



*Working to protect the Mississippi River
and its watershed in the Twin Cities area.*

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Administrative Law Judge Eric L. Lipman
Office of Administrative Hearings
600 North Robert Street
PO Box 64620
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Dear Judge Lipman,

Thank you for the opportunity to testify before you about the proposed rules for the Mississippi River Corridor Critical Area (MRCCA) on June 14 and June 16, 2016. The purpose of this letter is to provide you with our written comments, which offer a more detailed analysis of the rules, and include the items we summarized during our oral testimony.

Friends of the Mississippi River (FMR) is a citizen-based nonprofit organization that works with community stakeholders to protect, restore and enhance the Mississippi River and its watershed in the Twin Cities Region. Our work focuses on protecting and restoring riverfront land, improving water quality and the health of our rivers and streams, advocating for land use along the river that will enhance and celebrate our National Park, and engaging youth and adults in river education and volunteer programs. We have the support of 2,600 members. Last year we engaged more than 7,000 volunteers and participants in education and hands-on stewardship activities to connect to and restore the health of the river.

INTRODUCTION AND OVERVIEW

Friends of the Mississippi River's standing in the MRCCA rulemaking process

FMR has a long history of involvement with both the National Park Service and the DNR Critical Areas Program. A summary of our involvement is warranted to demonstrate that our organization has standing to engage in this rulemaking process, as well as river protection expertise to contribute.

- When the Mississippi National River and Recreation Area (MNRRA) was established in 1988, a MNRRA Commission of local leaders was charged with developing the first comprehensive plan for the new National Park. Several members of the commission decided to independently create Friends of the Mississippi River to bring a citizen perspective to the many public decisions that will guide development within the MNRRA corridor.

- Since we were established in 1993, FMR has worked in partnership with MNRRA and many other stakeholders to play a constructive role in issues of river corridor land use, economic development, park planning and natural area restoration.
- In 2004, we began to identify concerns about the existing MRCCA framework, Executive Order 79-19. The Executive Order is vague, outdated and does not carry the weight of rules. As a result, enforcement at the local level was both inconsistent and many times insufficient to adequately protect the resource. Many of the concerns we raised at that time about the efficacy of Executive Order 79-19 to protect the unique resources of the river are also identified in the SONAR for these proposed MRCCA rules.
- In 2007, DNR was charged by the Legislature to do a study of the MRCCA program, and FMR was contracted to conduct a series of stakeholder meetings for the study.
- After the DNR MRCCA report came out in 2008, FMR was asked to participate in a Legislative Study Group with other stakeholders. The outcome of that process was the decision to pursue rulemaking authority during the 2009 Legislative session.
- Once rulemaking commenced, FMR played an active role in the process in both 2010 and 2014. We attended stakeholder meetings and open houses, and submitted extensive written comments on the numerous drafts and revisions created. Because of our long-standing involvement in MRCCA, FMR staff are recognized as experts on MRCCA rules and regulations at the state and local level.

Significance of the Mississippi River Corridor in the Twin Cities

The Mississippi River is one of the world's great rivers with one of the most complex ecosystems on the planet. It is one of the defining features of the North American continent and is home to a diverse collection of wildlife and plant life. The Mississippi River sustains our home, our health and our heritage in numerous ways.

- The river is a source of drinking water for more than 18 million people.
- The river corridor is an international migration flyway used by 60% of all North American birds and 40% of its waterfowl
- The river is also home to several hundred other species, including mussels, amphibians, reptiles, mammals, and 25% of all North American fish species.
- The Mississippi River is 2,311 miles long and when the United States set out to establish a National Park to celebrate this great river, Congress chose the Twin Cities for its unique combination of natural, geologic and cultural features.
- The geomorphology of the river changes more through the Twin Cities than anywhere else on its entire length, providing dramatic landscape features such as waterfalls, bluffs, ravines, floodplains and islands.
- Many of the rare and remaining native plant communities in the Twin Cities are found along the Mississippi River. In addition to supporting a diversity of birds and wildlife, native prairies, wetlands, woodlands and forests are a part of Minnesota's Natural Heritage that should be preserved for current and future generations.
- As the birthplace of the Twin Cities, the Mississippi River has enormous historical, cultural and economic significance. Many sites along the river were and continue to be significant to Native Americans and much of Minnesota's rich agricultural and industrial past ties directly to the Mississippi River. Today the river is still a key transportation artery busy with commercial barges.

