi River will accomplish the legislative purpose in enacting the Wild and Scenic Rivers Act.

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

RECOMMENDATION

That the portion of the Mississippi River lying between the County State Aid Highway 7 bridge at St. Cloud and the U.S. Highway 52 and 169 bridge at Anoka be designated as a scenic and recreational river for inclusion in the Minnesota Wild, Scenic and Recreational Rivers system in accordance with the DNR's management plan for said portion including the rules and regulations specifically applicable thereto.

Dated this 3rd day of June, 1976.

S. B. Fried
Hearing Examiner

MEMORANDUM

A number of suggestions were made with regard to implementing the plan including those of making various studies of flora and fauna and exempting certain utility areas and approximately the last 12 miles to Anoka from the plan. The Examiner did not discuss these in his report because if the DNR adopts the recommendation herein, such suggestions and requests may be made directly to DNR for its consideration of those suggestions or requests in relation to its implementation of the plan, and it is possible that the management of the last 12 miles to Anoka may be preempted by the Cirtical Areas Act* designation. With regard to such critical areas designation, the Examiner has no objection whether it be done through interagency agreement or by preemption.

*(Laws 1973, c.752) codified at Minn. Stat. Chapter 116G(1975).

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 that portion of the Mississippi River lying Between the County State Aid Highway 7 Bridge at St. Cloud and the northwestern boundaries of the City of Anoka and the City of Champlin, and of the Proposed Adoption of a Management Plan for said Proposed Scenic and 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: June 24, 1976.

DUANE R. HARVES
Chief Hearing Examiner

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 Mississippi River lying Between the County State Aid Highway 7 Bridge at St. Cloud and the northwestern boundaries of the City of Anoka and the City of Champlin, and of the Proposed Adoption of a Management Plan for said Proposed Scenic and Recreational River.

FINDINGS AND ORDER OF THE COMMISSIONER

I have read the REPORT OF THE HEARING EXAMINER, who has concurred in the proposed designation classification, and 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 expressly 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 several specific items contained in the files, records, and preceedings of the public hearings.

FINDINGS

I. Several specific items of testimony, in particular with regard to implementation of the management plan, were not discussed in the hearing examiner's report.

II. The hearing examiner's report authorizes the Department of Natural Resources to consider those specific suggestions or requests made with regard to implementing the plan that were included as a part of the hearing testimony (see hearing examiner's memorandum, P. 8, Report of Hearing Examiner).

III. The report of the hearing officer in the matter of the recommendation by the Metropolitan Council to the Minnesota Environmental Quality Council that the Mississippi River Corridor be designated by the Governor as a Critical Area recommended that a change be made in the boundary of the proposed Scenic and Recreational Rivers area.

The hearing officer recommended that the boundary of the proposed Critical Area within Anoka and Hennepin counties from the Sherburne County and Wright County boundaries, to the northwestern boundaries of the city of Anoka and the city of Champlin, should be altered to conform to the boundary of the Department of Natural Resources Scenic and Recreational River proposal.

EQC staff have clarified this statement as implying that the Scenic and Recreational River boundary should end at the northwestern boundary of the city of Anoka and the city of Champlin, rather than at the Highway #52 and #169 bridge crossing at Anoka as initially proposed.

The recommendation to exclude the cities of Anoka and Champlin from the Mississippi Scenic and Recreational River area will eliminate the problem of these cities having to administer both Critical Areas and Scenic and Recreational River regulations within their boundaries.

Such a change would also conform to the study area currently authorized by Congress for the federal study of the Mississippi River for the National Wild and Scenic Rivers system.

This change would have little effect on the basic element of the Scenic and Recreational River designation. No acquisition was recommended in the original proposal within Anoka and only a very small amount of scenic easement acquisition was recommended within Champlin. These cities would still be under the jurisdiction of the Critical Areas regulations.

IV. A request was made by the St. Cloud Country Club to modify the boundary of the Mississippi Scenic and Recreational River so as to exclude a small portion of the land owned by the club. (See letter from Mr. Thomas J. Murphy, April 14, 1976).

The exclusion of the small portion of the land owned by the St. Cloud Country Club from the Mississippi Scenic and Recreational land use district would not have an adverse impact on the designation and management of this area. The property is not visible from the river.

In addition, future development of this property by the Country Club would enable them to continue present use of the remainder of the area as a golf course. If this small section is not excluded from the boundary, however, they may be forced to develop the entire golf course area, including areas visible from the river.

V. A request was made by Northern States Power Company to exempt the Sherco and Monticello power plant sites from the provisions of NR 79 (b) (2). Because power plants are not listed in NR 79 (b) (2) as either permitted or conditional uses, they would not be allowed within the applicable land use district. Since the power plants are in existence prior to the effective date of enactment of the ordinance, however, they would be considered nonconforming uses. As nonconforming uses, local authorities may adopt provisions to regulate and control, reduce the number or extent of, or gradually eliminate them. NSP requested that these two power plants be considered as permitted uses.

The request by Northern States Power Company to exclude the Sherco and Monticello power plant sites from the provisions of NR 79 (b) (2) is reasonable in light of the special circumstance involved. Such a change would be appropriate considering that these two power plant sites are approved and established power plant locations and the environmental review process associated with their installation, siting, and with changes to them is comprehensive and complete.

Safeguards must be taken, however, to ensure that any future development at these two power plant sites will not have an adverse impact on the river and adjacent shorelands.

VI. A request was made to allow Elk River Township to adopt the same regulations that would be required for the City of Elk River. Elk River Township is in the process of consolidating and incorporating with the present City of Elk River.

The recommendation, contained in a resolution passed by the Elk River Township Board and in a statement submitted to the hearing examiner by Mr. Gordon Frederickson, a member of the Sherburne County Planning Commission, that the present area of Elk River Township be governed by the same regulations as the present city of Elk River after consolidation is a reasonable request.

Several reasons for making this change are contained in the Department of Natural Resources comments on the statement of Mr. Frederickson provided to the hearing examiner on April 16, 1976. They include the following:

a) Elk River Township will soon become a municipal or incorporated area, even though this <u>may</u> take place after designation.

b) Most of the area involved is within a flood plain district and would therefore be subject to stringent restrictions on development.

c) Another large portion of the shoreline within the proposed land use district is taken up by the existing city of Elk River and by a Highway Department wayside park.

d) After review of all the factors involved it appears that Elk River Township is in a unique situation and that a change in the proposed regulations is warranted.

VII. The Bureau of Outdoor Recreation, U.S. Department of Interior, is presently working in cooperation with the Department of Natural Resources on a study of the Mississippi River from Lake Itasca to Anoka. This includes the portion of the river from St. Cloud to Anoka hereby designated as a state Scenic and Recreational River.

