



Minnesota.  
Department of Natural Resources.  
Administrative Rules Proceedings Files:  
Mississippi River Corridor Critical Area  
(MRCCA).

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## Carlson, Beth P (DNR)

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**From:** Carlson, Beth P (DNR)  
**Sent:** Wednesday, December 14, 2016 1:08 PM  
**To:** Denny, Sheena (OAH)  
**Cc:** Breems, Nancy (OSS); Enzler, Sherry (DNR); Naramore, Barb (DNR); Shillcox, Jennifer (DNR)  
**Subject:** RE: OAH 8-9014-33236 - Mississippi River Corridor Critical Area Proposed Rules  
**Importance:** High

Sheena,

Please proceed to mail the certified adopted rule to the Office of the Secretary of State for filing. I just spoke with Nancy Breems and she agreed to contact me on the filing date to alert me to carry out the required same-day notifications to citizens who requested it.

Thank you very much.

Beth Carlson

*Elizabeth Carlson, DNR Rules Coordinator  
Office of Policy and Planning, Operations Services Division  
Minnesota Department of Natural Resources  
651-259-5531*

**From:** Denny, Sheena (OAH)  
**Sent:** Wednesday, December 14, 2016 12:17 PM  
**To:** Carlson, Beth P (DNR) <Beth.Carlson@state.mn.us>  
**Subject:** OAH 8-9014-33236 - Mississippi River Corridor Critical Area Proposed Rules

Hi Ms. Carlson,

We have received the signed rules in the above titled matter. Katie Lin informed me that you would like to know before we send them out to Nancy Breems as to coordinate when you notify the public. Please advise on when you would like them to be mailed out.

**Sheena A. Denny**

Office and Administrative Specialist Senior

**Office of Administrative Hearings**

600 Robert St N  
PO Box 64620  
St. Paul, MN 55164-0620  
P: 651-361-7881  
F: 651-539-0310  
[mn.gov/oah](http://mn.gov/oah)

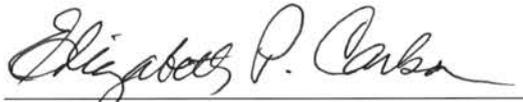
 MINNESOTA

**Minnesota Department of Natural Resources**

**CERTIFICATE OF MAILING THE NOTICE OF FILING RULES WITH THE  
SECRETARY OF STATE**

**Adopted Rules Governing Mississippi River Corridor Critical Area, *Minnesota Rules*,  
chapters 6106 and 4410; Revisor's ID Number R-04240**

I certify that on December 19, 2016, when the adopted rules were filed with the Secretary of State, I mailed the Notice of Filing Rules with the Secretary of State by either depositing the Notice in the State of Minnesota's central mail system for United States mail, with postage prepaid or by sending an electronic copy via email, to all persons and groups who requested the Notice. The Notice is given under Minnesota Statutes, section 14.16, subdivision 1. Copies of the Notice and the mailing list are attached to this Certificate.



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Elizabeth Carlson  
DNR Rules Coordinator

**Minnesota Department of Natural Resources**

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**Adopted Rules Governing Mississippi River Corridor Critical Area, *Minnesota Rules*, chapters 6106 and 4410; Revisor's ID Number R-04240**

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---

Elizabeth Carlson  
DNR Rules Coordinator

Date: December 19, 2016

Rory Strierler  
111 E Kellogg Blvd, Ste 105  
St. Paul, MN 55101

Whitney Clark  
360 N Robert St, Ste 400  
St. Paul, MN 55101

Irene Jones  
361 N Robert St, Ste 400  
St. Paul, MN 55101

Tom Dimond  
2119 Skyway Dr  
St. Paul, MN 55119

Gordon Nesvig  
Box 255  
Cottage Grove, MN 55071

Greg Genz  
2425 Gilbert Lane  
South St. Paul, MN 55075

Richard H. Harris  
6200 Riverview Terrace  
Fridley, MN 55432

John A. Freeburg  
6356 Riverdale Dr  
Ramsey, MN 0

Nick Tiedeken  
9406 W River Rd  
Brooklyn Park, MN 55444

Nancy Paskey  
10250 Mississippi River Blvd  
NW  
Coon Rapids, MN 55433

David Bontnus  
712 River Lane  
Anoka, MN 55303

John David  
10260 Mississippi Blvd  
Coon Rapids, MN 55433

Arnie Vaphon  
11621 Kumquat  
Coon Rapids, MN 55448

David Beberg  
2704 Rine Ridge Drive  
Anoka, MN 55303

Jeff Weaver  
314 Rice Street  
Anoka, MN 55303

Kathy Tingelsted  
12895 Kerry Street NW  
Coon Rapids, MN 55488

John Anfinson  
111 East Kellogg Blvd  
St. Paul, MN 55101

Nicky Leingang  
2100 Plymouth Ave N  
Minneapolis, MN 55411

Thomas McShane  
10617 W River Rd  
Brooklyn Park, MN 55443

John M Burbank	<a href="mailto:jburbank@cottage-grove.org">jburbank@cottage-grove.org</a>		
Dave Durenberger	<a href="mailto:durenbergerd@gmail.com">durenbergerd@gmail.com</a>		
● Rory Stierler	<a href="mailto:rory.stierler@nps.gov">rory.stierler@nps.gov</a>	111 E Kellogg Blvd, Ste 105	St Paul
Whitney Clark	<a href="mailto:wclark@fmr.org">wclark@fmr.org</a>	360 N Robert St, Ste 400	St Paul, MN
Irene Jones		361 N Robert St, Ste 400	St Paul, MN
Tom Dimond	<a href="mailto:tiamond@q.com">tiamond@q.com</a>	2119 Skyway Dr	St Paul, MN
● Alan Robbins-Fenger	<a href="mailto:alan_robbins.fenger@nps.gov">alan_robbins.fenger@nps.gov</a>		
● John Hinzman	<a href="mailto:jhinzman@hastingsmn.gov">jhinzman@hastingsmn.gov</a>		
Mike Slavik	<a href="mailto:mike.slavik@co.dakota.mn.us">mike.slavik@co.dakota.mn.us</a>		
Steve Sullivan	<a href="mailto:steve.sullivan@co.dakota.mn.us">steve.sullivan@co.dakota.mn.us</a>		
Alicia Uzarek	<a href="mailto:auzarek@fmr.org">auzarek@fmr.org</a>		
Brian Huberty	<a href="mailto:bhuberty@outlook.com">bhuberty@outlook.com</a>		
Mark Ten Eyck	<a href="mailto:markfteneyck@yahoo.com">markfteneyck@yahoo.com</a>		
Edna Brazaitis	<a href="mailto:ednab@mac.com">ednab@mac.com</a>		
Shirley Erstad	<a href="mailto:shirleyerstad@gmail.com">shirleyerstad@gmail.com</a>		
Scott Dohmen	<a href="mailto:sdohmen@cfindustries.com">sdohmen@cfindustries.com</a>		
Tim Power	<a href="mailto:tim@mnl.biz">tim@mnl.biz</a>		
Gordon Nesvig		Box 255	Cottage Gr
Greg Genz	<a href="mailto:gj92@att.net">gj92@att.net</a>	2425 Gilbert Lane	South St Pa
Richard H Harris		6200 Riverview Terrace	Fridley, MN
John A Freeburg	<a href="mailto:jfreeburg@comcast.net">jfreeburg@comcast.net</a>	6356 Riverdale Dr	Ramsey, M
Nick Tiedeken		9406 W River Rd	Brooklyn P
Nancy Paskey	<a href="mailto:npaskey@comcast.net">npaskey@comcast.net</a>	10250 Mississippi River Blvd NW	Coon Raptic
David Bontnus	<a href="mailto:david55303@comcast.net">david55303@comcast.net</a>	712 River Lane	Anoka, MN
Mariann Cyr	<a href="mailto:marianncyr@gmail.com">marianncyr@gmail.com</a>		
John David		10260 Mississippi Blvd	Coon Raptic
● Arnie Vaphon	<a href="mailto:avaphon@q.com">avaphon@q.com</a>	11621 Kumquat	Coon Raptic
David Beberg		2704 Rine Ridge Drive	Anoka, MN
Scott Harlicker	<a href="mailto:sharlicker@coonrapidsmn.gov">sharlicker@coonrapidsmn.gov</a>		
Richard Wolens	<a href="mailto:redgems@comcast.net">redgems@comcast.net</a>		
Eric Albertson	<a href="mailto:eric.r.albertson@gmail.com">eric.r.albertson@gmail.com</a>		
Tim Johnson	<a href="mailto:johns860@mac.com">johns860@mac.com</a>		
James M Neilson	<a href="mailto:jim@neilson-law.com">jim@neilson-law.com</a>		
● Jerry Koch	<a href="mailto:jkoch@coonrapids.mn.gov">jkoch@coonrapids.mn.gov</a>		
Jeff Weaver		314 Rice Street	Anoka, MN
Katie Wolf	<a href="mailto:katie.wolf@state.mn.us">katie.wolf@state.mn.us</a>		
Brian Wesp	<a href="mailto:hwesp66@yahoo.com">hwesp66@yahoo.com</a>		
◆ Kathy Tingelsted	<a href="mailto:tingelstedkathy@gmail.com">tingelstedkathy@gmail.com</a>	12895 Kerry Street NW	Coon Raptic
Abigail Whelan	<a href="mailto:rep.abigail.whelan@house.mn">rep.abigail.whelan@house.mn</a>		
Tim Lehn	<a href="mailto:1937tim@gmail.com">1937tim@gmail.com</a>		
Anne Noel	<a href="mailto:aliznoel601@gmail.com">aliznoel601@gmail.com</a>		
John Anfinson	<a href="mailto:john_anfinson@nps.gov">john_anfinson@nps.gov</a>	111 East Kellogg Blvd	St Paul, MN
Nicky Leingang	<a href="mailto:nicky.leingang@mail.house.gov">nicky.leingang@mail.house.gov</a>	2100 Plymouth Ave N	Minneapolis
Katie Sieben	<a href="mailto:sen.katie.sieben@senate.mn">sen.katie.sieben@senate.mn</a>		
Thomas McShane		10617 W River Rd	Brooklyn P

↓ 55101  
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ls, MN 55488

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is, MN 55411

ark, MN 55443

**Minnesota Department of Natural Resources**

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/s/ ELIZABETH CARLSON  
Elizabeth Carlson  
DNR Rules Coordinator

Date: December 19, 2016

## Carlson, Beth P (DNR)

---

**From:** Carlson, Beth P (DNR)  
**Sent:** Tuesday, December 20, 2016 4:08 PM  
**To:** Petrik, Daniel (DNR); Shillcox, Jennifer (DNR)  
**Cc:** Bauman, Matthew (DNR)  
**Subject:** RE: Checking on NPS names

I just resent the notice to those three persons. So far those corrections seem to have worked. Thanks, Dan.

Beth Carlson, Strategic Planning and Policy Administrator  
Operations Services Division - Office of Policy and Planning  
Minnesota Department of Natural Resources  
Phone: 651-259-5531

**From:** Petrik, Daniel (DNR)  
**Sent:** Tuesday, December 20, 2016 7:00 AM  
**To:** Carlson, Beth P (DNR) <Beth.Carlson@state.mn.us>; Shillcox, Jennifer (DNR) <jennifer.shillcox@state.mn.us>  
**Cc:** Bauman, Matthew (DNR) <matthew.bauman@state.mn.us>  
**Subject:** RE: Checking on NPS names

Hi Beth,

I have address corrections for the following three. I don't know about the rest.

[rory\\_stierler@nps.gov](mailto:rory_stierler@nps.gov) – there is an underscore between y and s – no dot.

[alan\\_robbins\\_fenger@nps.gov](mailto:alan_robbins_fenger@nps.gov) there is an underscore between n and r and between s and f

[jhinzman@ci.hastings.mn.us](mailto:jhinzman@ci.hastings.mn.us)

**Dan Petrik** | Land Use Specialist  
Minnesota Department of Natural Resources (DNR)  
500 Lafayette Road | St. Paul, MN | 55155-4032  
651-259-5697 | [www.dnr.state.mn.us](http://www.dnr.state.mn.us)



**Minnesota**  
**Department of Natural Resources**

**From:** Carlson, Beth P (DNR)  
**Sent:** Monday, December 19, 2016 2:38 PM  
**To:** Shillcox, Jennifer (DNR) <jennifer.shillcox@state.mn.us>; Petrik, Daniel (DNR) <Daniel.Petrik@state.mn.us>  
**Cc:** Bauman, Matthew (DNR) <matthew.bauman@state.mn.us>  
**Subject:** RE: Checking on NPS names

On further looking at the registers, I won't worry about Arnie Vaphon or Kathy Tingelsted because we also mailed the notice to them. Same for the two at the National Park Service because one was mailed there for Rory.

That leaves John Hinzman and Jerry Koch. Given their city govt email addresses, I am guessing that something last month changed with the election?