Purpose of the Mississippi River State Critical Area designation

Because of its unique natural, scenic, cultural, historical and recreational resources – shared community assets that improve Minnesota's economy and quality of life, the 72-mile Mississippi River Corridor in the Twin Cities was designated as a State Critical Area in 1976 and made permanent in 1979.

When MRCCA was established, it provided a framework to allow for economic development in the corridor, while ensuring protection the river's unique resources. Core to the Critical Areas Act framework was a partnership between state and local government to plan for and manage the river's resources. The goal has always been two-fold: to allow for growth and development within the corridor and to protect the unique and valuable resources.

Although the MRCCA has its own purpose statement in Minnesota Statutes 116G.15, it is worth noting that the overarching policy of the Critical Areas Act of 1973 also applies to MRCCA, as it does to all state critical areas.

From Minnesota Statutes §116G.02 POLICY:

“The legislature finds that the **development of certain areas** of the state possessing important historic, cultural, or esthetic values, or natural systems which perform functions of greater than local significance, **could result in irreversible damage to these resources**, decrease their value and utility for public purposes, or unreasonably endanger life and property. The legislature therefore determines that the state should identify these areas of critical concern and assist and cooperate with local units of government in the preparation of plans and regulations for the wise use of these areas.”

It is important to recognize that the purpose of any critical area designation is to ensure **development does not impair the historic, cultural, aesthetic values and natural systems of statewide significance**. This is the foundation of all critical areas, including MRCCA. The goal is to **allow for appropriate development**, but **only** if it does not negatively impact the significant resources of the river corridor.

Establishment of our National Park

The Mississippi River is 2,311 miles long and when Congress set out to establish a National Park to celebrate this great river, Congress chose this area for its unique combination of natural, geologic and cultural features. The Mississippi National River and Recreation Area (MNRRA) is a unit of the National Park System established by Congress in 1988, to protect, preserve and enhance the significant values of the waters and land of the Mississippi River corridor within the St. Paul-Minneapolis metropolitan area, and it is the only National Park whose mission is to celebrate the Mississippi River.

MNRRA is an unusual unit of the National Park Service, as there is very little land owned by the federal government and there are no federal regulations. Instead, MNRRA operates as a

“partnership park,” working with state and local government to collaboratively manage the river’s unique and significant resources.

Rather than creating its own regulatory tools, the National Park Service relies on state and local controls through the MRCCA. MNRRA has the exact same boundary as the MRCCA, and the Comprehensive Management Plan for MNRRA (1994) does not create another layer of government, but rather stresses the use of existing authorities and agencies to accomplish the policies and actions in the plan. For MNRRA’s unusual management structure to be effective, a strong state and federal partnership is essential.

The National Park Service has a vested interest in the successful implementation of MRCCA as a key tool to protect, preserve and enhance the river corridor. In 1991, when the MNRRA Comprehensive Plan was under development, Minnesota passed a law that included a promise to MNRRA to update the MRCCA standards.

From Minnesota Statutes §M.S. 116G.15, 1991

“The federal Mississippi National River and Recreation Area established pursuant to United States Code, title 16, section 460zz-2(k), is designated an area of critical concern in accordance with this chapter. The governor shall review the existing Mississippi river critical area plan and specify any additional standards and guidelines to affected communities in accordance with section 116G.06, subdivision 2, paragraph (b), clauses (3) and (4), needed to insure preservation of the area pending the completion of the federal plan.”

PROPOSED RULES ARE NEEDED AND REASONABLE

The proposed rules are both needed and reasonable. They are needed for two main reasons. 1) The current management framework is cumbersome and outdated, and 2) The unique river resources of national and statewide significance need minimum state standards to ensure the Mississippi National River is protected for current and future generations. The rules are reasonable because they will modernize the MRCCA management framework, and because DNR carefully considered the interests of local government units in the process of developing them. Although local cities will have to make some updates to their MRCCA plans and ordinances, it is not unreasonable to expect these standards to be updated more frequently, or for local plans to be updated along with comprehensive municipal planning updates scheduled for 2018.

Executive Order 79-19 needs to be updated

The existing framework of a 1979 Executive Order is problematic for a number of reasons, and several of the reasons cited below are included in the SONAR.