The appropriate agency to administer the portion of the Mississippi River between St. Cloud and Anoka, in the event that the entire river from Lake Itasca to Anoka is designated as a National Wild and Scenic River, is the Department of Natural Resources. Designation of the river in the national system would not occur until after the St. Cloud to Anoka stretch will have been designated in the state system.

VIII. Several specific recommendations and comments were made regarding recreational use, or public use, of lands and waters within the Scenic and Recreational River land use district. Some of these concerns included location of recreation sites, use of motorboats, and maintenance of the river area.

Public use of lands and waters included in the Mississippi Scenic and Recreational River area is a subject of concern to many people, including landowners, recreationists, and environmentalists. While many of these concerns are covered by provisions of the Statewide Rules and Regulations (NR 78–81) and the management plan, several specific recommendations should be made in response to testimony in the hearing record.

CONCLUSIONS

I. The boundary of the Mississippi Scenic and Recreational River area be modified to exclude the cities of Anoka and Champlin. The boundary shall now extend to the northwestern limits of both Anoka and Champlin.

II. The boundary of the Mississippi Scenic and Recreational River be modified to exclude a small portion of the land owned by the St. Cloud Country Club having the following description:

> The southerly 300 feet of the NW¼ of the SW¼ and of Gov. Lot 3, all in Section 25, T 124N - R 28 W.

III. Elk River Township, excluding the presently incorporated city of Elk River, be subject to the Minnesota Regulations NR 78–81 until such time as it may be consolidated and incorporated. At that time those regulations proposed for the city of Elk River will apply to the newly incorporated area as well. In other words, the General Development standards for municipal shoreland areas (NR 82–84) shall apply, except that the provisions and administrative procedures of Minnesota Regulations NR 78, 79 (g) – (j), 80 and 81 shall be conformed with and that no marinas shall be allowed. In addition, the minimum setback for any new structure shall be 100 feet rather than 75 feet.

IV. The Northern States Power Company Sherco and Monticello power plant sites shall be listed in the Sherburne and Wright County ordinances as permitted uses. Northern States Power Company shall work with the Department of Natural Resources in determining the most appropriate location for the development of any structures or related facilities that may be located within the Scenic and Recreational land use district boundary. Such development shall be consistent with all other provisions of NR 79.

V. If the entire [redacted]eral study area of the Mississipp[redacted]rom Lake Itasca to Anoka is recommended for inclusion in the National Wild and Scenic River system, that the Department of Natural Resources administer that portion of the river from St. Cloud to Anoka.

VI a) Wildlife studies be completed, if possible, in cooperation with local groups and individuals before permanently siting any Department of Natural Resources recreational facilities within the Mississippi Scenic and Recreational River area.

b) The assistance of volunteer groups be encouraged to help in the removal of litter from Department of Natural Resources water access campsites and rest areas.

c) The Department of Natural Resources work in cooperation with Stearns County, the city of St. Cloud, and local groups and individuals to determine the best site for location of an access below the St. Cloud Dam.

The hearing examiner has determined that the changes specified above do not require rehearing.

Based on the foregoing, and on the authority vested in the Commissioner of Natural Resources by Minnesota Statutes, Sections 104.31 – 104.40, I make the following

ORDER

I hereby adopt the attached rules, identified as State of Minnesota, Department of Natural Resources, Rules and Regulations, Chapter 24, consisting of Minnesota Regulations NR 2400, 2410, and 2420 and the Land Management Maps, Recreation Management Maps, recreation site typicals, and land use district and acquisition acreages.

The rules as adopted are those proposed at the public hearing, including the changes indicated in the addendum, as modified by the changes indicated in the findings and conclusions stated in this document.

By adopting the rules, I

- Designate the portion of the Mississippi River between the County State Aid Highway #7 bridge in St. Cloud, and the northwestern boundary of the city of Anoka and the city of Champlin, a component of the Minnesota Wild, Scenic and Recreational Rivers system.

- Classify as Scenic that portion of the Mississippi River and adjacent lands from the County State Aid Highway #7 Bridge at St. Cloud to the county line at the Clearwater River between Stearns and Wright counties, and State Highway #24 in Sherburne County.

- Classify as Recreational that portion of the designated river and adjacent lands from the county line at the Clearwater River between Stearns and Wright counties, and State Highway #24 in Sherburne County, to the northwestern boundaries of the city of Anoka and the city of Champlin in accordance with the provisions of Minnesota Statutes, Section 104.33 Subdivision 2, and Minnesota Regulations NR 78 (f).

- Begin implementation of the recreation management and land management plans for the component, with funds available for such purposes.

Dated: June 24, 1976

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

ROBERT L. HERBST, Commissioner

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

Rules and Regulations

CHAPTER TWENTY FOUR: NR 2400

DESIGNATION, CLASSIFICATION AND MANAGEMENT OF THE MISSISSIPPI RIVER IN STEARNS, SHERBURNE, WRIGHT, ANOKA AND HENNEPIN COUNTIES

NR 2400

(a) THE RIVER

That portion of the Mississippi River from the County State Aid Highway #7 Bridge at St. Cloud to the northwestern boundaries of the city of Anoka and the city of Champlin is hereby designated a component of the Minnesota Wild, Scenic and Recreational 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, Minnesota Statutes 1974, Sections 104.31 to 104.40.

(c) SHORELAND INCLUDED

The designation and these rules apply to the river and the adjacent lands as provided in the Land Management Maps Plates 1 through 9 and the property descriptions for the Land Use Districts.

NR 2410 CLASSIFICATION

That portion of the Mississippi River and adjacent lands from the County State Aid Highway #7 Bridge at St. Cloud to the county line at the Clearwater River between Stearns and Wright counties, and State Highway #24 in Sherburne County, is classified as Scenic.

That portion of the designated river and adjacent lands from the county line at the Clearwater River between Stearns and Wright counties, and State Highway #24 in Sherburne County, to the northwestern boundaries of the city of Anoka and the city of Champlin is classified as Recreational, in accordance with the provisions of Minnesota Statutes, Section 104.33 Subdivision 2, and Minnesota Regulations NR 78 (f)

NR 2420 MANAGEMENT

(a) RECREATION MANAGEMENT

(1) As provided for in the Management Plan, the recreation management policy is to provide for the orderly use of public lands and waters within the Scenic and Recreational River Land Use District. The development of selected land and river oriented recreational facilities and the maintenance of these 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 as provided in NR 80 (a) (1).