Beth

**From:** Carlson, Beth P (DNR)  
**Sent:** Monday, December 19, 2016 2:23 PM  
**To:** Shillcox, Jennifer (DNR) <jennifer.shillcox@state.mn.us>; Petrik, Daniel (DNR) <Daniel.Petrik@state.mn.us>  
**Cc:** Bauman, Matthew (DNR) <matthew.bauman@state.mn.us>  
**Subject:** Checking on NPS names  
**Importance:** High

My notices bounced back from these six – have they perhaps retired or left elected positions since the hearings? I'd appreciate any info I can get today, if possible. Thank you.

Rory Stierler	<a href="mailto:rory.stierler@nps.gov">rory.stierler@nps.gov</a>
Alan Robbins-Fenger	<a href="mailto:alan_robbins.fenger@nps.gov">alan_robbins.fenger@nps.gov</a>
John Hinzman	<a href="mailto:jhinzman@hastingsmn.gov">jhinzman@hastingsmn.gov</a>
Arnie Vaphon	<a href="mailto:avaphon@q.com">avaphon@q.com</a>
Jerry Koch	<a href="mailto:jkoch@coonrapids.mn.gov">jkoch@coonrapids.mn.gov</a>
Kathy Tingelsted	<a href="mailto:tingelstedkathy@gmail.com">tingelstedkathy@gmail.com</a>

Beth



Minnesota Department of Natural Resources

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St. Paul, Minnesota 55155-4010

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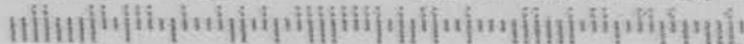
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Irene Jones  
361 N Robert St, Ste 400  
St. Paul, MN 55101

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**Minnesota Department of Natural Resources**

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---

Elizabeth Carlson  
DNR Rules Coordinator

Date: December 19, 2016



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---

Elizabeth Carlson  
DNR Rules Coordinator

Date: December 19, 2016

**Carlson, Beth P (DNR)**

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**From:** doipostmaster@doi.gov  
**To:** rory.stierler@nps.gov  
**Sent:** Monday, December 19, 2016 2:01 PM  
**Subject:** Undeliverable: Notice of filing MRCCA rules with Secretary of State

**Delivery has failed to these recipients or groups:**

[rory.stierler@nps.gov](mailto:rory.stierler@nps.gov)

The e-mail address you entered couldn't be found. Please check the recipient's e-mail address and try to resend the message. If the problem continues, please contact your helpdesk.

**Diagnostic information for administrators:**

Generating server: doi.net

rory.stierler@nps.gov  
#550 5.1.1 RESOLVER.ADR.RecipNotFound; not found ##

Original message headers:

Received: from doipostmaster@doi.gov [207.171.228.16] by mailrose01.doi.gov  
[10.88.0.134] with Microsoft SMTP Server (15.0.1403.0) Mon, 19 Dec  
2016 12:01:18 -0800  
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[137.222.228.16] with Microsoft SMTP Server (15.0.1403.0) Mon, 19 Dec  
2016 12:01:17 -0800  
Received: by mailrose01.doi.gov [207.171.228.16] id 2240211890116.0  
<mailto:doipostmaster@doi.gov> Mon, 19 Dec 2016 12:01:17 -0800 (PST)  
X-MS-Exchange-Organization: A1X1YqXXvY-ampNk-261PQ-0F-3724YU7-117a-9uqj1a1Y20qJ-3-1491a0973501xk21-4a0x791a00y12a-  
u11-10a01201131N2P1N1-4a01-400N-1A0a18P019X101-5ax318q18X214X71X06-3a01-3Yx110101a015  
x-Y100y1-4a01-400N-1A0a18P019X101-5ax318q18X214X71X06-3a01-3Yx110101a015  
X-Received: by 10.88.0.134 id 137.222.228.16; Mon, 19 Dec 2016 12:01:17 -0800 (PST)  
X-OriginalArrivalTime: 12.12.2016 20:01:17.000000000+0000 [SMTP] Mailbox: 53.148211786@nps.gov  
Received: from doipostmaster@doipostmaster.doi.gov [207.171.228.16]  
by mx.google.com with SMTP id 14916320116q.91.2016.12.19.12.01.00  
for <rory.stierler@nps.gov> (version=133) ?  
Return-Path: <doipostmaster@doipostmaster.doi.gov>  
Date: Mon, 19 Dec 2016 12:01:18 -0800 (PST)  
Received-SPF: pass (doipostmaster.doi.gov is not a host) smtp.mail=doipostmaster@doipostmaster.doi.gov  
Authentication-Results: mx.google.com: spf=pass (doipostmaster.doi.gov is not a host) smtp.mail=doipostmaster@doipostmaster.doi.gov

spf=pass (google.com: domain of beth.carlson@state.mn.us designates 23.103.200.76 as permitted sender) smtp.mailfrom=beth.carlson@state.mn.us  
DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=mn365.onmicrosoft.com; s=selector1-state-mn-us; h=From:Date:Subject:Message-ID:Content-Type:MIME-Version; bh=JCKku/lg0JryrLZ17wSZUhXFRvUe8K7euN+L11zVXbk=;

b=E4m0htYJk46XwVUNjaSIzNVqFjCuOS2vMukJWu/S42BODPTcQjcBcz/L81OCj4gKjYEhmpzp/ax8VhKLHKDzuxD/XxyCLK94YKYZh9fmSQb9eM5Z8H/WqbYX5abYYdhuWZJSPiA7NiBekkYNjzXaVlpGU+FRNjf2NieiAE5/r3A=  
Received: from CY1PR09CA0034.namprd09.prod.outlook.com (10.160.223.44) by BL2PR09MB1089.namprd09.prod.outlook.com (10.167.102.141) with Microsoft SMTP Server (version=TLS1\_2, cipher=TLS\_ECDHE\_RSA\_WITH\_AES\_256\_CBC\_SHA384\_P384) id 15.1.789.14; Mon, 19 Dec 2016 20:01:04 +0000  
Received: from CY1GCC01FT003.eop-gcc01.prod.protection.outlook.com (2a01:111:f400:7d02::207) by CY1PR09CA0034.outlook.office365.com (2a01:111:e400:4c32::44) with Microsoft SMTP Server (version=TLS1\_2, cipher=TLS\_ECDHE\_RSA\_WITH\_AES\_256\_CBC\_SHA384\_P384) id 15.1.789.14 via Frontend Transport; Mon, 19 Dec 2016 20:01:04 +0000  
Authentication-Results: spf=pass (sender IP is 156.99.125.104) smtp.mailfrom=state.mn.us; nps.gov; dkim=none (message not signed) header.d=none;nps.gov; dmarc=bestguesspass action=none header.from=state.mn.us;  
Received-SPF: Pass (protection.outlook.com: domain of state.mn.us designates 156.99.125.104 as permitted sender) receiver=protection.outlook.com; client-ip=156.99.125.104; helo=cobedge02.ead.state.mn.us;  
Received: from cobedge02.ead.state.mn.us (156.99.125.104) by CY1GCC01FT003.mail.protection.outlook.com (10.97.0.166) with Microsoft SMTP Server (version=TLS1\_0, cipher=TLS\_ECDHE\_RSA\_WITH\_AES\_256\_CBC\_SHA\_P384) id 15.1.771.7 via Frontend Transport; Mon, 19 Dec 2016 20:01:04 +0000  
X-IncomingTopHeaderMarker:  
OriginalChecksum:;UpperCasedChecksum:;SizeAsReceived:1464;Count:19  
Received: from COBHUB02.ead.state.mn.us (156.98.197.38) by cobedge02.ead.state.mn.us (156.99.125.104) with Microsoft SMTP Server (TLS) id 8.3.406.0; Mon, 19 Dec 2016 14:00:45 -0600  
Received: from webmail.state.mn.us (10.77.120.16) by smtp.ead.state.mn.us (156.98.197.38) with Microsoft SMTP Server (TLS) id 8.3.406.0; Mon, 19 Dec 2016 14:00:45 -0600  
Received: from 055-CH1MMR1-005.055d.mgd.msft.net (10.77.120.14) by 055-CH1MMR1-007.055d.mgd.msft.net (10.77.120.16) with Microsoft SMTP Server (TLS) id 14.3.248.3; Mon, 19 Dec 2016 20:00:44 +0000  
Received: from 055-CH1MPN6-051.055d.mgd.msft.net ([169.254.1.76]) by 055-CH1MMR1-005.055d.mgd.msft.net ([10.77.120.14]) with mapi id 14.03.0248.003; Mon, 19 Dec 2016 20:00:44 +0000  
From: "Carlson, Beth P (DNR)" <Beth.Carlson@state.mn.us>  
To: "Carlson, Beth P (DNR)" <Beth.Carlson@state.mn.us>  
Subject: Notice of filing MRCCA rules with Secretary of State  
Thread-Topic: Notice of filing MRCCA rules with Secretary of State  
Thread-Index: AdJaJEHyjn2yB9zASZSuP3I6CL944Q==  
Date: Mon, 19 Dec 2016 20:00:44 +0000  
Message-ID: <7B225398D5566F4DBD992D0C0EC583E4194584E9@055-CH1MPN6-051.055d.mgd.msft.net>  
Accept-Language: en-US  
Content-Language: en-US  
X-MS-Has-Attach: yes  
X-MS-TNEF-Correlator:  
x-originating-ip: [156.98.34.92]  
Content-Type: multipart/mixed;  
boundary="\_009\_7B225398D5566F4DBD992D0C0EC583E4194584E9055CH1MPN605105\_"  
MIME-Version: 1.0  
Return-Path: beth.carlson@state.mn.us  
X-IncomingHeaderCount: 19  
X-EOPAttributedMessage: 0  
X-MS-Office365-Filtering-HT: Tenant





## Carlson, Beth P (DNR)

---

**From:** Microsoft Outlook  
<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@mn365.onmicrosoft.com>  
**To:** hinzman@hastingsmn.gov  
**Sent:** Monday, December 19, 2016 12:31 PM  
**Subject:** Undeliverable: Notice of filing MRCCA rules with Secretary of State



Your message to hinzman@hastingsmn.gov couldn't be delivered.

hinzman wasn't found at  
hastingsmn.gov, or the mailbox is  
unavailable.

**beth.carlson**  
**Action Required**

**Office 365**

**hinzman**  
Recipient

Unknown To address

### How to Fix It

The email address might be misspelled or it might not exist. Try one or more of the following:

- **Retype the recipient's address, then resend the message** - If you're using Outlook, open this non-delivery report message and click **Send Again** from the menu or ribbon. In Outlook on the web, select this message, and then click the "**To send this message again, click here.**" link located just above the message preview window. In the To or Cc line, delete and then retype the entire recipient's address (ignore any address suggestions). After typing the complete address, click **Send** to resend the message. If you're using an email program other than Outlook or Outlook on the web, follow its standard way for resending a message. Just be sure to delete and retype the recipient's entire address before resending it.
- **Remove the recipient from the recipient Auto-Complete List, then resend the message** - If you're

using Outlook or Outlook on the web, follow the steps in the "Remove the recipient from the recipient Auto-Complete List" section of [this article](#). Then resend the message. Be sure to delete and retype the recipient's entire address before clicking **Send**.

- **Contact the recipient by some other means**, (by phone, for example) to confirm you're using the right address. Ask them if they've set up an email forwarding rule that could be forwarding your message to an incorrect address.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

*Was this helpful? [Send feedback to Microsoft](#).*

## More Info for Email Admins

*Status code: 550 5.1.351*

When Office 365 tried to send the message, the external email server returned an error stating that the recipient is unknown or the mailbox is unavailable. This error was reported by an email server outside Office 365.

**If you or the sender can't fix the problem, contact the responsible party's email admin** - Give them the error code and error message from this non-delivery report (NDR) to help them troubleshoot the issue. To determine who the responsible party might be, check the error for information about where the problem is happening. For example, look for a domain name like contoso.com. A domain name in the error might suggest who is responsible for the error. It could be the recipient's email server, or it could be a third-party service that your organization or the recipient's organization is using to process or filter email messages.

Although the sender might be able to fix the issue by correcting the recipient address, it's likely that only the recipient's email admin can fix the problem. Unfortunately, it's unlikely Office 365 Support will be able to help with these kinds of externally reported errors.