- The E.O. language is vague and outdated, leading to inconsistent application and, in some instances, poor resource protection.
- The districts in the E.O. are based on land use in 1979 and are unnecessarily broad. This creates a problem when cities want to redevelop or invest in these areas.

- As noted in the SONAR (29-35) the E.O. fails to define many key terms -- making implementation difficult for local governments, and causing confusion and costly, time consuming delay for affected interests.
- Because the E.O. does not carry the weight of rules, its credibility as an effective model has eroded over time, and some public officials choose to ignore it.
- It is difficult to change any of the existing standards when updates are needed. The E.O. itself cannot be amended and there is no provision to require periodic updates to MRCCA ordinances by local governments—in fact, many local MRCCA ordinances have not been updated in over 30 years.
- The intractable nature of the E.O. has led to inconsistencies between local plans and ordinances. After the National Park was established, a number of corridor cities did update their local MRCCA plans in the 1990s and 2000s, however very few went on to update their MRCCA ordinances to be consistent with their MRCCA plans as required by state law. As a result, local decisions about resource protection within MRCCA are often protracted and the land use and development decisions can be political or arbitrary.

State rules are needed to protect the Mississippi River and National Park

The Mississippi River Corridor Critical Area is a resource of regional, statewide and national significance that requires special management to retain its health and vitality.

- MRCCA is a shared resource that benefits many local communities, as well as the region and state. With 30 local units of government with land-use authority along the river, some over-arching guidelines and minimum standards are necessary to avoid a death by a thousand cuts — the steady degradation of the very qualities that make the Mississippi River such a treasure.
- Although the E.O. is problematic, the overarching approach of working in partnership has been established and should continue. The proposed rules are a revision and a refinement, but they do not alter the basic framework for protection that has existed since 1979. Local plans and ordinances that are consistent with state standards will continue to be required just as they have been for nearly 40 years.
- State rulemaking is the best way to modernize standards and guidelines for protection and enhancement of the Critical Area and National Park. These proposed rules will provide a management framework that is more consistent, predictable and effective.

State rules are reasonable, and provide a better management framework than E.O.

79-19

- New state rules for MRCCA will provide a set of clear, consistent and effective standards and guidelines to ensure the most valuable resources in the corridor are protected and preserved.
- This includes protecting steep slopes to prevent erosion, protecting scenic values by limiting structure height in areas where scenic values could be affected, and protecting the natural functions and values that make this one of the world's great rivers. The draft rules do a good job of protecting these resources while allowing for development, where appropriate.
- The proposed rules are considerably more nuanced and flexible than the E.O. standards. In many locations the proposed rules relax restrictions on development in ways that we believe will not degrade the river's resources. We believe the DNR has done a

commendable job of including flexibility provisions that will not needlessly restrict development when the resources would not be threatened.

- The old framework was dated, confusing and vague, and in some cases ignored or of limited influence. New rules will provide a more defensible framework.

STATUTORY AUTHORITY

The statutory authority for these MRCCA rules is clearly laid out in Chapter 116G. Minnesota Statutes 116G.01-116G.14 comprise the original Critical Areas Act of 1973. Minnesota Statutes 116G.15 codifies in law that MNRRA is a state critical area, and directs the DNR to establish districts and standards by state rule.

Discussion of Statutory Policy and Purpose

As noted above in the section about establishment of the National Park, the policy statement in 116G.02 is the overarching guidance for all critical areas.

From Minnesota Statutes §116G.02 POLICY:

“The legislature finds that the development of certain areas of the state possessing important **historic, cultural, or esthetic values, or natural systems** which perform functions of greater than local significance, could result in irreversible damage to these resources, decrease their value and utility for public purposes, or unreasonably endanger life and property. The legislature therefore determines that the state should identify these areas of critical concern and assist and cooperate with local units of government in the preparation of plans and regulations for the wise use of these areas.”

The purpose statement from 116G.15, Subd. 1 provides a more specific purpose that corresponds to the protection goals for the MRCCA.

Minn. Stat., §116G.15 MISSISSIPPI RIVER CORRIDOR CRITICAL AREA.