(2) As provided for in NR 79 (b) (2) and the Management Plan the development of public or private recreational facilities within the Scenic and Recreational River Land Use Districts shall conform to the design specification guidelines as shown on Figures 1–6.

(3) No public river–oriented camping facilities will be provided in close proximity to private recreational developments which are designed to serve the public demand for these.

(4) The recreational use of the Mississippi Scenic and Recreational River and adjacent public 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, plates 1–9, for the protection, recreational use and management of public lands or interests in land, for the Mississippi Scenic and Recreational River and its adjacent lands within the Recreational River Land Use Districts.

(6) The Division of Parks and Recreation shall allocate funds for maintenance of the Department of Natural Resources' recreational facilities within the Mississippi River Land Use Districts from the Department's river development and maintenance account.

(7) The Department's Enforcement Division 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) All islands acquired by or transferred to the Department of Natural Resources, shall be managed in a manner consistent with the policy established in the Minnesota Wild and Scenic Rivers Act, Minnesota Statutes, Sections 104.31 – 104.40 (1974).

(9) Wildlife studies be completed, if possible, in cooperation with local groups and individuals before permanently siting any Department of Natural Resources recreational facilities within the Mississippi Scenic and Recreational River area.

(10)The assistance of volunteer groups be encouraged to help in the removal of litter from Department of Natural Resources water access campsites and rest areas.

(b) LAND MANAGEMENT

(1) The designated tributaries referred to in the Minnesota Regulations NR 79 (c) (3) (bb) (iii) and Minnesota Regulations NR 79 (d) (2) shall be:

1. St. Augusta Creek (Johnson Creek on U.S.G.S. quadrangles)
2. Plum Creek
3. Clearwater River
4. Bend Creek (Fish Creek on U.S.G.S. quadrangles)
5. Silver Creek
6. Otter Creek
7. Creek at Otsego
8. Elk River
9. North Fork Crow River

(2) The Commissioner of Natural Resources hereby adopts the Land Management maps, plates 1–9, to the area identified in the legal description and according to NR 78 (g) (2) (bb) for the protection and management of lands within the Scenic and Recreational River Land Use Districts.

(aa) Minnesota Regulations NR 78–81 shall apply to all lands within the Scenic and Recreational River land use districts that are within unincorporated areas of the counties at the time of designation. Federal lands, however, are not subject to these regulations.

(bb) The land or interests in land recommended to be acquired in this plan will be acquired where funds are available for such purchases, in the manner as provided for in Minnesota Statutes, Section 104.37 (1974).

(cc) Portions of the Scenic or Recreational Land Use Districts which are within the boundaries of municipalities on the date of designation shall be covered by various provisions of Minnesota Regulations NR 78–81 and NR 82–84 (Statewide Standards and Criteria for the Management of Municipal Shoreland Areas of Minnesota), as specified in (C) (5)–(9).

(dd) Because acquisition of land, or interests in land, is from willing sellers, at the appraised value, some lands recommended for scenic easement acquisition may be purchased in fee title. This change from the recommended acquisition would be based on the mutual agreement by and between the state of Minnesota and the landowner(s). Furthermore, additional lands, or interests in land, may be purchased in order to further the policies, established in Minnesota Statutes, Section 104.32 (1974) and this Management Plan.

(ee) Land exchanges 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 law. However, land exchanges will not be recommended if such exchanges would adversely affect other Department of Natural Resources management programs.

(c) ADMINISTRATION

(1) The land use controls referenced herein shall apply to the entire area within the land use district boundaries as identified on the Land Management maps Plates 1–9 and the land use district property descriptions, and determined in accordance with the Minnesota Wild and Scenic Rivers Act, Minnesota Statutes, Section 104.36 (1974) each local government shall, within six (6) months of designation of the Scenic and Recreational River, adopt or amend its local ordinances and land use district maps to the extend necessary to comply with the statewide standards and criteria and the management plan as follows:

(2) Stearns County shall enact or amend such ordinances and maps as necessary:

(aa) Establish a Scenic River Land Use District, as identified on the Land Management Maps Plates 1–9 and the Land Use District property descriptions for Stearns County.

(bb) Conform to the provisions of Minnesota Regulations NR 78–81.

(3) Sherburne County shall enact or amend such ordinances and maps as necessary to:

(aa) Establish Scenic and Recreational River Land Use Districts, as identified on the Land Management Maps, Plates 1–9 and the Land Use District property descriptions for Sherburne County.

(bb) Conform to the provisions of Minnesota Regulations NR 78–81.

(4) Wright County shall enact or amend such ordinances and maps as necessary to:

(aa) Establish a Recreational River Land Use District, as identified on the Land Management Maps, Plates 1–9 and the Land Use District property descriptions for Wright County.

(bb) Conform to the provisions of Minnesota Regulations NR 78–81.

(5) The municipality of St. Cloud shall enact or amend such ordinances and maps as necessary to:

(aa) Establish a Scenic River Land Use District as identified on the Land Management Maps, Plate 1, and the land use district property descriptions.

(bb) Adopt General Development standards for lands within the Scenic River Land Use District in accordance with the provisions of Minnesota Regulations 82–84 (Statewide Standards and Criteria for the Management of Municipal Shoreland Areas of Minnesota). and administer these provisions according to Minnesota Regulations NR 81, as applicable.

(cc) Conform to the provisions and administrative procedures of NR 78, 79 (g) – (j), 80 and 81.

(6) The municipalities of Clearwater, Monticello, and Elk River shall enact or amend such ordinances and maps as necessary to:

(aa) Establish a Recreational River Land Use District as identified on the Land Management Maps, Plates 1–9 and the land use district property descriptions.

(bb) Adopt the General Development standards for land within the Recreational River Land Use Districts in accordance with the provisions of Minnesota Regulations NR 82–84, as applicable, except that marinas shall not be allowed.

(cc) Conform to the provisions and administrative procedures of Minnesota Regulations NR 78, 79 (g) – (j), 80 and 81.

(7) The municipalities of Becker, Dayton, and Ramsey shall enact or amend such ordinances and maps as necessary to:

(aa) Establish a Recreational River Land Use District as identified on the Land Management Maps. Plates 1–9, and the land use district property descriptions.

(bb) Conform to the provisions of NR 78–81, except that the lot size requirements of NR 83 (c) (1) (aa) for Natural Environment Waters under the Statewide Standards and Criteria for the Management of Municipal Shoreland Areas of Minnesota shall be substituted for the lot size requirements of NR 79 (2) (aa) (iii).