### Original Message Details

Created Date: 12/19/2016 6:30:10 PM  
Sender Address: beth.carlson@state.mn.us  
Recipient Address: hinzman@hastingsmn.gov



smtp.mailfrom=state.mn.us; gmail.com; dkim=none (message not signed)  
header.d=none; gmail.com; dmarc=bestguesspass action=none  
header.from=state.mn.us;  
Received-SPF: Pass (protection.outlook.com: domain of state.mn.us designates  
156.99.125.104 as permitted sender) receiver=protection.outlook.com;  
client-ip=156.99.125.104; helo=cobedge02.ead.state.mn.us;  
Received: from cobedge02.ead.state.mn.us (156.99.125.104) by  
CY1GCC01FT010.mail.protection.outlook.com (10.97.0.149) with Microsoft SMTP  
Server (version=TLS1\_0, cipher=TLS\_ECDHE\_RSA\_WITH\_AES\_256\_CBC\_SHA\_P384) id  
15.1.771.7 via Frontend Transport; Mon, 19 Dec 2016 18:30:51 +0000  
X-IncomingTopHeaderMarker:  
OriginalChecksum:; UpperCasedChecksum:; SizeAsReceived:1263; Count:18  
Received: from COBHUB03.ead.state.mn.us (156.98.197.39) by  
cobedge02.ead.state.mn.us (156.99.125.104) with Microsoft SMTP Server (TLS)  
id 8.3.406.0; Mon, 19 Dec 2016 12:30:11 -0600  
Received: from webmail.state.mn.us (10.77.120.22) by smtp.ead.state.mn.us  
(156.98.197.39) with Microsoft SMTP Server (TLS) id 8.3.406.0; Mon, 19 Dec  
2016 12:30:11 -0600  
Received: from 055-CH1MPN6-051.055d.mgd.msft.net ([169.254.1.76]) by  
055-CH1MMR1-012.055d.mgd.msft.net ([10.77.120.22]) with mapi id  
14.03.0248.003; Mon, 19 Dec 2016 18:30:10 +0000  
From: "Carlson, Beth P (DNR)" <Beth.Carlson@state.mn.us>  
To: "Carlson, Beth P (DNR)" <Beth.Carlson@state.mn.us>  
Subject: Notice of filing MRCCA rules with Secretary of State  
Thread-Topic: Notice of filing MRCCA rules with Secretary of State  
Thread-Index: AdJaJEHyjn2yB9zASZSuP3I6CL944Q==  
Date: Mon, 19 Dec 2016 18:30:10 +0000  
Message-ID: <7B225398D5566F4DBD992D0C0EC583E419458380055-CH1MPN6-051.055d.mgd.msft.net>  
Accept-Language: en-US  
Content-Language: en-US  
X-MS-Has-Attach: yes  
X-MS-TNEF-Correlator:  
x-originating-ip: [156.98.34.92]  
Content-Type: multipart/mixed;  
          boundary=" \_009\_7B225398D5566F4DBD992D0C0EC583E419458380055CH1MPN605105\_ "  
MIME-Version: 1.0  
Return-Path: beth.carlson@state.mn.us  
X-IncomingHeaderCount: 18  
X-EOPAttributedMessage: 0  
X-MS-Office365-Filtering-HT: Tenant  
X-Forefront-Antispam-Report:  
          =?us-ascii?Q?CIP:156.99.125.104;IPV:NLI;CTRY:US;EFV:NLI;SFV:NSPM;SFS:(100?=  
=?us-ascii?Q?09020)(7916002)(39450400003)(39850400002)(39840400002)(39860?=  
=?us-ascii?Q?400002)(39410400002)(2980300002)(438002)(199003)(50944005)(2?=  
=?us-ascii?Q?52514010)(189002)(6200100001)(19618635001)(7736002)(606005)(?=  
=?us-ascii?Q?7636002)(8676002)(189998001)(4610100001)(626004)(33656002)(6?=  
=?us-ascii?Q?3106013)(39060400001)(4620100001)(6862003)(5890100001)(99936?=  
=



cipher=TLS\_ECDHE\_RSA\_WITH\_AES\_256\_CBC\_SHA384\_P384) id 15.1.789.14 via Frontend Transport; Mon, 19 Dec 2016 18:30:53 +0000  
Authentication-Results: spf=pass (sender IP is 156.99.125.104)  
smtp.mailfrom=state.mn.us; gmail.com; dkim=none (message not signed)  
header.d=none;gmail.com; dmarc=bestguesspass action=none  
header.from=state.mn.us;  
Received-SPF: Pass (protection.outlook.com: domain of state.mn.us designates 156.99.125.104 as permitted sender) receiver=protection.outlook.com;  
client-ip=156.99.125.104; helo=cobedge02.ead.state.mn.us;  
Received: from cobedge02.ead.state.mn.us (156.99.125.104) by  
CY1GCC01FT010.mail.protection.outlook.com (10.97.0.149) with Microsoft SMTP  
Server (version=TLS1\_0, cipher=TLS\_ECDHE\_RSA\_WITH\_AES\_256\_CBC\_SHA384) id  
15.1.771.7 via Frontend Transport; Mon, 19 Dec 2016 18:30:51 +0000  
X-IncomingTopHeaderMarker:  
OriginalChecksum:;UpperCasedChecksum:;SizeAsReceived:1263;Count:18  
Received: from COBHUB03.ead.state.mn.us (156.98.197.39) by  
cobedge02.ead.state.mn.us (156.99.125.104) with Microsoft SMTP Server (TLS)  
id 8.3.406.0; Mon, 19 Dec 2016 12:30:11 -0600  
Received: from webmail.state.mn.us (10.77.120.22) by smtp.ead.state.mn.us  
(156.98.197.39) with Microsoft SMTP Server (TLS) id 8.3.406.0; Mon, 19 Dec  
2016 12:30:11 -0600  
Received: from 055-CH1MPN6-051.055d.mgd.msft.net ([169.254.1.76]) by  
055-CH1MMR1-012.055d.mgd.msft.net ([10.77.120.22]) with mapi id  
14.03.0248.003; Mon, 19 Dec 2016 18:30:10 +0000  
From: "Carlson, Beth P (DNR)" <Beth.Carlson@state.mn.us>  
To: "Carlson, Beth P (DNR)" <Beth.Carlson@state.mn.us>  
Subject: Notice of filing MRCCA rules with Secretary of State  
Thread-Topic: Notice of filing MRCCA rules with Secretary of State  
Thread-Index: AdJaJEHyjn2yB9zASZSuP3I6CL944Q==  
Date: Mon, 19 Dec 2016 18:30:10 +0000  
Message-ID: <7B225398D5566F4DBD992D0C0EC583E419458380055-CH1MPN6-051.055d.mgd.msft.net>  
Accept-Language: en-US  
Content-Language: en-US  
X-MS-Has-Attach: yes  
X-MS-TNEF-Correlator:  
x-originating-ip: [156.98.34.92]  
Content-Type: multipart/mixed;  
boundary=" \_009\_7B225398D5566F4DBD992D0C0EC583E419458380055CH1MPN605105\_ "  
MIME-Version: 1.0  
Return-Path: beth.carlson@state.mn.us  
X-IncomingHeaderCount: 18  
X-EOPAttributedMessage: 0  
X-MS-Office365-Filtering-HT: Tenant  
X-Forefront-Antispam-Report:  
=?us-ascii?Q?CIP:156.99.125.104;IPV:NLI;CTRY:US;EFV:NLI;SFV:NSPM;SFS:(100?=  
=?us-ascii?Q?09020)(7916002)(39450400003)(39850400002)(39840400002)(39860?=  
=?us-ascii?Q?400002)(39410400002)(2980300002)(438002)(199003)(50944005)(2?=  
=?us-ascii?Q?52514010)(189002)(6200100001)(19618635001)(7736002)(606005)(?=  
=?us-ascii?Q?7636002)(8676002)(189998001)(4610100001)(626004)(33656002)(6?=  
=?us-ascii?Q?3106013)(39060400001)(4620100001)(6862003)(5890100001)(99936?=  
=?us-ascii?Q?001)(38730400001)(86146001)(85806002)(84326002)(9686002)(733?=  
=?us-ascii?Q?005)(356003)(567704001)(6116002)(74482002)(15395725005)(5098?=  
=?us-ascii?Q?6999)(7906003)(8666005)(3846002)(31430400001)(790700001)(102?=  
=?us-ascii?Q?836003)(86362001)(575784001)(54356999)(92566002)(8936002)(10?=  
=?us-ascii?Q?6466001)(2906002)(2900100001)(5260100001)(246002)(7416002)(5?=  
=?us-ascii?Q?12954002)(7406005)(7596002)(107886002)(55846006)(2476003)(42?=  
=?us-ascii?Q?882006)(2420400007)(15650500001)(7696004)(5660300001)(293010?=  
=?us-ascii?Q?0002)(66066001)(110136003)(2920100001)(568964002)(260700001)?=  
=?us-ascii?Q?(21480400002)(7059030)(562774006);DIR:OUT;SFP:1101;SCL:1;SRV?=  
=?us-ascii?Q?R:BY2PR09MB1095;H:cobedge02.ead.state.mn.us;FPR:;SPF:Pass;PT?=  
=?us-ascii?Q?R:cobedge02.ead.state.mn.us;A:1;MX:1;LANG:en;?="

## Carlson, Beth P (DNR)

---

**From:** Microsoft Outlook  
<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@mn365.onmicrosoft.com>  
**To:** tingelstedkathy@gmail.com  
**Sent:** Monday, December 19, 2016 12:31 PM  
**Subject:** Undeliverable: Notice of filing MRCCA rules with Secretary of State



Your message to tingelstedkathy@gmail.com couldn't be delivered.

tingelstedkathy wasn't found at  
gmail.com.

**beth.carlson**  
**Action Required**

**Office 365**

**tingelstedkathy**  
Recipient

Unknown To address

### How to Fix It

The address may be misspelled or may not exist. Try one or more of the following:

- Send the message again following these steps: In Outlook, open this non-delivery report (NDR) and choose **Send Again** from the Report ribbon. In Outlook on the web, select this NDR, then select the link "**To send this message again, click here.**" Then delete and retype the entire recipient address. If prompted with an Auto-Complete List suggestion don't select it. After typing the complete address, click **Send**.
- Contact the recipient (by phone, for example) to check that the address exists and is correct.
- The recipient may have set up email forwarding to an incorrect address. Ask them to check that any forwarding they've set up is working correctly.
- Clear the recipient Auto-Complete List in Outlook or Outlook on the web by following the steps in this article: [Fix email delivery issues for error code 5.1.1 in](#)

Office 365, and then send the message again. Retype the entire recipient address before selecting **Send**.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

*Was this helpful? [Send feedback to Microsoft](#).*

---

## More Info for Email Admins

*Status code: 550 5.1.1*

This error occurs because the sender sent a message to an email address outside of Office 365, but the address is incorrect or doesn't exist at the destination domain. The error is reported by the recipient domain's email server, but most often it must be fixed by the person who sent the message. If the steps in the **How to Fix It** section above don't fix the problem, and you're the email admin for the recipient, try one or more of the following:

**The email address exists and is correct** - Confirm that the recipient address exists, is correct, and is accepting messages.

**Synchronize your directories** - If you have a hybrid environment and are using directory synchronization make sure the recipient's email address is synced correctly in both Office 365 and in your on-premises directory.

**Errant forwarding rule** - Check for forwarding rules that aren't behaving as expected. Forwarding can be set up by an admin via mail flow rules or mailbox forwarding address settings, or by the recipient via the Inbox Rules feature.

**Mail flow settings and MX records are not correct** - Misconfigured mail flow or MX record settings can cause this error. Check your Office 365 mail flow settings to make sure your domain and any mail flow connectors are set up correctly. Also, work with your domain registrar to make sure the MX records for your domain are configured correctly.

For more information and additional tips to fix this issue, see [Fix email delivery issues for error code 550 5.1.1 in Office 365](#).

### Original Message Details

Created Date: 12/19/2016 6:30:10 PM  
Sender Address: beth.carlson@state.mn.us  
Recipient Address: tingelstedkathy@gmail.com

Subject: Notice of filing MRCCA rules with Secretary of State

### Error Details

Reported error: 550-5.1.1 The email account that you tried to reach does not exist. Please try 550-5.1.1 double-checking the recipient's email address for typos or 550-5.1.1 unnecessary spaces. Learn more at 550 5.1.1  
<https://support.google.com/mail/?p=NoSuchUser>  
y52si9486684otb.288 - gsmtpl

DSN generated by: BY2PR09MB1095.namprd09.prod.outlook.com  
Remote server: mx.google.com

### Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
1	12/19/2016 6:30:10 PM	055-CH1MPN6-051.055d.mgd.msft.net	055-CH1MMR1-012.055d.mgd.msft.net	mapi
2	12/19/2016 6:30:11 PM	webmail.state.mn.us	smtp.ead.state.mn.us	Microsoft SMTP Ser
3	12/19/2016 6:30:11 PM	COBHUB03.ead.state.mn.us	cobedge02.ead.state.mn.us	Microsoft SMTP Ser
4	12/19/2016 6:30:51 PM	cobedge02.ead.state.mn.us	CY1GCC01FT010.mail.protection.outlook.com	Microsoft SMTP Ser cipher=TLS_ECDHE_
5	12/19/2016 6:30:53 PM	CY1GCC01FT010.eop-gcc01.prod.protection.outlook.com	BN3PR09CA0006.outlook.office365.com	Microsoft SMTP Ser cipher=TLS_ECDHE_
6	12/19/2016 6:30:53 PM	BN3PR09CA0006.namprd09.prod.outlook.com	BY2PR09MB1095.namprd09.prod.outlook.com	Microsoft SMTP Ser cipher=TLS_ECDHE_

### Original Message Headers

Content-Type: text/html; charset="utf-8"

Content-Transfer-Encoding: base64

From: "Secretary of State" <[redacted]@state.mn.us>

To: "BY2PR09CA0006" <[redacted]@outlook.office365.com>

Subject: Notice of filing MRCCA rules with Secretary of State

Date: Thu, 18 Dec 2016 18:32:03 -0500

Message-ID: <[redacted]>

Content-Transfer-Encoding: base64

Content-Type: text/html; charset="utf-8"



**Carlson, Beth P (DNR)**

---

**From:** Microsoft Outlook  
<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@mn365.onmicrosoft.com>  
**To:** avaphon@q.com  
**Sent:** Monday, December 19, 2016 12:31 PM  
**Subject:** Undeliverable: Notice of filing MRCCA rules with Secretary of State



Your message to avaphon@q.com couldn't be delivered.

avaphon wasn't found at q.com.