“Subdivision 1. Establishment; purpose. The federal Mississippi National River and Recreation Area established pursuant to United States Code, title 16, section 460zz-2(k), is designated an area of critical concern in accordance with this chapter. The purpose of the designation is to:

- (1) **protect and preserve the Mississippi River and adjacent lands** that the legislature finds to be unique and valuable state and regional resources for the benefit of the health, safety, and welfare of the citizens of the state, region, and nation;
- (2) **prevent and mitigate irreversible damages** to these state, regional, and natural resources;
- (3) **preserve and enhance the natural, aesthetic, cultural, and historical values** of the Mississippi River and adjacent lands for public use and benefit;
- (4) **protect and preserve** the Mississippi River as an essential element in **the national, state, and regional transportation, sewer and water, and recreational systems**; and
- (5) **protect and preserve the biological and ecological functions** of the

Mississippi River corridor.”

These purpose statements provide clear indisputable authority for the state to develop strong and protective standards and guidelines for managing the MRCCA. It is worth noting that these overarching policy statements demonstrate clear legislative intent that the natural, aesthetic, cultural, historical, recreational and transportation values and functions of the river are of the highest priority.

Under Administration in 116G.15 Subd. 2, the law directs the DNR to manage the river as a “multi-purpose resource...that provides for the continuation of development...where appropriate, within the Mississippi River Corridor.” The words “where appropriate” only appear in Subd. 2, clause (3), regarding development.

116G.15 Subd. 2. Administration; duties.

The commissioner shall work in consultation with the United States Army Corps of Engineers, the National Park Service, the Metropolitan Council, other agencies, and local units of government to ensure that the Mississippi River corridor critical area is managed as a multipurpose resource in a way that:

- (1) conserves the scenic, environmental, recreational, mineral, economic, cultural, and historic resources and functions of the river corridor;
- (2) maintains the river channel for transportation by providing and maintaining barging and fleeting areas in appropriate locations consistent with the character of the Mississippi River and riverfront;
- (3) provides for the continuation, development, and redevelopment of a variety of urban uses, including industrial and commercial uses, and recreational and residential uses, where appropriate, within the Mississippi River corridor;
- (4) utilizes certain reaches of the river as a source of water supply and as a receiving water for properly treated sewage, storm water, and industrial waste effluents; and
- (5) protects and preserves the biological and ecological functions of the corridor.

We raise this issue because several of the comments submitted make the argument that since the rules do not allow for development in some parts of the corridor (such as bluff impact zones and shore impact zones) they are not meeting the purpose of §116G.15 Subd. 2. (3), and are therefore not reasonable. This is a gross exaggeration. The legislative intent contained in the three aforementioned sections makes it clear that protecting development interests is not the primary purpose of these rules. Allowing for appropriate development means that it does not inappropriately impact river resources. Moreover, the Critical Areas Act was established with the express purpose of protecting significant resources from development, not vice versa.

Comments on DNR Process

The DNR has clear statutory authority to adopt these rules. In some places, FMR believes the rules should be more protective, and there are a number of things we have requested in previous comments that were not included, such as more stringent requirements for stormwater management. We feel the DNR was thoughtful and fair in their approach to balancing the many different interests and finding compromises. There have been ample opportunities to engage in the process in a meaningful way.

- The 2009 law directing the DNR to write rules was the culmination of many years of work by numerous citizens, environmental groups and other stakeholders. It passed with bi-partisan support in the Legislature and was signed by Governor Pawlenty.
- The MRCCA rule development process led by the DNR engaged hundreds of citizens and stakeholders, including extensive meetings with local cities and townships in the corridor, several open houses, opportunities to comment on several drafts and special meetings to bring opposing interests together to help DNR resolve differences.
- The partnership between MNRRA and MRCCA has created a workable framework for protecting the natural and cultural resources of the Mississippi River in the metro area, while enabling commercial, residential and industrial development consistent with those protections. The Executive Order has served well, but after almost 40 years, adjustments are needed. Rulemaking directed by the State Legislature is the right approach.
- The time has come for Minnesota to make good on it's promise to MNRRA to provide a state regulatory framework for our National Park on the Mississippi River.

REGULATORY ANALYSIS

The SONAR provides a solid regulatory analysis of the nine factors required by Minnesota Statutes §14.131; we offer some additional comments and perspectives in support of the DNR's conclusions.