(8) Elk River Township, excluding the presently incorporated city of Elk River, shall be subject to the Minnesota Regulations NR 78–81 until such time as it may be consolidated and incorporated. At that time those regulations required for the city of Elk River (see (6)) will apply to the newly incorporated area as well. In addition the minimum setback for any new structure shall be 100 feet rather than 75 feet.

(9) The Northern States Power Company Sherco and Monticello power plant sites shall be listed in the Sherburne and Wright County ordinances as permitted uses. Northern States Power Company shall work with the Department of Natural Resources in determining the most appropriate location for the development of any structures or related facilities that may be located within the Scenic and Recreational land use district boundary. Such development shall be consistent with all other provisions of NR 79.

(d) INTERAGENCY RECOMMENDATIONS

(1) Federal–State relations

(aa) As authorized under Minnesota Statutes, Section 161.142, Subdivision 4, (1974) the Commissioner of Highways ". . . may act as agent for any other department of state, public corporation, or political subdivision of the state in accepting Federal Aid in their behalf for the purposes expressed in subdivisions 1 to 7." (This relates to the planning, acquisition, development, maintenance and overall administration of the Great River Road). Accordingly, it is recommended that a portion of any Federal Funds made available to the state of Minnesota for expenditure on the Great River Road be accepted by the Commissioner of Highways, on behalf of the Department of Natural Resources, for the purposes of land acquisition related to preservation of areas adjacent to the designated Recreational River and the Great River Road.

(bb) It is further recommended that any proposed development, acquisition, or related action concerning the Great River Road be conducted and administered in accordance with this management plan and the provisions of Minnesota Regulations NR 78–81.

(cc) Since the Department of Natural Resources is responsible for administering the Mississippi as a Scenic and Recreational River, it is recommended that the state of Minnesota, through the appropriate application process, apply for those islands presently administered by the Bureau of Land Management to be transferred to the Department of Natural Resources under the authority granted the Commissioner of Natural Resources in Minnesota Statutes, Section 104.35, (1974).

(dd) The Department of Natural Resources is presently working in cooperation with the Bureau of Outdoor Recreation, U.S. Department of Interior, on their study of the Mississippi River from Itasca to Anoka for possible inclusion in the National Wild and Scenic Rivers System. This study area includes that portion of the river from St. Cloud to Anoka hereby designated as a state Scenic and Recreational River. If the entire federal study area is recommended for inclusion in the National Wild and Scenic Rivers System it is recommended that the portion from St. Cloud to Anoka continue to be administered by the Department of Natural Resources.

(2) Other Governmental Units

(aa) In order to further the purposes of the Minnesota Wild and Scenic Rivers Act, it is recommended that all State Highway Department lands within the Recreational River land use districts be administered in accordance with the provisions of Minnesota Regulations NR 78–81 and this management plan. In particular, it is stated in NR 79 (b) (2) (cc) that public accesses within the Recreational River land use district will be subject to management plan specifications and will be considered as permitted uses. Also, NR 79 (j) (2) (bb) (v) states that highway waysides shall be designed in such a manner so as to harmonize with the surroundings.

(bb) No Department of Natural Resources "corridor" trails are proposed in this management plan for the Mississippi Scenic or Recreational River area. Local residents and landowners may desire specific recreational trails for their area. If so, it is recommended that such trails be developed through the Department of Natural Resources' trail assistance programs. Through the Department's trail assistance programs, funds for local trail development and maintenance are made available to local units of government.

(cc) It is recommended that the Minnesota Highway Department, in cooperation with the Department of Natural Resources, Governor's Trail Advisory Committee, counties, municipalities, and other agencies and groups, conduct a study to determine an appropriate route for a bicycle route paralleling the Mississippi River from the Twin Cities to St. Cloud.

(dd) To help insure that the outstanding heritage of the Mississippi River will be protected for future generations, it is recommended that the state Historical Society conduct an inventory of all historical and archeological sites within the proposed Scenic and Recreational River land use districts, and recommend appropriate methods for preservation of those having outstanding historical significance.

(ee) It is recommended that the state Pollution Control Agency be appropriated sufficient funds to conduct ongoing analysis and monitoring of water quality information, and to allow for appropriate measures to insure that water quality regulations and standards be maintained for the Mississippi River.

(ff)It is recommended that Stearns County and the city of St. Cloud work with local groups and the Department of Natural Resources to determine the best site for location of an access to the river below the St. Cloud dam.

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 Mississippi River lying Between the County State Aid Highway 7 Bridge at St. Cloud and the northwestern boundaries of the City of Anoka and the City of Champlin, and of the Proposed Adoption of a Management Plan for said Proposed Scenic and Recreation 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: June 29, 1976

A. W. Clapp III

Special Assistant Attorney General

#328

BEFORE MICHAEL C. O'DONNELL
ACTING 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 Minnesota River lying between the Lac qui Parle Dam and the County State Aid Highway 11 Bridge near Franklin and of the proposed adoption of a management plan for said proposed Scenic and 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 with specific recommendations to amend the proposed rule. I adopt the hearing examiner's FINDINGS OF FACT and CONCLUSIONS as mine and incorporate them by reference in this document except for 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 some recommendations of the hearing examiner and to correct some minor items for the final rule.

FINDINGS

I. The Department proposed an amendment to the land-use district boundary in written comments (PP) and in Exhibit 5. The hearing examiner accepted the deletion of land from the land use district but did not accept the proposed addition of Government Lot 3 in Section 12, T 112 N-R 34 W. I concur with recommendation (a) (4).

However, Government Lot 3 in section 12 lies between the Minnesota River and Government Lot 10 in Section 13 (incorrectly listed as Government Lot 1 in the proposed rule). The policy of the Minnesota Wild and Scenic Rivers Act concerns protecting and preserving certain Minnesota rivers "and their adjacent lands." (Minn. Statute Section 104.32). It, therefore, is reasonable and needed that Government Lot 10 Section 13, T 112N - R 34W be deleted from the land use district since it is not adjacent to the river.

II. I concur with the hearing examiner's finding that sand and gravel deposits and their extraction is a "particular attribute of the area" (Minn. Statute Section 104.35) and that a change in proposed rule 2620 A. 1. b. (referred to as 2620 (A) (1) (bb) in hearing examiners report) is necessary.

The Department's final submission contained proposed amendatory language to this rule which was considered in the hearing examiner's report to be a substantive change from the proposed rule.

The hearing examiner recommended amendatory language to the proposed rule in recommendation (b) which does not acknowledge the fact that "existing local land-use controls require a conditional use permit for sand and gravel extraction." (HHH).