**beth.carlson**  
**Action Required**

**Office 365**

**avaphon**  
Recipient

Unknown To address

### How to Fix It

The address may be misspelled or may not exist. Try one or more of the following:

- Send the message again following these steps: In Outlook, open this non-delivery report (NDR) and choose **Send Again** from the Report ribbon. In Outlook on the web, select this NDR, then select the link "**To send this message again, click here.**" Then delete and retype the entire recipient address. If prompted with an Auto-Complete List suggestion don't select it. After typing the complete address, click **Send**.
- Contact the recipient (by phone, for example) to check that the address exists and is correct.
- The recipient may have set up email forwarding to an incorrect address. Ask them to check that any forwarding they've set up is working correctly.
- Clear the recipient Auto-Complete List in Outlook or Outlook on the web by following the steps in this article: [Fix email delivery issues for error code 5.1.1 in Office 365](#), and then send the message again. Retype the entire recipient address before selecting **Send**.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

*Was this helpful? [Send feedback to Microsoft.](#)*

---

## More Info for Email Admins

Status code: 550 5.1.1

This error occurs because the sender sent a message to an email address outside of Office 365, but the address is incorrect or doesn't exist at the destination domain. The error is reported by the recipient domain's email server, but most often it must be fixed by the person who sent the message. If the steps in the **How to Fix It** section above don't fix the problem, and you're the email admin for the recipient, try one or more of the following:

**The email address exists and is correct** - Confirm that the recipient address exists, is correct, and is accepting messages.

**Synchronize your directories** - If you have a hybrid environment and are using directory synchronization make sure the recipient's email address is synced correctly in both Office 365 and in your on-premises directory.

**Errant forwarding rule** - Check for forwarding rules that aren't behaving as expected. Forwarding can be set up by an admin via mail flow rules or mailbox forwarding address settings, or by the recipient via the Inbox Rules feature.

**Mail flow settings and MX records are not correct** - Misconfigured mail flow or MX record settings can cause this error. Check your Office 365 mail flow settings to make sure your domain and any mail flow connectors are set up correctly. Also, work with your domain registrar to make sure the MX records for your domain are configured correctly.

For more information and additional tips to fix this issue, see [Fix email delivery issues for error code 550 5.1.1 in Office 365](#).

### Original Message Details

Created Date: 12/19/2016 6:30:10 PM  
Sender Address: beth.carlson@state.mn.us  
Recipient Address: avaphon@q.com  
Subject: Notice of filing MRCCA rules with Secretary of State

## Error Details

Reported error: 550 5.1.1 [R2] Recipient avaphon@q.com does not exist here.  
DSN generated by: BY2PR09MB1095.namprd09.prod.outlook.com  
Remote server: mx03.quartz.synacor.com

## Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
1	12/19/2016 6:30:10 PM	055-CH1MPN6-051.055d.mgd.msft.net	055-CH1MMR1-012.055d.mgd.msft.net	mapi
2	12/19/2016 6:30:11 PM	webmail.state.mn.us	smtp.ead.state.mn.us	Microsoft SMTP Ser
3	12/19/2016 6:30:11 PM	COBHUB03.ead.state.mn.us	cobedge02.ead.state.mn.us	Microsoft SMTP Ser
4	12/19/2016 6:30:51 PM	cobedge02.ead.state.mn.us	CY1GCC01FT010.mail.protection.outlook.com	Microsoft SMTP Ser cipher=TLS_ECDHE_
5	12/19/2016 6:30:53 PM	CY1GCC01FT010.eop-gcc01.prod.protection.outlook.com	BN3PR09CA0006.outlook.office365.com	Microsoft SMTP Ser cipher=TLS_ECDHE_
6	12/19/2016 6:30:53 PM	BN3PR09CA0006.namprd09.prod.outlook.com	BY2PR09MB1095.namprd09.prod.outlook.com	Microsoft SMTP Ser cipher=TLS_ECDHE_

## Original Message Headers

DKIM-Signature: v=1; a=msg-sha256; c=relaxed/relaxed; d=ms365.com; s=ms365; h=sha256; bh=...; b=...

From: [Redacted] <[Redacted]@state.mn.us>  
To: [Redacted] <[Redacted]@state.mn.us>  
Subject: [Redacted]

Return-path: from AN3PR09CA0006.namprd09.prod.outlook.com [10.166.111.166] by BY2PR09CA0006.outlook.office365.com [10.166.116.16] with Microsoft SMTP Server (6.0.6002.18) id 15.1.189.14 Sat, 19 Dec 2016 18:30:53 +0000

Return-path: from CY1GCC01FT010.mail.protection.outlook.com [207.171.100.206] by BN3PR09CA0006.outlook.office365.com [207.171.100.206] with Microsoft SMTP Server (6.0.6002.18) id 15.1.189.14 Sat, 19 Dec 2016 18:30:53 +0000

Content-Type: text/html; charset="utf-8"

Header: From: state.mn.us



## **Carlson, Beth P (DNR)**

---

**From:** Lin, Katie (OAH)  
**Sent:** Friday, November 18, 2016 10:10 AM  
**To:** Carlson, Beth P (DNR)  
**Subject:** RE: 8-9014-33236 Proposed Rules Governing Mississippi River Corridor Critical Area  
**Attachments:** 80-9014-33236-Hearing-Registers.pdf

Beth,  
Good morning. I hope all is well.

I have attached the hearing registers.

As far as splitting the report from the electronic official record, OAH sends the report and record together as one single file in the event that the matter is appealed. However, you may choose to separate the documents after you receive the file from us. The bates numbering we add to the lower right corner is not permanent and may also be removed.

If you have any additional questions, feel free to get in touch.

### **Katie Lin**

State Program Administrator Intermediate

#### **Office of Administrative Hearings**

600 Robert St N  
PO Box 64620  
St. Paul, MN 55164-0620  
P: 651-361-7911  
F: 651-539-0310  
[mn.gov/oah](http://mn.gov/oah)



**From:** Carlson, Beth P (DNR)  
**Sent:** Thursday, November 17, 2016 1:02 PM  
**To:** Lin, Katie (OAH) <Katie.Lin@state.mn.us>  
**Subject:** 8-9014-33236 Proposed Rules Governing Mississippi River Corridor Critical Area

Katie, I am contacting you with two requests.

1. As I plan for next steps in this case, I am reminded that when your office files the rule with the secretary of state we must give notice of that to anyone who requested it on the hearing registers. I don't think we have received the hearing registers from your office yet because the case is of course still open. What is the easiest way for me to get copies of the hearing registers at this point?
2. Please deliver the final Report or Order on Review separately from the electronic return of the case materials. It is somewhat cumbersome and confusing for our records to have those two things bundled in a single PDF. Also, I think the final decision is significant and merits a separate communication.

Thank you very much.

Beth Carlson

*Elizabeth Carlson, DNR Rules Coordinator*



# RULE HEARING REGISTER

Docket No: 8-9014-33236

Hearing Date: 06/14/2016

Check here if you wish to:

Name, address and email	Organization represented (if any)	Telephone	Speak at hearing.	Receive ALJ's report	Receive notice of filing with Secretary of State
JOHN M BUZBANK AICP BUZBANK@COTTAGE-CREVE.COM	City of Cottage Grove	651-458-2833		X	X
SAVE DURENBERGER durenberged@gmail.com	9000 W Hill St. St. Paul MN 55102		X	X	X
Bob Bierengel	Aggregate Ind.	651-683-8123			
LEA KAMMERER donleaga@msn.com		651-455-1888		X	
Kory Stierles 111 E Kellogg Blvd Suite 105 St Paul MN 55105	National Park Service	651-293-8440	X	X	X
Jeremy Edwards 111 E KELLOGG BLVD SUITE 105 ST PAUL jerry-edwards@nps.gov	NATIONAL PARK SERVICE	651-293-8486		X	
Marcia Avner 1071 Cleveland Ave S#104 St Paul 55116 marcia@avnerspno.com		651-210-2618		X	
Luke Skinner, MN DNR 500 Laquette Road, St. Paul					
Tom Bell	Crazy Claws	651-459-4150		✓	

# RULE HEARING REGISTER

Docket No: 8-9014-33236

Hearing Date: 06/14/2016

Check here if you wish to:

Name, address and email	Organization represented (if any)	Telephone	Speak at hearing.	Receive ALJ's report	Receive notice of filing with Secretary of State
Whitney Clark, Friends of the Mississippi R. 360 N. Robert St. Ste 400, St Paul 55101 wclark@fmr.org	Friends of the Mississippi River	651-222-2143 x 13	Y	Y	Y
Irene Jones Sam ↑	Friends of the Miss Rivs	651-222-2143 x 11	✓	✓	✓
TOM DIMOND TDIMOND@G.COM		651-735-6667	✓	✓	✓
ALAN ROBBINS-FENGER alan_robbins_fenger@nps.gov	NPS	651-243-8438		✓	✓
John Hinzman - City of Hastings Jhinzman@hastingsmn.gov	Hastings	651-480-2338		✓	✓
mike slauk mike.slauk@co.dakota.mn.us	Dakota County	651-438-4427		✓	✓
STEVE SULLIVAN steve.sullivan@co.dakota.mn.us	" "	651-291-7088		✓	✓
Alicia Uzarek auzarek@fmr.org	FMR	651-222-2143 x 29		✓	✓
Brian Hubert bhubert@outlook.com	HEP	651-706-4226		✓	✓
Mark Ten Eyck markf teneyck@yahoo.com	FMR	612-770-7712		✓	✓

# RULE HEARING REGISTER

Docket No: 8-9014-33236

Hearing Date: 06/14/2016

Check here if you wish to:

Name, address and email	Organization represented (if any)	Telephone	Speak at hearing.	Receive ALJ's report	Receive notice of filing with Secretary of State
EDNA BRAZAITIS <sup>ednab@mac.com</sup>		<del>ednab@mac.com</del>		X	X
Kathy Stack		651-698-1925	X	X	
Shirley Erstad <sup>@gmail.com</sup>		612-703-9044		X	X
Scott Dohmen <sup>sdohmen@cfindustries.com</sup>	CF INDUSTRIES	651-437-6191		X	X
Tim Power <sup>tim@munk.biz</sup>	M.S. Nursery & Landscape Assn.	651-295-5910		X	X

# RULE HEARING REGISTER

Docket No: 8-9014-33236

Hearing Date: 06/14/2016

Check here if you wish to:

Name, address and email	Organization represented (if any)	Telephone	Speak at hearing.	Receive ALJ's report	Receive notice of filing with Secretary of State
<p><i>Morton Messing</i> Box 255 Cottage Grove 55071</p>		<p>651-459- 7600</p>	<p>①</p>	<p>✓</p>	<p>✓</p>
<p><i>Greg Benz</i> 2425 Gilbert Lane S. Dr. Duluth, MN 55812</p>	<p><i>91920 a.H. at Friends of Pool 2</i></p>	<p>651- 775-6440</p>		<p>✓</p>	<p>✓</p>



# RULE HEARING REGISTER

June 15, 2016

Docket No: 8-9014-33236

Hearing Date: 06/14/2016

Check here if you wish to:

Name, address and email	Organization represented (if any)	Telephone	Speak at hearing.	Receive ALJ's report	Receive notice of filing with Secretary of State
Richard H. Harris 6200-River View Terrace Friday MN 55432 1032pdr3@yahoo.com	-	763-571-4097	?	✓	✓
John A. Freeburg 6356 Riverdale Dr Rumsey MN 55303 jstfreeburg@comcast.net	-	763 427-1528	?	yes	yes
NICK TIEDEKEN 9406 W River Rd Brooklyn Park MN 55444 nicktie@prose.com	-	763 291-1204	yes	yes	yes
Nancy & Wayne Paskey 10256 Miss Blvd NW Corn Rapids MN 55437 npaskey@comcast.net	-	763 444-5711	NO	Yes	Yes
DAVID L. BONTMUS 712 RIVER LAKE AVE APOOKA, MN 55303 david55303@comcast.net	-	763-533-9152 763-455-9455	?	yes	yes
Jim STEY 10260 Mississippi Blvd Coon Rapids 55425	-	763-350-5719	?	NO	NO.
Rory Swales	National Park Service	651-293-8440		X	✓
Dick Brown 3906 114th St Coon Rapids MN 55433	I W L A	763-421-6781	yes	✓	✓
Victoria C. [unclear] & [unclear]	-	612-308-1107	NO	✓	✓

RULE HEARING REGISTER

June 15, 2016

Docket No: 8-9014-33236

Hearing Date: 06/14/2016

Check here if you wish to:

Name, address and email	Organization represented (if any)	Telephone	Speak at hearing.	Receive ALJ's report	Receive notice of filing with Secretary of State
TOM TIMOND <a href="mailto:TTIMOND@G.COM">TTIMOND@G.COM</a>		651-735-6667	✓	✓	✓
Mariann Cyr <a href="mailto:marianncyr@gmail.com">marianncyr@gmail.com</a>		651-676-3738		✓	✓
Tim Lehn 1937TIM@GMAIL.COM					
JOHN C. DAVID 10610 MISS BLVD CR,		MN 763 421 0404		✓	✓
JAMES & KAREN SHEY 10266 MISS BLVD CR. MN		55433		✓	✓
Robert & JEANNE Cox	205 West	River Pkwy 55316		✓	✓
DAN DAHLBECKER <a href="mailto:dahlkd@yahoo.com">dahlkd@yahoo.com</a>		763-323-6999		✓	
JEREMY EDWARDS III KELLOGG BLVD E, SUITE 105 <a href="mailto:jeremy_edwards@rps.gov">jeremy_edwards@rps.gov</a> ST PAUL, MN 55101	NATIONAL PARK SERVICE	651-293-8486		✓	
Carolyn L Brauer	City of Anoka	763.576.2122	?	✓	✓
Rebecca Hany	Coon Creek Watershed	763 755 0975		✓	✓

# RULE HEARING REGISTER

Docket No: 8-9014-33236

June 15, 2016

Hearing Date: ~~06/14/2016~~

Check here if you wish to:

Name, address and email	Organization represented (if any)	Telephone	Speak at hearing.	Receive ALJ's report	Receive notice of filing with Secretary of State
Arnie Vaphon 11621 Hemlock Tr Coon Rapids, MN 55448 avaphon@q.com		763-753-8993		X	X
David M. Beberg 2704 Pine Ridge Dr. Anoka, MN 55303		763-576-1199		X	X
Nancy Paskey 10250 Miss. Blvd. Npaskey@comcast		763-244-8301		X	X
EDNA BRAZAITIS edna b@mac.com		612-379-2662			
David & Joan Gamble		763-421-4412			
Dennist Phyllis HERR				X	X
Mandy Froemming	ABC Newspapers.				

# RULE HEARING REGISTER

Docket No: 8-9014-33236

June 15, 2016  
Hearing Date: ~~06/14/2016~~

Check here if you wish to:

Name, address and email	Organization represented (if any)	Telephone	Speak at hearing.	Receive ALJ's report	Receive notice of filing with Secretary of State
Scott Harlicker sharlicker@coonrapidsma.gov	City of Coon Rapids			✓	✓
RICHARD WOLENS redgems@comcast.net		612-750-1333		✓	✓
ERIC ALBERTSON eric.albertson@gmail.com		763-402-1100		✓	✓
Tim Johnson johns860@mac.com				✓	✓
James M Neilson jim@neilson-law.com		763-489 4000		✓	✓
Colleen Werdien colleenwerdien@g.com				✓	
senator Jim Abeler sen. jim.abeler@sen.mn	State Senator	612-245- 3764	✓		
M. Blod 105 W. Main Phyllis Chapman					
Jeff Perry	Anoka County	763-767-280		✓	✓
Jerry Koch jk044@coonrapids mn.gov	City of Coon Rapids	612 599-8266		✓	✓

RULE HEARING REGISTER

June 15, 2016

Docket No: 8-9014-33236

Hearing Date: 06/14/2016

Check here if you wish to:

Name, address and email	Organization represented (if any)	Telephone	Speak at hearing.	Receive ALJ's report	Receive notice of filing with Secretary of State
✓ Jeff Weaver 314 Rice St. Anoka, MN 55303	resident	763-421-5522		✓	✓
Jeff Baumann 10452 Miss. Blvd NW CR 55433	resident				
Alivia Uzarek auzarek@fmr.org	fmr			✓	✓

# RULE HEARING REGISTER

Docket No: 8-9014-33236

June 15, 2016

Hearing Date: 06/14/2016

**Check here if you wish to:**

Name, address and email	Organization represented (if any)	Telephone	Speak at hearing.	Receive ALJ's report	Receive notice of filing with Secretary of State
Katie Wolf, Katie.wolf@state.mn.us	MDA	651-201-6659		X	X
Brian Wesp Anoka Hwesp@paha.com					↓
Shirley Estee					
Whitney Clark 360 N. Robert St, Paul, MN wclark@fmr.org	FMR				

# RULE HEARING REGISTER

Docket No: 8-9014-33236

6-15-2016  
Hearing Date: ~~06/14/2016~~

Check here if you wish to:

Name, address and email	Organization represented (if any)	Telephone	Speak at hearing.	Receive ALJ's report	Receive notice of filing with Secretary of State
John Vandelinde, Anoka County john.vandelinde@co.anoka.mn.us	Anoka-County	763.702.2440			
Cindy Sherman, City of Brooklyn Park 5200 85th Ave. NE BP. MN 55303 cindy.sherman@brooklynpark.org	City of Brooklyn Park	763-493-8051		X	
Heidi + Joseph Cobb 14350 Bowers Drive NW Ramsey 55303 heidi.ab@hotmail.com		763 913 1469		X	
Kathryn Tengelstad 12895 Kerry St NW, Coon Rapids 55448 tengelstadkathryn@gmail.com	self	763-422-0202			X

# RULE HEARING REGISTER

Docket No: 8-9014-33236

6-15-2016

Hearing Date: 06/14/2016

Check here if you wish to:

Name, address and email	Organization represented (if any)	Telephone	Speak at hearing.	Receive ALJ's report	Receive notice of filing with Secretary of State
RON HUSTON, 834 RIVERLY -55303		263 427 2584			
RON AND CHRIS @ YAHOO.COM					
Abigail Whelan 1504 Franklin Lane Anoka rep. abigail.whelan@house.mn	(MN House) (rep)	(763) 439-8362		✓	✓
Doug Bairner	ELWHC	612 8607212			
Tim Lehn 1937 Tim@Bairner.com				✓	✓

# RULE HEARING REGISTER

Docket No: 8-9014-33236

Hearing Date: 06/16/2016

Check here if you wish to:

Name, address and email	Organization represented (if any)	Telephone	Speak at hearing.	Receive ALJ's report	Receive notice of filing with Secretary of State
Whitney Clark 360 N. Robert, St Paul 55101 wclark@fmr.org	FMR	651-222-2143	Y	Y	Y
TOM DIMOND 2119 SKYWAY DR TDIMOND@Q.COM ST PAUL 55119		651-735-6667	✓	✓	✓
Irene Jones same	FMR	651-222-2193	✓	✓	✓
Alicia Uzarska	FMR	651-222-2193	✓	✓	✓
Shirley Erstad	Friends of the Parks	612-703-9044	✓	✓	✓
Anne Noel aliznoel601@gmail.com		330-322-6186	✓	N	✓
Mattie Erstad 1160 Laurel Ave St Paul 55104 mcerstad@gmail.com		612-860-0094			
John Anfinson 111 East Kellogg Blvd St Paul MN 55101 john_anfinson@nps.gov	National Park Service	651-293-8432	✓	✓	✓
Nicky Leingang 2100 PLYMOUTH AVE N MPLS, MN 55411 NICKY.LEINGANG@MAIL.HOUSE.GOV	Rep. KEITH ELLISON, MN-05	612-522-1212	✓	✓	✓
David Suchy 1160 Sanders & NE Same MN 55119	Superior North Outdoor Center	766-466-8772	✓		

## RULE HEARING REGISTER

Docket No: 8-9014-33236

Hearing Date: 06/16/2016

Check here if you wish to:

Name, address and email	Organization represented (if any)	Telephone	Speak at hearing.	Receive ALJ's report	Receive notice of filing with Secretary of State
MICHAEL MCCARTHY		763-571-3851			
Scott Schulte	City of Champlin	763-923-7102			
Barbara Haake	RCWD	763 786 1022	✓		
DAN BRADY	GRC.	652 378-7873	✓	✓	
Karen Bernthal	SNO		K		
Susan Vikse	AFCCAC	612 339 4678	X		
LORRIE LOUDER	St. Paul Port Auth	651-204-6236	✓	✓	
Ben ANDRESKI	Cold Stone	651 330-8783		/	
Mary Jamin Maguire	CCMT/ AFCCAC	612-781- 2589		X	P

# RULE HEARING REGISTER

Docket No: 8-9014-33236

Hearing Date: 06/16/2016

Check here if you wish to:

Name, address and email	Organization represented (if any)	Telephone	Speak at hearing.	Receive ALJ's report	Receive notice of filing with Secretary of State
Anna Bierbrauer	Above the Falls Comm. Advisory Comm.	602 385 1480	?	X	X
Bob Mangi	GREAT RIVER COALITION	612-378-0798	✓	✓	✓
Roy Stierler	National Park Service	612-292-8440		X	Y
Hana Maze	City of Mpls-CPED	612-673-2098	?	✓	✓
Dan Kralman	MWMO	612-236-3089	?	✓	✓
JAKE HAMM	CHS	651-355-600	✓	✓	✓
Chris Potasoff	So / S	763-574-9853		✓	? ✓
Jan Kulle	MWMO	406-781-2217			✓
Katie Sieben sen.katie.sieben@senate.mn	State Senator	651-297-8060	✓	✓	✓
THOMAS MCSHANE 10617 W RIVER RD, BK PARK 55443		763-422-9543		✓	✓

# RULE HEARING REGISTER

Docket No: 8-9014-33236

Hearing Date: 06/16/2016

Check here if you wish to:

Name, address and email	Organization represented (if any)	Telephone	Speak at hearing.	Receive ALJ's report	Receive notice of filing with Secretary of State
DIANE HOJSTED	Great River	612- 280-1077	X		
MEG FORNEY	Coalition MPRB	612- 926-7707	X		
Cordelia Pierson	Mississippi River Parkway Commission	Mary 651-815- Hulmer 1268 Neighborhood Association		✓	✓
EDNA BRAZAITIS		612-379- 2662	✓	✓	✓

## Carlson, Beth P (DNR)

---

**From:** Petrik, Daniel (DNR)  
**Sent:** Wednesday, December 28, 2016 9:32 AM  
**To:** Ekman, Julie C (DNR); Shillcox, Jennifer (DNR); Naramore, Barb (DNR)  
**Cc:** Enzler, Sherry (DNR); Carlson, Beth P (DNR); Skinner, Luke C (DNR)  
**Subject:** FW: Waiver re: Mississippi River Critical Area

FYI, response from LMC to House staff on the waiver issue.

### Dan Petrik

Land Use Specialist | Shoreland and River Related Programs

### Minnesota Department of Natural Resources

500 Lafayette Road  
St. Paul, MN, 55155-4032  
Phone: 651-259-5697  
Fax: 651-296-1811  
Email: [daniel.petrik@state.mn.us](mailto:daniel.petrik@state.mn.us)



**From:** Johnson, Craig [<mailto:CJohnson@lmc.org>]  
**Sent:** Wednesday, December 28, 2016 9:23 AM  
**To:** Garletz, Annalee (DNR) <[Annalee.Garletz@state.mn.us](mailto:Annalee.Garletz@state.mn.us)>; Meier, Bob (DNR) <[bob.meier@state.mn.us](mailto:bob.meier@state.mn.us)>  
**Cc:** Petrik, Daniel (DNR) <[Daniel.Petrik@state.mn.us](mailto:Daniel.Petrik@state.mn.us)>; Corcoran, Heather <[hcorcoran@lmc.org](mailto:hcorcoran@lmc.org)>; Huser, Steven (Metro Cities) <[steven@metrocitiesmn.org](mailto:steven@metrocitiesmn.org)>; Kao, Irene <[ikao@lmc.org](mailto:ikao@lmc.org)>  
**Subject:** FW: Waiver re: Mississippi River Critical Area

FYI – So y'all know my response. - Craig

**Craig A. Johnson** | Intergovernmental Relations  
Tel: 651.281.1259 | Toll free: 800.925.1122 | Cell: 651.470.1825  
[cjohnson@lmc.org](mailto:cjohnson@lmc.org) | [www.lmc.org](http://www.lmc.org)  
League of Minnesota Cities  
145 University Avenue West | Saint Paul, MN 55103

*Connecting & Innovating since 1913*

**From:** Johnson, Craig  
**Sent:** Wednesday, December 28, 2016 9:14 AM  
**To:** 'Amy Zipko' <[Amy.Zipko@house.mn](mailto:Amy.Zipko@house.mn)>; Nauman, Patricia (Metro Cities) <[Patricia@MetroCitiesMN.org](mailto:Patricia@MetroCitiesMN.org)>  
**Cc:** 'Kwilas, Tony' <[tkwilas@mnchamber.com](mailto:tkwilas@mnchamber.com)>  
**Subject:** RE: Waiver re: Mississippi River Critical Area

Amy – Thanks for checking in on this. There are two separate issues here, as far as I am concerned, and one additional point I would add:

- The League of Minnesota Cities does not have a position related to the Mississippi Critical Corridor Area rule on the 1000' zone along the Mississippi River in the metropolitan area. LMC and Metro Cities co-hosted four meetings with all affected cities and townships with all pertinent DNR staff that were very well attended and had excellent input and response to that input from the agency. Since then, I have received no contact from cities opposed to the final version of the rules, although a couple had concerns about how it might end up being applied or be changed in the future.
- The governor's use of waiver authority is not something I was aware was being considered. From my perspective, is a mixed bag, but I think that as long as the Governor and the DNR request money to pay local government implementation costs related to the new rule, we would be tolerant of the waiver being used to avoid large costs and headaches for all of the cities in the area. To explain that, while we generally support recognition of potential city implementation costs, without a waiver or immediate legislative action cities with more than 10 employees (by far the majority of affected municipalities) would still need to develop and implement land use controls to meet the new rule, but certain businesses within each city could demand they stay under current land use controls. That means those cities would need to track and implement different land use requirements on different parcels in the river corridor area that are zoned for exactly the same uses, which could be costly and could cause significant conflict (and more added costs to the city) between neighboring property owners who didn't qualify for an exemption.
- The waiver does not prevent the legislature from acting on the issue if they feel they need to do so, although it obviously makes it a step more difficult.