It therefore is reasonable and needed to amend the examiner's recommended language of 2620 A. 1. b. as follows: "except for extraction of sand and gravel which shall continue to be a conditional use under the regulatory discretion of local governments." (amendment underlined.)

III. The hearing examiner recommends an amendment to proposed rule 2620 B in recommendation (f). In order to make the examiner's recommended language and the intent of the land acquisition policies contained in Minnesota Statute 1974 Section 104.37 very explicit, I hereby submit the following language for 2620 B. 5:

"Land acquisition authority contained in this subsection is promulgated under Minnesota Statutes 1974, Section 104.37 which does not give the Commissioner of Natural Resources eminent domain authority within the river land use districts. If in the future, eminent domain authority is granted as a method of

land acquisition under Minnesota Statute Section 104.37, it shall not be utilized in the river land use district without explicit repromulgation or amendment of this rule. This provision does not apply when the Commissioner is ordered by the legislature to use eminient domain authority."

IV. I concur with the hearing examiner's recommendation (i) that proposed rule 2630 E. 2. (referred to as 2630 (5) (bb) in the hearing examiner's report) be amended to eliminate any chance of misinterpretation.

I am inserting additional language to the hearing examiner's recommended language to make proposed rule 2630 E. 2. consistent with Minnesota Statutes Section 86 A. 08 and section 84.029: "in state parks or trails designated by local governments or the legislature." (Amendment underlined).

V. A review of the proposed rule published in the State Register shows an error in 2630 H. 2. b. This was not cited in the hearing examiner's report since the proposed rule presented to the public at the hearings did not contain the error. The final rule is corrected to be: "At the Department of Natural Resources Access at Montevideo - A rest area. (Amendment underlined.)

VI. I concur with the hearing examiner's recommendation (j) to amend the primitive campsite site typical by adding a gate to the service trail. I submit the following amendment to NR 2630 B. "As provided for in NR 79 (b) and the management plan, the development of public or private recreational facilities within the Scenic and Recreational river land use districts shall conform to the design specification guidelines as shown on the Recreational Site Typicals with the addition of a gate to the service trail for primitive campsites." (Amendment underlined.)

VII. I concur with the hearing examiner's recommendation (h) to amend proposed rule 2630 I. (referred to as 2630 (8) in the hearing examiner's report) based on the testimony of the hearing. However, I am changing the hearing examiner's recommended language to strengthen its intent as follows: "The Enforcement Division shall extend sufficient effort to meet enforcement responsibilities in the Minnesota River Land Use District." (Amendment underlined).

VIII. Proposed rule 2620 A. 2. b. is amended to make it more explicit based on recommendation (d) of the hearing examiner's report. 2620 A. 2. b. shall be amended to read: "Conform to the use, dimensional and sanitary provisions of the Recreational Development classification of Minnesota Regulations NR 83 (a), NR 83 (c) (1) –(2) and (4) –(5), NR 83 (d), and the provisions of Minnesota Regulations NR 79 (e – j (1), 80 and 81." (Amendment underlined).

IX. Language requested under recommendation (g) of the hearing examiner's report shall be included in the final rule. This language is: 2600 E. "Stipulation. The commissioner of natural resources will not request the inclusion of that portion of the Minnesota River from the Lac qui Parle dam to the Redwood County State Aid Highway11 bridge near Franklin into the Federal Wild and Scenic Rivers System without the consent of the County Board of Commissioners of Lac qui Parle, Chippewa, Yellow Medicine, Redwood and Renville Counties."

X. That the clarifying language suggested by the hearing examiner for 2620 A. 3. be used in the final rule.

XI. A check of the legal descriptions for the river land use district in the State Register indicates four printing errors. The correct descriptions were printed in A Management Plan for the Minnesota River – Lac qui Parle to Franklin (Preliminary Draft, June 1976). This document was used by those attending the hearings and the hearing examiner. The correct descriptions for the final rule are:

T 115 N – R 39 W, Section 2 SE¼ of NE¼ of SW¼
T 114 N – R 36 W, Section 33 SW¼ of NW¼
T 112 N – R 34 W, Section 11, N½ of SE¼ of SW¼
T 114 N – R 36 W, NE¼ of SW¼ everything SW of CSAH 15

(Amendments underlined).

Other legal descriptions have been amended for clarification purposes and do not substantively change the land–use district from its proposed description. These clarifications are for:

T 117 N – R 40 W, Section 33, Gov. Lot 4 (YM)
T 114 N – R 37 W, Section 6, Gov. Lot 7 (REN)
T 114 N – R 37 W, Section 8, Gov. Lot 1 (RED)
T 114 N – R 36 W, Section 19, NW¼ – NW¼
T 113 N – R 35 W, Section 29, Gov. Lot 2
T 112 N – R 35 W, Section 1, NE¼ – NE¼
T 112 N – R 34 W, Section 5, NW¼ – NW¼
T 115 N – R 39 W, Section 11, Gov. Lot 3 (C)

T 113 N – R 34 W, Section 31, S½ – SW¼ – SW¼ and S½ – SE¼ – SW¼ are actually a part of Gov. Lots 2 and 4 respectively. They are therefore deleted from the final rule to prevent any misinterpretation.

T 116 N – R 40 W, Section 13, E½ – SE¼ – SW¼ is actually part of Gov. Lot 4 (YM) and is deleted from the final rule.

T 117 N – R 40 W, Section 19, N½ – SE¼ – NW¼ is actually part of Gov. Lot 3 (YM) and is deleted from the final rule.

T 115 N – R 39 W, Section 24, E½ of SE¼ of NW¼ is actually a part of Gov. Lot 2 (YM) and is deleted from the final rule.

T 114 N – R 36 W, Section 32, SE¼ of NE¼ is actually part of Gov. Lots 5 and 4 and is deleted from the final rule.

T 117 N – R 40 W, Section 4, W½ – NE¼ – SE¼ is deleted from the final rule because it is separated from other parcels in the land use district as described in the State Register.

T 114 N – R 36 W, Section 19, SE¼ of NW¼ is deleted from the final rule since it is separated from other parcels in the land use district as described in the State Register.

T 112 N – R 34 W, Section 5, SW¼ of NE¼ is deleted from the final rule since it is separated from other parcels in the land use district as described in the State Register.

There were duplicate government lot numbers in the original Government Land Office Survey in those sections contained in T 118 N – R 42 W, T 118 N – R 41 W, T 117 N – R 41 W, T 117 N – R 40 W, T 116 N – R 40 W, T 116 N – R 39 W and T 115 N – R 39 W. These duplicate government lots were described by adding abbreviations for Lac qui Parle, Chippewa, Redwood, Yellow Medicine and Renville counties in order to accurately describe them.