I hope that is helpful. Happy to talk about it more. Thanks again - Craig

**Craig A. Johnson** | Intergovernmental Relations  
Tel: 651.281.1259 | Toll free: 800.925.1122 | Cell: 651.470.1825  
[cjohnson@lmc.org](mailto:cjohnson@lmc.org) | [www.lmc.org](http://www.lmc.org)  
League of Minnesota Cities  
145 University Avenue West | Saint Paul, MN 55103

*Connecting & Innovating since 1913*

**From:** Amy Zipko [<mailto:Amy.Zipko@house.mn>]  
**Sent:** Tuesday, December 27, 2016 1:31 PM  
**To:** Johnson, Craig <[CJohnson@lmc.org](mailto:CJohnson@lmc.org)>; Nauman, Patricia (Metro Cities) <[Patricia@MetroCitiesMN.org](mailto:Patricia@MetroCitiesMN.org)>  
**Subject:** Waiver re: Mississippi River Critical Area

Hi Patricia and Craig,  
Touching bases to see if either of your organizations has an issue with the Gov's waiver, attached.  
Thanks,  
Amy

Amy Zipko  
Committee Administrator  
Minnesota House of Representatives  
Environment & Natural Resources Policy & Finance Committee  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
363 State Office Building  
St. Paul, MN 55155  
651-296-4091

# Minnesota Rule Status beta

[Basic Search](#)   [Advanced Search](#)

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**Revisor ID** R-04240

**Rule Type** Permanent

**Agency** [Department of Natural Resources](#)

**Rule Title** Mississippi River Corridor Critical Area

Rule Status	Action	Date	Document	State Register
	Request for Comment ⓘ	December 14, 2009		<a href="#">Vol. 34, Pg. 848</a>
	Statement of Need and Reasonableness ⓘ	December 9, 2015	<a href="#">SONAR-04240</a>	
	ALJ Order on Review of Notices	March 31, 2016	<a href="#">OAH-04240</a>	
	Notice of Hearing ⓘ	April 11, 2016		<a href="#">Vol. 40, Pg. 1359</a>
	Hearing will be held June 14, 2016, 4:30 p.m., Schaar's Bluff Gathering Center, 8295 127th Street East, Hastings; June 15, 2016, 4:30 p.m., Greenhaven Golf Course Event Center, 2800 Greenhaven Road, Anoka; June 16, 2016, 10:00 a.m., Mississippi Watershed Management Organization, 2522 Marshall Street NE, Minneapolis			
	ALJ Order on Review of Rules ⓘ	August 10, 2016	<a href="#">OAH-04240-1</a>	
	Other	September 13, 2016	<a href="#">OAH-04240-2</a>	
	Approved by Revisor ⓘ	December 9, 2016		
	Approved by ALJ/OAH ⓘ	December 15, 2016		
	Filed with Secretary of State ⓘ	December 19, 2016	<a href="#">C-04240</a>	
	Adoption with Modifications ⓘ	December 27, 2016	<a href="#">AR-04240</a>	<a href="#">Vol. 41, Pg. 815</a>
	Effective Date ⓘ	January 4, 2017		

### Rule Notes

Waiver pursuant to Minnesota Statutes, section 14.127, subdivision 3, to Minnesota Rules, chapter 6106, was published in the State Register, December 27, 2016, at 41 SR 815. This waiver is effective January 4, 2017.

### Rules Affected

Chapter 6106: *Proposed*  
6106.0010, 6106.0020, 6106.0030, 6106.0050, 6106.0060, 6106.0070, 6106.0080, 6106.0090, 6106.0100, 6106.0110, 6106.0120, 6106.0130, 6106.0140, 6106.0150, 6106.0160, 6106.0170, 6106.0180

### Statutory Authority

[116G.15](#) Mississippi River Corridor Critical Area

[Return](#)

## Carlson, Beth P (DNR)

---

**From:** Carlson, Beth P (DNR)  
**Sent:** Tuesday, December 27, 2016 4:53 PM  
**To:** cindy.maxwell@revisor.mn.gov  
**Subject:** R-04240 Mississippi River Corridor Critical Area rule

Cindy,

The revisor's Rule Status page for the R-04240 MRCCA rule lists the effective date of the rule as January 3, 2017. However, we count the 5 working days as landing on January 4 because the New Year's holiday on Jan 2 is not a business day (per Minn. Stat. § 645.44, subd. 5). Therefore we believe the actual effective date is January 4, 2017, and have announced it as such. Would you concur?

Beth Carlson, DNR Rules Coordinator

### Elizabeth Carlson

Strategic Planning and Policy Administrator | Office of Policy and Planning | Operations Services Division

### Minnesota Department of Natural Resources

500 Lafayette Road

Saint Paul, MN 55155-4010

Phone: 651-259-5531

Email: [beth.carlson@state.mn.us](mailto:beth.carlson@state.mn.us)

[mndnr.gov](http://mndnr.gov)



Minnesota Rule Status **beta**

[Basic Search](#) [Advanced Search](#)

[Return](#)

**Revisor ID** R-04240

**Rule Type** Permanent

**Agency** [Department of Natural Resources](#)

**Rule Title** Mississippi River Corridor Critical Area

Rule Status	Action	Date	Document	State Register
	Request for Comment ⓘ	December 14, 2009		<a href="#">Vol. 34, Pg. 848</a>
	Statement of Need and Reasonableness ⓘ	December 9, 2015	<a href="#">SONAR-04240</a>	
	ALJ Order on Review of Notices	March 31, 2016	<a href="#">OAH-04240</a>	
	Notice of Hearing ⓘ	April 11, 2016		<a href="#">Vol. 40, Pg. 1359</a>
	Hearing will be held June 14, 2016, 4:30 p.m., Schaar's Bluff Gathering Center, 8295 127th Street East, Hastings; June 15, 2016, 4:30 p.m., Greenhaven Golf Course Event Center, 2800 Greenhaven Road, Anoka; June 16, 2016, 10:00 a.m., Mississippi Watershed Management Organization, 2522 Marshall Street NE, Minneapolis			
	ALJ Order on Review of Rules ⓘ	August 10, 2016	<a href="#">OAH-04240-1</a>	
	Other	September 13, 2016	<a href="#">OAH-04240-2</a>	
	Approved by Revisor ⓘ	December 9, 2016		
	Approved by ALJ/OAH ⓘ	December 15, 2016		
	Filed with Secretary of State ⓘ	December 19, 2016	<a href="#">C-04240</a>	
	Adoption with Modifications ⓘ	December 27, 2016	<a href="#">AR-04240</a>	<a href="#">Vol. 41, Pg. 815</a>
	Effective Date ⓘ	January 3, 2017		

*S/b Jan 4*

**Rule Notes**

Waiver pursuant to Minnesota Statutes, section 14.127, subdivision 3, to Minnesota Rules, chapter 6106, was published in the State Register, December 27, 2016, at 41 SR 815. This waiver is effective January 4, 2017.

**Rules Affected**

Chapter 6106: *Proposed*  
6106.0010, 6106.0020, 6106.0030, 6106.0050, 6106.0060, 6106.0070, 6106.0080, 6106.0090, 6106.0100, 6106.0110, 6106.0120, 6106.0130, 6106.0140, 6106.0150, 6106.0160, 6106.0170, 6106.0180

**Statutory Authority**

[116G.15](#) Mississippi River Corridor Critical Area

[Return](#)

## Carlson, Beth P (DNR)

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**From:** Enzler, Sherry (DNR)  
**Sent:** Tuesday, December 27, 2016 4:59 PM  
**To:** Carlson, Beth P (DNR); Naramore, Barb (DNR); Shillcox, Jennifer (DNR); Petrik, Daniel (DNR)  
**Subject:** RE: R-04240 Mississippi River Corridor Critical Area rule

Yes I concur

**From:** Carlson, Beth P (DNR)  
**Sent:** Tuesday, December 27, 2016 4:56 PM  
**To:** Naramore, Barb (DNR) <Barb.Naramore@state.mn.us>; Enzler, Sherry (DNR) <Sherry.Enzler@state.mn.us>; Shillcox, Jennifer (DNR) <jennifer.shillcox@state.mn.us>; Petrik, Daniel (DNR) <Daniel.Petrik@state.mn.us>  
**Subject:** FW: R-04240 Mississippi River Corridor Critical Area rule

Working on getting this corrected...

Beth Carlson, DNR Rules Coordinator  
Operations Services Division - Office of Policy and Planning  
Minnesota Department of Natural Resources  
Phone: 651-259-5531

**From:** Carlson, Beth P (DNR)  
**Sent:** Tuesday, December 27, 2016 4:53 PM  
**To:** [cindy.maxwell@revisor.mn.gov](mailto:cindy.maxwell@revisor.mn.gov)  
**Subject:** R-04240 Mississippi River Corridor Critical Area rule

Cindy,

The revisor's Rule Status page for the R-04240 MRCCA rule lists the effective date of the rule as January 3, 2017. However, we count the 5 working days as landing on January 4 because the New Year's holiday on Jan 2 is not a business day (per Minn. Stat. § 645.44, subd. 5). Therefore we believe the actual effective date is January 4, 2017, and have announced it as such. Would you concur?

Beth Carlson, DNR Rules Coordinator

### Elizabeth Carlson

Strategic Planning and Policy Administrator | Office of Policy and Planning | Operations Services Division

### Minnesota Department of Natural Resources

500 Lafayette Road  
Saint Paul, MN 55155-4010  
Phone: 651-259-5531  
Email: [beth.carlson@state.mn.us](mailto:beth.carlson@state.mn.us)  
[mndnr.gov](http://mndnr.gov)

 DEPARTMENT OF  
NATURAL RESOURCES



## Carlson, Beth P (DNR)

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**From:** MN Department of Natural Resources <dnr.updates@updates.mndnr.gov>  
**Sent:** Tuesday, December 27, 2016 11:30 AM  
**To:** Carlson, Beth P (DNR)  
**Subject:** DNR completes milestone in protecting the Mississippi River Corridor Critical Area



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You are receiving this email because you have expressed an interest in state rulemaking for the Mississippi River Corridor Critical Area (MRCCA). If you are no longer interested in receiving emails on this subject, please reply to this email with "unsubscribe" in the subject line.

The Minnesota Department of Natural Resources (DNR) today published rules for the Mississippi River Corridor Critical Area (MRCCA), an important milestone toward protecting the river's 72-mile stretch through the Twin Cities metropolitan area.

The corridor of land along this stretch of the river was designated a state critical area in 1976 to protect its scenic, environmental, and economic values. The Minnesota Legislature directed the DNR to conduct rulemaking to create new, updated districts and standards to replace those in the nearly 40-year old executive order that currently regulates development in the MRCCA.

The new rules contain setback provisions intended to keep buildings and development activity away from shoreline areas and areas prone to soil erosion and slope failure. Building height provisions are designed to preserve natural views within the corridor. And new vegetation and land alteration standards aim to retain and restore deep-rooted vegetation along the river's edge and on steep slopes and to prevent erosion during development.

The rules are the result of extensive collaboration with local governments, business and environmental groups, and property owners to hear concerns, gather ideas, and balance interests for rules that:

- improve protections for water quality, habitat and scenic views;
- protect existing development and allow redevelopment while protecting key resources; and
- provide clear standards for landowners and simplify local government administration.

The rules will become effective January 4, 2017, five working days after their publication.

Existing local MRCCA plans and ordinances will remain in effect until local governments update them to comply with the rules. The DNR anticipates a minimum

five-year process to implement the rules. The first step will be to work with local governments to update their MRCCA plans, which the DNR hopes to align with the Metropolitan Council's December 2018 deadline for comprehensive plan updates.

Following MRCCA plan updates, work will begin on revisions to local MRCCA ordinances. This effort will be implemented over an estimated three-year period likely beginning in 2019 and extending through 2021 or beyond, depending on funding.

Building on the collaborative rulemaking effort, the DNR will continue to engage local governments and interest groups during the implementation process.

The rules and related information are available on the DNR's [program website](#).

Sincerely,  
Dan Petrik, DNR MRCCA Rules Project Manager



[mndnr.gov](http://mndnr.gov)  
[info.dnr@state.mn.us](mailto:info.dnr@state.mn.us)



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This email was sent to [beth.carlson@state.mn.us](mailto:beth.carlson@state.mn.us) on behalf of: Minnesota Department of Natural Resources · 500 Lafayette Road · Saint Paul, MN 55155 · 1-888-MINNDNR

## **Carlson, Beth P (DNR)**

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**From:** Carlson, Beth P (DNR)  
**Sent:** Tuesday, December 27, 2016 1:09 PM  
**To:** Naramore, Barb (DNR); Enzler, Sherry (DNR); Shillcox, Jennifer (DNR); Petrik, Daniel (DNR)  
**Cc:** Gahler, Claire (DNR); Baumeister, Paula (DNR)  
**Subject:** MRCCA final publication

The MRCCA notice of adoption and governor's waiver were published in today's State Register as scheduled. See [http://mn.gov/admin/assets/SR41\\_26%20-%20Accessible\\_tcm36-268918.pdf](http://mn.gov/admin/assets/SR41_26%20-%20Accessible_tcm36-268918.pdf).

Pages 799 to 805 has the notice of adoption plus the rule modifications made after the proposed rules were published with the notice of intent.  
Page 815 has the waiver.

I've printed copies for Sherry, Jenny, and the official rule record file.

### **Elizabeth Carlson**

Strategic Planning and Policy Administrator | Office of Policy and Planning | Operations Services Division

### **Minnesota Department of Natural Resources**

500 Lafayette Road

Saint Paul, MN 55155-4010

Phone: 651-259-5531

Email: [beth.carlson@state.mn.us](mailto:beth.carlson@state.mn.us)

[mndnr.gov](http://mndnr.gov)

 **DEPARTMENT OF  
NATURAL RESOURCES**



# Minnesota Rules: Amendments and Additions

<b>Nursing Board</b> 6301.0100; .2300; .2310; .2320; .2330; .2340; .2350; .2360 (adopted) .....	239, 599	<b>Public Employment Relations Board</b> 7325.0020; .0100; .0110; .0150; .0240; .0260; .0270; .0300; .0320; .0400; .0410 (adopted) .....	5
<b>Board of Pharmacy</b> 6800.2150; .2160 (proposed) .....	355	<b>Racing Commission</b> 7869.0100; 7877.0100; .0110; .0120; .0125; .0160; 7880.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110 (adopted) .....	272, 809
<b>Pollution Control Agency</b> 7005; 7007; 7008; 7009; 7011; 7017 (adopted) .....	763		
7050.0190; 7052.0282; 7053.0195 (adopted) .....	463		
7050.0250; .0260; .0265; .0270; .0285 (adopted) .....			
7050; 7052 .....			
7081.0040 (adopted expedited) .....			

## Adopted Rules

A rule becomes effective after the requirements are met. Five working days after the rule is published in the *State Register*, an adopted rule is identical to its proposed form as published in the previous *State Register* publication will be printed. If any text is deleted will be printed with strikeouts and new language will be cited.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. If a proposed rule is totally new, it indicates additions to proposed rule language. Strikeouts indicate deletions from existing rule language.

and five working days after the rule is published in the *State Register*, an adopted rule is identical to its previous *State Register* publication will be printed. If any text is deleted will be printed with strikeouts and new language will be cited.

*five copies*

## Department of Agriculture

### Adopted Permanent Rules Relating to the Repeal of Obsolete Rules Administered by the Department of Agriculture

The rules proposed and published at State Register, Volume 41, Number 8, pages 201-203, August 22, 2016 (41 SR 201), are adopted as proposed.

## Department of Natural Resources

### Adopted Permanent Rules Relating to Mississippi River Corridor Critical Area

The rules proposed and published at State Register, Volume 40, Number 41, pages 1359-1393, April 11, 2016 (40 SR 1359), are adopted with the following modifications:

#### 6106.0050 DEFINITIONS.

Subp. 8. **Bluff.** "Bluff" means a natural topographic feature having:

A. a slope that rises at least 25 feet ~~above the ordinary high water level or toe of the slope to the top of the slope~~ and the grade of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet, as follows:

(1) where the slope begins above the ordinary high water level, from the toe of the slope to the top of the slope; or

(2) where the slope begins below the ordinary high water level, from the ordinary high water level or toe of the slope to the top of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet. See Figure 1; or

B. a natural escarpment or cliff with a slope that rises at least ten feet above the ordinary high water level or toe of the slope, whichever is applicable, to the top of the slope, with ~~an average a slope of 100 percent~~ 75 degrees or greater.

Subp. 39. **Native plant community.** "Native plant community" means a plant community that has been mapped identified as

# Minnesota Rules: Amendments and Additions

<b>Nursing Board</b> 6801.0100, .2300, .2310, .2320, .2330, .2340, .2350, .2360 (adopted) .....	239, 599	<b>Public Employment Relations Board</b> 7325.0020, .0100, .0110, .0150, .0240, .0260, .0270, .0300, .0320, .0400, .0410 (adopted) .....	5
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<b>Pollution Control Agency</b> 7005, 7007, 7008, 7009, 7011, 7017 (adopted) .....	763		
7050.0190, 7052.0282, 7053.0195 (adopted) .....	463		
7050.0250, .0260, .0265, .0270, .0285 (adopted) .....	545		
7050, 7052 .....	659		
7081.0040 (adopted expedited) .....	312		

## Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

### Department of Agriculture

#### Adopted Permanent Rules Relating to the Repeal of Obsolete Rules Administered by the Department of Agriculture

The rules proposed and published at State Register, Volume 41, Number 8, pages 201-203, August 22, 2016 (41 SR 201), are adopted as proposed.

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##### 6106.0050 DEFINITIONS.

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A. a slope that rises at least 25 feet ~~above the ordinary high water level or toe of the slope to the top of the slope~~ and the grade of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet, as follows:

(1) where the slope begins above the ordinary high water level, from the toe of the slope to the top of the slope; or

(2) where the slope begins below the ordinary high water level, from the ordinary high water level or toe of the slope to the top of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet. See Figure 1; or

B. a natural escarpment or cliff with a slope that rises at least ten feet above the ordinary high water level or toe of the slope, whichever is applicable, to the top of the slope, with an average a slope of 75 degrees or greater.

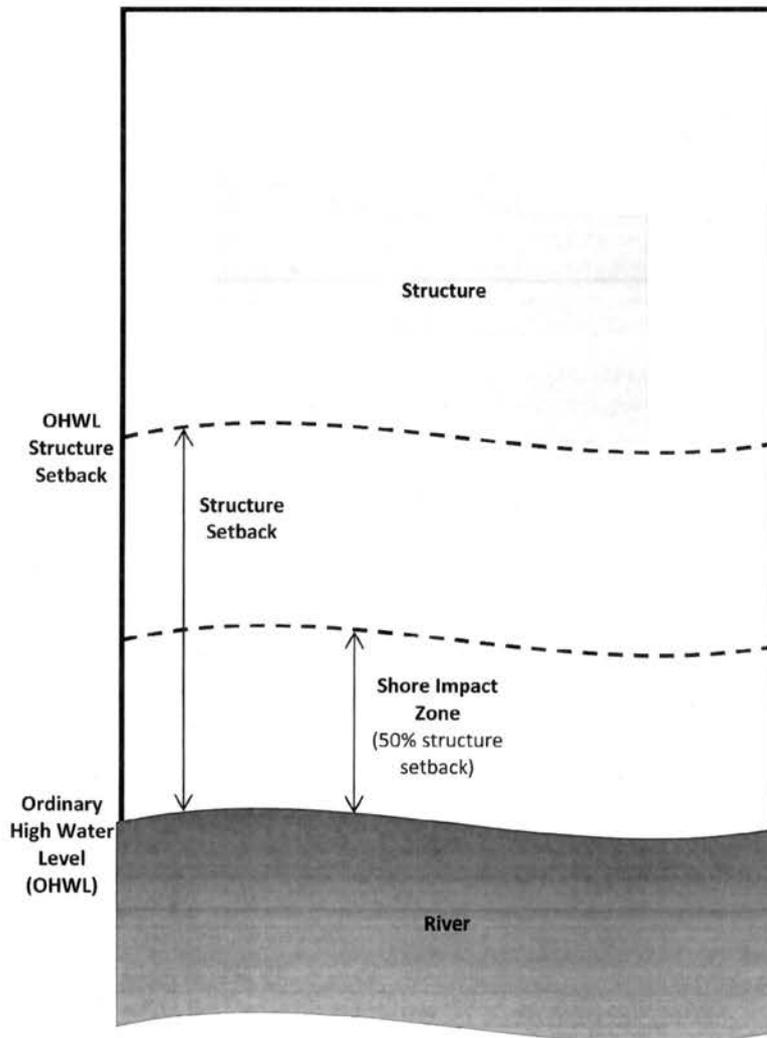
Subp. 39. **Native plant community.** "Native plant community" means a plant community that has been ~~mapped~~ identified as

# Adopted Rules

part of the Minnesota biological survey or other scientifically based studies biological survey issued or adopted by a local, state, or federal agency.

Subp. 68. **Shore impact zone.** "Shore impact zone" means land located between the ordinary high water level of public waters and a line parallel to it at a setback of 50 percent of the required structure setback or, for areas in agricultural use, 50 feet landward of the ordinary high water level in areas of agricultural use. See Figure 2.

Figure 2: Shore Impact Zone



Subp. 71. **State or regional agency.** "State or regional agency" means the Metropolitan Airports Commission, Minnesota Historical Society, University of Minnesota, Department of Natural Resources, Department of Transportation, and Metropolitan Council and other state agencies.

Subp. 72. **Steep slope.** "Steep slope" means a natural topographic feature with an average slope of 12 to 18 percent, measured over a horizontal distance equal to or greater than 50 feet, and any slopes greater than 18 percent that are not bluffs.

## 6106.0060 ADMINISTRATION OF PROGRAM.

Subp. 3. **Consistent plans and ordinances.** Local governments within the Mississippi River Corridor Critical Area must adopt, administer, and enforce plans and ordinances consistent with this chapter. Plans and ordinances must be submitted to the Metropolitan Council for review and must be approved by the commissioner before they are adopted as provided under part

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## Adopted Rules

6106.0070. For the purpose of this part, "consistent" means that each local plan and ordinance, while it may be structured or worded differently, meets the purpose, scope, and numeric thresholds and standards set forth in this chapter. ~~Plans and Ordinances~~ that are not consistent with this chapter require approval of flexibility from the commissioner, according to part 6106.0070, subpart 6.

Subp. 5. **Duties of commissioner.** The commissioner must:

C. ~~be the lead agency to~~ coordinate preparation, submission, review, and modification of plans and ordinances that are prepared by local governments as provided under part 6106.0070;

Subp. 7. **Duties of cities.** Cities must:

D. send notice of public hearings to consider plans and ordinances, and amendments thereto, and other development requiring discretionary action affecting lands within the river corridor boundary to the following parties so that the parties receive the notice at least ten days before the public hearing:

(3) adjoining local governments within the Mississippi River Corridor Critical Area, including those with overlapping jurisdiction and those across the river, where buildings exceed the height limits specified in part 6106.0120, as part of the conditional use permit or variance process; and

### 6106.0070 PREPARATION, REVIEW, AND APPROVAL OF PLANS AND ORDINANCES.

Subp. 6. **Flexibility requests for ordinances.**

A. Local governments may, under special circumstances and with the commissioner's prior approval, adopt ordinances that are not consistent with this chapter, provided that the purposes of Minnesota Statutes, section 116G.15, ~~and the purposes and scope of this chapter~~ are met and the ordinance is consistent with the plan prepared by the local government and approved according to this chapter. Special circumstances include the following situations:

C. Within 60 days after receiving a complete request for ordinance flexibility as provided in item B, the commissioner must:

(1) make the request publicly available;

(+) (2) evaluate the request based on:

(-) (3) approve or deny the request, state in writing to the local government the reasons for the approval or denial, and suggest any alternative solutions or regulatory approaches that would be granted ordinance flexibility.

### 6106.0080 ADMINISTRATIVE PROVISIONS FOR ORDINANCES.

Subp. 4. **Conditional and interim use permits.**

A. In addition to meeting the requirements of Minnesota Statutes, sections 394.301, 394.303, 462.3595, and 462.3597, a local government's review of conditional and interim uses must consider potential impacts of the conditional or interim use on primary conservation areas, public river corridor views, and other resources identified in a local government's plan.