There are no duplicate government lots in T 114 N – R 36 W. It therefore is not necessary to have the prefix (REN) in the legal descriptions of these government lots. The prefix (REN) is deleted from the final rule.

XII. Proposed rule 2620 A.3. was reviewed by the hearing examiner prior to the hearing but after publication of the proposed rule in the State Register. He suggested that new language be used to clarify the intent of the rule and this language was presented to the public at all five of the hearings with no objection. This language is a clarification and not a substantial change to the proposed rule.

The new language for 2620 A.3. shall be: "The manner in which an area of land is required to be zoned by this management plan, shall not be changed by transfer of the zoning authority over that land from one political subdivision to another occurring after the date of designation. If during such transfer, ordinances previously approved by the commissioner become inoperative as to that land, no permits shall thenceforth be issued for construction, grading, filling, vegetative cutting, or platting until approved ordinances become effective."

CONCLUSIONS

I. The rule amendments recommended by the hearing examiner are justified and that the amendment language and legal descriptions contained in the commissioner's findings and the attached document for publication in the State Register comply with the hearing examiner's requests.

The Chief Hearing Examiner has determined that the changes specified above are not considered substantial and would not require rehearing.

Dated: June 16, 1977

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

Michael C. O'Donnell, Acting Commissioner

DEPARTMENT OF NATURAL RESOURCES

PARKS AND RECREATION DIVISION

FINAL RULES RELATING TO THE DESIGNATION CLASSIFICATION AND MANAGEMENT OF THE MINNESOTA RIVER IN LAC QUI PARLE, YELLOW MEDICINE, CHIPPEWA, RENVILLE AND REDWOOD COUNTIES.

The rules published at State Register Vol. 1, No. 10, pp. 321-335, September 14, 1976 (1 S.R. 321-335), are adopted and are identical in every respect to their proposed form, with the following amendments:

NR 2600 E. Stipulation. The commissioner of natural resources will not request the inclusion of that portion of the Minnesota River from the Lac qui Parle dam to the Redwood County State Aid Highway 11 bridge near Franklin into the Federal Wild and Scenic Rivers System without the consent of the County Board of Commissioners of Lac qui Parle, Chippewa, Yellow Medicine, Redwood and Renville counties.

NR 2610 Classification. That portion of the Minnesota River and adjacent lands from the Lac qui Parle dam to the U.S. Highway 212 bridge in the corporate limits of Montevideo is classified as Scenic.

That portion of the Minnesota River and adjacent lands from the U.S. Highway 212 bridge in the corporate limits of Montevideo to the Great Lakes Pipeline one-quarter mile down-stream of the Minnesota Falls dam is classified as Recreational.

That portion of the Minnesota River and adjacent lands from the Great Lakes Pipeline one-quarter mile down-stream of the Minnesota Falls dam to the Redwood County State Aid Highway 11 bridge is classified as Scenic.

NR 2620 A.1.b. Conform to the provisions of NR 78-81 except for extraction of sand and gravel which shall continue to be a conditional use under the regulatory discretion of local governments.

NR 2620 A.2.b. Conform to the use, dimensional and sanitary provisions of the Recreational Development classification of NR 83 (a), NR 83 (c) (1)-(2) and (4)-(5), NR 83 (d), and the provisions of Minnesota Regulations NR 79 (e-j (1)),80 - 81.

NR 2620 A 3. [[The zoning provisions specified above shall not be changed by annexations or incorporations occurring after the date of designation.]] If land is annexed, incorporated or in any other way transferred to another jurisdiction, a moratorium shall exist on all construction, grading and filling, and vegetative cutting until the newly responsible unit of government adopts zoning for that land. The zoning shall meet the provisions of this management plan which applied to the land before the transfer. This provision does not apply to work for which lawful permits were previously issued.

NR 2620 4. All local ordinances and regulations which are more protective than those required to be adopted by this management plan [[shall]] may be continued.

NR 2620 B 4. Additional lands or interests in land may be purchased within the land use district from willing sellers to further the policies established

in Minnesota Statutes 1974, Section 104.32 and this management plan.

NR 2620 B 5. Land acquisition authority contained in this subsection is promulgated under Minnesota Statutes 1974, Section 104.37 which does not give the Commissioner of Natural Resources eminent domain authority within the river land use districts. If in the future, eminent domain authority is granted as a method of land acquisition under Minnesota Statutes, Section 104.37, it shall not be utilized in the river land use districts without explicit repromulgation or amendment of this rule. This provision does not apply when the Commissioner of Natural Resources is ordered by the legislature to use eminent domain authority within the river land use districts.

NR 2630 B. As provided for in NR 79 (b) and the management plan, the development of public or private recreational facilities within the Scenic and Recreational river land use districts shall conform to the design specification guidelines as shown on the Recreational Site Typicals with the addition of a gate to the service trail for primitive campsites.

NR 2630 E. 2. On trails specifically designated for snowmobiling in state parks, or designated by local governments or the legislature.

NR 2630 H. 2. b. At the Department of Natural Resources Access at Montevideo - A rest area.

NR 2630 I. The department's Enforcement Division shall enter into discussions with the local units of government concerning the delineation of responsibilities for the enforcement of applicable Wild, Scenic and Recreational river

regulations. The Enforcement Division shall extend sufficient effort to meet enforcement responsibilities in the Minnesota River land use districts.

[[NR 2640 RECOMMENDATIONS]]

[[A. Federal-State relations]]

[[1. Since the Department of Natural Resources is responsible for administering the Minnesota River as a Scenic and Recreational river, it is recommended that the State of Minnesota, through the appropriate application process, apply for those islands presently administered by the Bureau of Land Management to be transferred to the Department of Natural Resources under the authority granted the commissioner of natural resources in Minnesota Statutes 1974, Section 104.35. (1974).]]

[[2. It is recommended that the Agricultural Stabilization and Conservation Service give high priority for providing technical assistance and funds to alleviate bank erosion problems on the Minnesota River.]]

[[B. Other Governmental Units]]

[[1. To further the purposes of the Minnesota Wild and Scenic Rivers Act, it is recommended that all State Highway Department lands within the Scenic and Recreational river land use districts be administered in accordance with the provisions of Minnesota Regulations NR 78-81 and this management plan. In particular, it is stated in Minnesota Regulations NR 79 (j) (2) (bb) (v) that:

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

b. Such development plans shall be reviewed and approved by the commissioner of natural resources.]]

[[2. It is recommended that the Minnesota Pollution Control Agency be appropriated sufficient funds to conduct an ongoing analysis and monitoring of water quality information, and to allow for appropriate measures to insure that water quality regulations and standards are maintained for the Minnesota River.]]

[[3. To help insure that the outstanding heritage of the Minnesota River is protected for future generations, it is recommended that the Minnesota Historical Society conduct an inventory of all historical and archaeological sites within the proposed Scenic and Recreational river land use districts and recommend appropriate methods for preservation of those sites having outstanding historical significance.]]

[[4. To further enhance the recreational potential of the Minnesota River and to complement the existing Lower Minnesota River Valley Trail, it is recommended that a corridor trail system from LeSueur to Ortonville be established through state legislation and developed by the Department of Natural Resources and local units of government.]]

[[5. It is recommended that the counties which border the river adopt zoning ordinances to protect blufflines which lay beyond the land use district boundaries.]]

[[6. To further the purposes of the Minnesota Wild and Scenic Rivers Act, it is recommended that the Indian reservation lands of the Upper Sioux Agency and Lower Sioux Agency be managed in a way consistent with this act.]]

[[7. It is recommended that agencies in charge of public outdoor recreation on the Minnesota River work with the Department of Natural Resources in improving and developing recreational facilities.]]

[[8. It is recommended that those lakes in the Minnesota River valley between Lac Qui Parle and Franklin, which are delineated as "intended for acquisition" on the preliminary Public Waters Inventory maps, be given priority status for acquisition.]]

LAND USE DISTRICT DESCRIPTIONS AND ACREAGES

Description	Acreage
T 117 N - R 40 W	
Section 19	
[[N½ of SE¼ of NW¼	20.00]]
Section 33	
Government Lot 4 (YM) all but S 20	19.10
[[W½ of NE¼ of SE¼	20.00]]
T 116 N - R 40 W	
Section 3	
Government Lot 2 (C) everything W of CSAH 15	[[25.19]] 21.19
Section 13	
[[E½ of SE¼ of SW¼	20.00]]
T 115 N - R 39W	
Section 2	
[[SE½]] SE¼ of NE¼ of SW¼	10.00
Section 11	
Government Lot 3 (C) all but S 20	33.30
Section 24	
[[E½ of SE¼ of NW¼	20.00]]
T 114 N - R 37 W	
Section 6	
Government Lot 7 (REN) only the S½	17.29

Section 8

Government Lot 1 (RED) all but S 20	27.72

T 114 N - R 36 W

Section 30

Government Lot 1 [[(REN)]]	37.75
Government Lot 2 [[(REN)]]	31.70
Government Lot 3 [[(REN)]]	53.85
Government Lot 4 [[(REN)]]	32.85
Government Lot 5 [[(REN)]]	38.75
Government Lot 6 [[(REN)]]	34.75
Government Lot 7 [[(REN)]] all but S 20	37.90
Government Lot 8 [[(REN)]]	35.60

Section 19

[[SE¼]] SW¼ of NW¼	40.00
Government Lot 1 [[(REN)]]	20.02
Government Lot 2 [[(REN)]]	13.60
Government Lot 3 [[(REN)]]	30.65
NW¼ of NW¼ everything SW of CSAH 15	1.00
[[NE¼ of NW¼ everything SW of CSAH 15	20.00]]

Section 29

Government Lot 1 [[(REN)]]	48.90
Government Lot 2 [[(REN)]]	39.85
Government Lot 3 [[(REN)]]	28.65
Government Lot 4 [[(REN)]]	27.35

Section 32

SE¼ of [[NE¼]] NW¼		40.00
Government Lot 1 [[(REN)]]		27.50
Government Lot 2 [[(REN)]]		34.20
Government Lot 3 [[(REN)]]	all but N 20	19.98
Government Lot 4 [[(REN)]]		23.82
Government Lot 5 [[(REN)]]		44.65
Government Lot 6 [[(REN)]]		44.95

Section 33

Government Lot 1 [[(REN)]]	30.00
Government Lot 2 [[(REN)]]	38.25
Government Lot 3 [[(REN)]]	39.10
SW¼ of [[SW¼]] NW¼	40.00

T 113 N - R 35 W

Section 29

Government Lot 2 a line 300 ft. from the normal high-water mark	12.00

T 113 N - R 34 W

Section 31

[[S½ of SW¼ of SW¼	20.00]]
[[S½ of SE¼ of SW¼	20.00]]

T 112 N - R 34 W

Section 5

NW¼ of NW¼	[[40.00]] 19.20

[[SW¼ of NE¼ 40.00]]

Section 11

[[NE½]] N½ of SE¼ of SW¼ 20.00

Section 12

Government Lot 1 everything W. of CSAH 11 [[44.11]] 7.00

[[Government Lot 2 everything W. of CSAH 11 and
S. of CSAH 5 4.00]]

[[Section 13

Government Lot 1 everything W. of CSAH 11 37.00]]

TOTAL [[22,644.36]] 22,290.45

STATEMENT OF NEED

Relating to the proposed designation, classification and management of the Minnesota River from the Lac qui Parle Dam to the Redwood County State Aid Highway 11 bridge near Franklin, Minnesota as a scenic and recreational component of the Minnesota Wild and Scenic Rivers System.

NR 2600

A. Eligibility

Under the authority granted in the Minnesota Wild and Scenic Rivers Act, Minnesota Statutes, 1974, Sections 104.31 - 104.40 as amended 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 or similar values shall be eligible for inclusion in the Minnesota Wild and Scenic Rivers System.

It is our finding that this portion of the Minnesota River and its adjacent lands possess a number of outstanding values referred to in Minnesota Statutes, Section 104.32. A brief description of these outstanding values follows.

1. Scenic

The Minnesota River valley between the Lac qui Parle dam and Franklin is one of the most impressive landscapes in southwestern Minnesota. Wooded slopes next to the river are bounded on the north and south by extensive plains. The vegetation found along the floodplain— willow, cottonwood, American elm and ash— is a pleasing contrast to the upland bluffs of red cedar and pockets of prairie grasses.

Although the Minnesota valley can be viewed from several points along riverbanks, the most beautiful view is from the river itself. Many riverside areas appear virtually unchanged from their original condition. Without proper management of this unique natural resource, however, the scenic qualities of the valley may be lost.

2. Historical

The Minnesota River has been an important landmark in the state's history of the American Indian, particularly the Dakota (Sioux).

The river was the site of many battles between the Dakota and early settlers, including many skirmishes during the Sioux Uprising of 1862. Some of the historic sites along the river related to the Sioux Uprising are the Upper Sioux Agency, Lower Sioux Agency, Redwood Ferry, Camp Release and the home of Joseph R. Brown.