Subp. 7. **Accommodating disabilities.** Ramps or other facilities to provide persons with disabilities access to the persons' property, as required by the federal Americans with Disabilities Act and the federal Fair Housing Act and as provided by chapter 1341, are allowed ~~by administrative permit~~, subject to the following standards:

A. parts 6106.0120 to 6106.0180 must be complied with ~~to the maximum extent practicable~~, except as provided in item B; and

B. when parts 6106.0120 to 6106.0180 cannot be complied with, the local government may issue an interim use permit to allow ramps or other facilities that do not comply with those parts. Upon expiration of the interim use permit, the ramp or other facilities must be removed.

# Adopted Rules

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## 6106.0100 DISTRICTS.

### Subp. 4. River neighborhood district (CA-RN).

B. The CA-RN district must be managed to maintain the character of the river corridor within the context of existing residential and related neighborhood development, and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas. Minimizing erosion and the flow of untreated storm water into the river and enhancing habitat and shoreline habitat vegetation are priorities in the district.

### Subp. 5. River towns and crossings district (CA-RTC).

A. The river towns and crossings district (CA-RTC) is characterized by historic downtown areas and limited nodes of intense development at specific river crossings, as well as institutional campuses that predate designation of the Mississippi River Critical Corridor Area and ~~includes that include~~ taller buildings.

### Subp. 9. District boundaries.

A. The physical boundaries of each district are delineated in the Mississippi River Corridor Critical Area District Map, Minnesota Department of Natural Resources (2015 2016 and as subsequently amended). The map is incorporated by reference, is not subject to frequent change, and is available on the department's Web site at [www.dnr.state.mn.us/input/rules/mrcca/map-draft.html](http://www.dnr.state.mn.us/input/rules/mrcca/map-draft.html) [www.dnr.state.mn.us/waters/watermgmt\\_section/critical\\_area/index.html](http://www.dnr.state.mn.us/waters/watermgmt_section/critical_area/index.html). The commissioner must maintain the map and must amend the map as provided in item C.

C. The boundaries of a district established under this part must be amended according to subitems (1) to (3).

(1) A local government or a state or regional agency must submit a written request to the commissioner requesting a district boundary amendment. The request must:

(d) ~~be consistent with~~ identify those local comprehensive plans, regional system statements, state park and transportation master plans, and federal plans that apply to the area proposed for a district boundary amendment;

## 6106.0120 DIMENSIONAL STANDARDS.

Subpart 1. **Purpose.** The purpose of this part is to establish dimensional standards that protect primary conservation areas and public river corridor views from impacts of development and ensure that new development is sited in locations consistent with part 6106.0020.

### Subp. 2. Structure height.

A. Structures, including accessory structures; as defined by local ordinance, must be no taller than the heights specified for each district:

(4) CA-SR: height is determined by the local government's underlying zoning requirements, provided the structure's structure height in the underlying zoning is generally consistent with the height of the mature treeline, where present, and existing surrounding development, as viewed from the ordinary high water level of the opposite shore;

## 6106.0130 GENERAL DEVELOPMENT STANDARDS FOR PUBLIC FACILITIES.

### Subp. 8. Public recreational facilities.

B. Roads and driveways associated with public recreational facilities must not be placed in the bluff impact zone or shore impact zone unless no other placement alternative exists. If no alternative exists, then design and construction must minimize impacts to shoreline vegetation, erodible soils and slopes, and other sensitive resources.

E. Public signs and kiosks for interpretive or directional purposes are allowed in the bluff impact zone or shore impact zone, provided they are placed and constructed to minimize disturbance to these areas and avoid visual impacts on public river

corridor views.

F. Public stairways, lifts, and landings must be designed as provided in part 6106.0140, subpart 6, item C.

## **6106.0140 GENERAL DEVELOPMENT STANDARDS FOR PRIVATE FACILITIES.**

### **Subp. 5. Private water access and viewing facilities.**

C. Design and construction of private stairways, lifts, and landings are subject to the following standards:

(4) stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and

## **6106.0150 VEGETATION MANAGEMENT STANDARDS.**

Subp. 5. **Permit conditions.** In reviewing and approving permit applications, the local government must ensure through permit conditions that the following performance standards are met:

B. soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by an a professional engineer or resource agency;

## **6106.0160 LAND ALTERATION AND STORM WATER MANAGEMENT STANDARDS.**

### **Subp. 4. Rock riprap, retaining walls, and other erosion control structures.**

A. Construction, repair, or replacement of rock riprap, retaining walls, and other erosion control structures located at or below the ordinary high water level must comply with parts 6115.0215, subpart 4, item E, and 6115.0216, subpart 2. The work must not proceed unless approved by the commissioner as meeting all requirements for work in public waters.

C. Repair of existing rock riprap retaining walls and other erosion control structures above the ordinary high water level does not require a local government permit, provided it does not involve any land alteration.

~~C. D.~~ Nothing in this subpart shall be construed to waive any other permit requirements that are required by law.

## **6106.0170 SUBDIVISION AND LAND DEVELOPMENT STANDARDS.**

### **Subp. 4. Design standards.**

J. Protected open areas must connect ~~neighboring or abutting~~ open space, natural areas, and recreational areas, where present on adjacent parcels, as much as possible to form an interconnected network.

## **6106.0180 EXEMPTIONS FROM SETBACKS, HEIGHT LIMITS, AND OTHER REQUIREMENTS.**

Uses and activities not specifically exempted under this part must comply with this chapter. All exemptions in the shore impact zone (SIZ) and bluff impact zone (BIZ) are also subject to the vegetation management standards in part 6106.0150 and the land alteration and storm water management standards in part 6106.0160. In the table, «E» means the use is exempt; «(E)» means that the use is allowed only if no alternatives exist, and «N» means that the use is not exempt and must meet the standards in this chapter.

# Adopted Rules

	Set-backs	Height limits	SIZ	BIZ	Standard (the use must comply with standard or referenced parts)
Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries, and railroad signaling towers)	N	E	N	N	Structure design and placement must minimize interference with public river corridor views
Barns, silos, and farm structures	N	E	N	N	
Bridges and bridge approach roadways	E	E	E	(E)	Part 6106.0130
Wireless communication facilities (towers)	E	E	N	N	Part 6106.0110, subpart 7
Chimneys, church spires, flag poles, public monuments, and mechanical service stacks and similar mechanical equipment	N	E	N	N	
Historic properties and contributing properties in historic districts	E	E	E	E	Exemptions do not apply to additions or site alterations to historic buildings or structures
Buildings and structures on the face of or abutting the bluff in the CA-UC district of St. Paul, between Chestnut Street and Highway 52	E	n/a	n/a	E	Height in the CA-UC district is governed by underlying zoning
<b>Public utilities</b>					
Electrical power facilities	E	E	E	(E)	Part 6106.0130
Essential services (other than storm water facilities)	E	E	E	(E)	Part 6106.0130
Storm water facilities	E	N	E	(E)	Part 6106.0160
Wastewater treatment	E	N	E	N	Part 6106.0130
Public transportation facilities	E	N	(E)	(E)	Part 6106.0130
<b>Public recreational facilities</b>					
Accessory structures, such as monuments, flagpoles, light standards, and similar park features	E	E	(E)	(E)	Part 6106.0130; within BIZ, only on slopes averaging less than 30 percent. Exemptions do not apply to principal buildings
Picnic shelters and other open-sided structures	E	N	(E)	N	Part 6106.0130
Parking areas	(E)	N	(E)	(E)	Part 6106.0130; within BIZ, only within 20 feet of toe of bluff; not on face of bluff; and must not affect stability of bluff
Roads and driveways	(E)	N	(E)	(E)	Part 6106.0130
Natural-surfaced trails, access paths, and viewing areas	E	N	E	E	Part 6106.0130
Hard-surfaced trails and viewing platforms	E	N	E	(E)	Part 6106.0130; within BIZ, only on slopes averaging less than 30 percent
Water access ramps	E	N	E	(E)	Part 6106.0130
Public signs and kiosks for interpretive or directional purposes	E	N	E	(E)	Part 6106.0130

## Adopted Rules

	Set-backs	Height limits	SIZ	BIZ	Standard (the use must comply with standard or referenced parts)
<b>River-dependent uses</b>					
Shoreline facilities	E	N*	E	(E)	Part 6106.0110, subpart 6. Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility
Private roads and conveyance structures serving river-dependent uses	E	N*	E	(E)	Part 6106.0110, subpart 6
<b>Private residential and commercial water access and use facilities</b>					
Private roads serving 3 or more lots	(E)	N	N	(E)	Part 6106.0140; in BIZ, only on slopes averaging less than 30 percent. Exemption does not apply to private roads serving fewer than 3 lots or to private driveways and parking areas
Access paths	E	N	E	E	Part 6106.0140
Water access ramps	E	N	E	N	Part 6106.0140
Stairways, lifts, and landings	E	N	E	E	Part 6106.0140
Water-oriented accessory structures	E	N	E	N	Part 6106.0140
Patios and decks	E	N	N	N	Part 6106.0140, subpart 6
Directional signs for watercraft (private)	E	N	E	N	Part 6106.0140; exemption does not apply to off-premise advertising signs
<u>Temporary storage of docks, boats, and other equipment during the winter months</u>	<u>E</u>	<u>N</u>	<u>E</u>	<u>N</u>	
Erosion control structures, such as rock riprap and retaining walls	E	N	E	(E)	Part 6106.0160, subpart 4
Flood control structures	E	N	E	(E)	Part 6106.0160

\* River-dependent commercial, industrial, and utility structures are exempt from height limits only if greater height is required for operational reasons.

# Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

## Office of the Governor

### Waiver Pursuant to Minnesota Statutes, Section 14.127, Subdivision 4(e)

I, **Mark Dayton, Governor of the State of Minnesota**, by virtue of the power vested in me by the Constitution and applicable statutes, do hereby issue this Waiver:

**Whereas**, the State of Minnesota is committed to protecting the key resources and features of the Mississippi River, including the portion that runs through the Twin Cities metropolitan area;

**Whereas**, the Minnesota Legislature, under Minnesota Statutes, section 116G.15, directed the Minnesota Department of Natural Resources to establish permanent rules to replace the performance standards promulgated in 1979 by Executive Order 79-19 that currently guide land use and development for property within the Mississippi River Corridor Critical Area, a specially-designated 72-mile portion of the Mississippi River that extends from the cities of Dayton and Ramsey in the north to Ravenna Township in the south;

**Whereas**, the Minnesota Department of Natural Resources is adopting Minnesota Rules, Chapter 6106, to guide land use and development in the MRCCA in accordance with Minnesota Statutes, section 116G.15;

**Whereas**, Minnesota Rules, Chapter 6106, is expected to take effect on January 4, 2017;

**Whereas**, pursuant to Minnesota Statutes, section 14.127, the Minnesota Department of Natural Resources determined that the cost of complying with Minnesota Rules, Chapter 6106, in the first year after the rule takes effect would not exceed \$25,000 for a small business or a small city;

**Whereas**, the Administrative Law Judge assigned to review the rulemaking pursuant to Minnesota Statutes, Chapter 14, disapproved the agency's cost determination under Minnesota Statutes, section 14.127;

**Whereas**, the Administrative Law Judge's disapproval of the agency's cost determination triggers the application of Minnesota Statutes, section 14.127, subdivision 3, which enables a small business or a small city to claim a temporary exemption from Minnesota Rules, Chapter 6106, until the Minnesota Legislature enacts a law approving the rules;

**Whereas**, Minnesota Statutes, section 14.127, subdivision 4, grants the governor authority to issue a waiver of the application of Minnesota Statutes, section 14.127, subdivision 3;

**Whereas**, the State of Minnesota recognizes that claims of temporary exemptions from Minnesota Rules, Chapter 6106, would undermine the purpose of the rule, the intent of the Legislature in directing the Minnesota Department of Natural Resources to make rules, and the commitment of the State of Minnesota to protect the key features and resources of the Mississippi River Corridor Critical Area; and

**Whereas**, temporary exemptions would undermine local zoning authority and deregulate businesses and land already subject to critical area protections.

**Now, Therefore**, I hereby waive application of Minnesota Statutes, section 14.127, subdivision 3, to Minnesota Rules, Chapter 6106. This waiver is effective January 4, 2017.

**In Testimony Whereof**, I have set my hand on this 19th day of December, 2016.

**Mark Dayton**  
Governor



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From: "Carlson, Beth P (DNR)" <Beth.Carlson@state.mn.us>  
To: "Carlson, Beth P (DNR)" <Beth.Carlson@state.mn.us>  
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(1)

 ([http://salsa4.salsalabs.com/o/51583/signup\\_page/fmr-stay-in-touch](http://salsa4.salsalabs.com/o/51583/signup_page/fmr-stay-in-touch))

 ([https://www.youtube.com/channel/UJCnvVvxdnvRe7\\_fada5tUJ8dQ](https://www.youtube.com/channel/UJCnvVvxdnvRe7_fada5tUJ8dQ))

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Tom Lewanski	Conservation Director	12
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Trevor Russell	Water Program Director	18
Karen Schik	Ecologist & Project Manager	15
Alicia Uzarek	Policy Advocate	29

### Post & Person

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