The Minnesota River valley, originally included in the area claimed for France by Robert Cavelier La Salle in 1662, later was explored by both the French and the British. Pierre Charles Le Sueur and Jonathan Carver were among notable explorers who surveyed the area.

Following the Louisiana Purchase by the United States in 1803, the area was opened to U.S. explorers and finally, settlers. As the area was settled, Indian land was purchased and Indians were moved to reservations.

The Minnesota River later played an important role in guiding development of southwestern Minnesota by providing transportation, commercial fishing and hydroelectric power.

3. Recreational

The Minnesota River valley provides areas for hunting, fishing and many other recreational activities.

Game species living on or near the river include white-tailed deer, pheasant, Hungarian partridge, mallard, wood duck, blue-winged teal and Canada goose.

The river habitat supports walleye, sauger and channel catfish. The DNR recently stocked the river with northern pike and smallmouth bass.

In addition to abundant fish and wildlife, this segment of the Minnesota River has many parks and public accesses along its banks. Included are two state parks, two county parks, Fort Renville and Lac Qui Parle Mission, the Joseph R. Brown and Camp Release historic wayside, the Redwood ferry crossing and the Lower Sioux Agency historic site.

The Minnesota, a gentle river interrupted by few rapids, is one of the few canoeable rivers in southwestern Minnesota which underscores the river's value as a recreational resource.

4. Natural and Scientific

Lands adjacent to the Minnesota River possess a wide variety of natural amenities that make this segment a valuable natural and scientific area. Perhaps the most important features of scientific interest are the unique geologic formations, specifically, the outcrops of granitic rock. These outcrops were exposed by the erosive action of one of the largest rivers ever to flow in the Midwest - the glacial River Warren. Some outcrops, more than three billion years old, are the oldest rocks found in North America. Many exposures of metamorphic rocks, kaolin clay deposits, shale and sandstone also make the valley an important geologic study area.

The natural vegetation, unique because of the wide variety of environments, also is an important resource for scientific study. In some areas of the river valley, where steep hillsides are composed of quartzite bedrock or gravelly glacial moraine and a loess, glades or red cedar grow. The understory vegetation includes cactus such as prickly pear. This species is rare because of its growing requirements. It is imperative to preserve the river valley if these species are to be maintained.

Diverse and numerous wildlife is another important natural resource of the Minnesota River valley. Waterfowl present include wood ducks, Canada geese, blue-winged teal and mallards. Mammal species living near the river include beaver, white-tailed deer, otter, mink, muskrat and many smaller animals.

In conclusion, the Minnesota River's historical, scenic, recreational, natural and scientific values qualify it for inclusion in the Minnesota Wild, Scenic and Recreational Rivers System.

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 which make the river eligible for inclusion in the Wild and Scenic Rivers System are not lost due to uncontrolled development.

At the present time most of the land which borders the river exists in a natural state. It is possible that these natural lands—woods, rocky bluffs and wetlands—could be lost in the near future by development of riverside property or the extensive cutting of trees.

Development pressure is expected to increase even though population projections indicate that the number of persons residing in each of the five counties which border the river will decline slightly by the year 2000. Population migrations to the river valley are expected to account for this increase.

These migrations will take place for two major reasons. First, the excellent quality of agricultural lands in much of the surrounding area has led to the destruction of old farmsteads to make way for cultivation. Persons who are displaced must relocate, and because the lands near the river are less suitable for agriculture, they become a prime area for development. Second, the river lands are aesthetically pleasing, and therefore a desirable place to build.

It is essential, if the river valley is to be preserved in a natural state, that development be controlled. If the management plan for the Minnesota River is adopted, zoning will help control development. In addition, the purchase of scenic easements will protect environmentally sensitive and unique natural areas.

Like development, unrestricted cutting of trees would also have a major adverse impact on the natural and aesthetic values of the river valley. Trees now are cut along the river primarily to clear land for agriculture. This natural vegetation can be saved through the purchase of scenic easements, by giving the farmer a viable alternative to cutting for economic gain. Zoning provisions of the management plan would also restrict clear-cutting within 150 feet of the Scenic portion of the river and within 100 feet of the Recreational portion, thus preserving a natural corridor along the river.

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 archaeological sites, and promote open space land uses in the area. To delay would encourage additional erosion and drainage problems, and may ruin the values which qualify the river for designation.

Recreational use of the Minnesota River is expected to increase in the near future. Uncontrolled use or overuse could destroy existing river values. Designation would introduce regulations designed to control existing recreational uses as well as make available measures to prevent overuse. These regulations would not only protect the river's environment but also protect landowner's rights.

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 area within the boundary in the management plan for the Minnesota River does not exceed the 320 acre-per-mile limit. The average area for the entire river segment is 237.23 acres-per-mile.

The proposed boundary roughly follows the "line of site" 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.

The Wild and Scenic Rivers Act, Section 3, Subdivision 2, states that rivers or segments thereof included within the system shall be classified 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 portion of the Minnesota River lying between the Lac qui Parle Dam and the U.S. Highway 212 bridge at Montevideo; and the portion of the river lying between the Minnesota Falls Dam and the Redwood County State Aid Highway 11 bridge near Franklin meet the criteria for "Scenic" designation.

It has also been determined that the portion of the river between the U.S. Highway 212 bridge and the Minnesota Falls Dam meets the criteria for "Recreational" designation.

The Wild and Scenic Rivers Act, Section 3, Subdivision 2, describes Scenic rivers as "rivers that exist in a free-flowing state and with adjacent lands that are largely undeveloped." Recreational rivers are "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 section of river lying between the U.S. Highway 212 bridge and the Minnesota Falls Dam received the proposed Recreational classification because long stretches of river are paralleled by Highway 212, a major artery. Two dams are also present in this section at Granite Falls and Minnesota Falls.

No section of the river meets the criteria for the more restrictive Wild classification because of widespread agricultural useage. The Wild and Scenic Rives Act states that lands bordering a Wild river must be "essentially primitive."

In accordance with the proposed rules and regulations for the Minnesota River, Lac qui Parle, Redwood, Renville, Chippewa and Yellow Medicine counties 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. One change from the statewide standards is recommended in the management plan. This change is:

> The municipalities of Montevideo, Granite Falls, North Redwood and Morton 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.

Scenic easement acquisition from willing sellers will provide additional protection for particularly scenic areas or environmentally sensitive areas. Because many of the zoning dimensional standards now 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, insure quietude, prohibit trespassing, and maintain the essential quality of the Scenic and Recreational river land use districts. The river presently receives significant recreational use and is expected to receive increased use in the future.