1. A description of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The DNR list of the persons and classes that will be affected by the proposed rule is thorough. The classes that will bear the costs of the proposed rule are mostly local units of government and property owners/developers, however, it is very important to note that these classes will also reap the benefits, such as increases in property values and economic development opportunities. No one questions that the river provides enormous benefits, and many cities tout the river and National Park as a source of great pride. Minimum standards will prevent degradation of resources that are essential to the economic success and livability enjoyed by our region, which in turn increases property values and economic development opportunities.

2. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The DNR has provided a thorough summary of potential costs to the DNR and other state agencies. It is worth noting that proper implementation of the rules might in some cases save costs because bluff failure will be less likely.

As an example, the construction of a new children's hospital on Riverside Avenue was a likely contributor to the recent landslide near the Washington Avenue Bridge. When the hospital was being built, Fairview Hospital made a contribution of \$10,000 to the neighborhood organization to mitigate potential impacts to nearby Riverside Park. Meanwhile, the Minneapolis Park and Recreation Board has been required to expend more than \$1 million to repair the bluff and parkway below. Costs like this are difficult to predict, but they can be prevented if bluff protections are in place and enforced.

3. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

We agree with the DNR's assessment that the proposed rules will ultimately reduce costs and intrusive methods, while still achieving the purpose of MRCCA. The DNR went to great lengths to listen to all interests and stakeholders, and to make corresponding modifications to the working drafts that will reduce complexity for local units of government.

Under the current Executive Order, many local plans and ordinances are vague and unclear. These inconsistencies have led to protracted debates between and among the various interests and city officials. For developers and citizens groups alike, this untenable situation means that interested stakeholders have to expend additional resources of time and money in order to weigh in on issues that affect their constituencies. The proposed rules, which provide clear definitions and procedures, will greatly reduce the potential for confusion and conflict between stakeholders going forward.

4. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

In the 2008 MRCCA Report to the Minnesota Legislature by the DNR, a number of methods were identified and analyzed for effectiveness and cost. State rulemaking was one of the options considered, and after legislators reviewed the DNR report, they chose to pursue rulemaking as the best method to reach the goals of the MRCCA. All of the other options relied on continued use of the Executive Order as the underlying management framework. Since the E.O. could not be amended and contained no provision for the DNR to require local units to update their MRCCA ordinance, it was unclear how any of these alternatives would achieve the purpose of MRCCA. Rulemaking was the best option.

5. The probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals.

The DNR identified potential costs by surveying local units of government and asking them to provide an estimate of updating their plans and ordinances. With few exceptions, most cities predicted the cost would be less than \$20,000. One example of a city that estimated the cost to be much higher is Brooklyn Park, who estimated \$50,000 to update their plan

and \$50,000 to update their ordinance. While their costs might be higher than some smaller cities, it appears that their estimate was coarsely calculated, and based on worst-case scenario circumstances.

Cities are already required to update their comprehensive plans in 2018, so there should be some economy of scale that could save costs if they update their MRCCA plan at the same time. Cities are also required by law to have ordinances that are consistent with their comprehensive plans. Obviously, it saves money to not update their MRCCA ordinance, but cities should be updating them anyway to ensure their corridor regulations are consistent with the city's most recently adopted plan.

6. The probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals.

The DNR did a good job of summarizing the probable costs or consequences of not adopting the rules. Although there will be additional costs to implement some parts of the rules, such as evaluation of corridor resources, permit requirements and mitigation for variances, we concur that in the long run, state rules will be more cost-effective to implement than the current E.O. framework.

The greatest consequence of not adopting rules, however, would be the steady degradation of river resources – a death by a thousand cuts. Over time, if the river's unique and significant resources are not protected and enhanced, it will negatively impact the quality of life and economic vitality for all the corridor municipalities and the entire region.

7. An assessment of any differences between the proposed rule and existing federal regulations, and a specific analysis of the need for and reasonableness of each difference.

There are federal floodplain regulations that apply to portions of the MRCCA, but they are not inconsistent with the MRCCA rules.

Since there are no federal regulations for the management of MNRRA, the National Park Service relies on the State Critical Area framework to realize the goals and priorities of the MNRRA Comprehensive Management Plan. This unusual partnership underscores the need for state rules to provide consistency and effective management.

8. An assessment of the cumulative effect of the rule with other state regulations related to the specific purpose of the rule.

As the DNR concluded in the SONAR, state shoreland law would apply to a portion of the MRCCA. When there is a conflict between the two sets of standards, the more restrictive applies. Since MRCCA rules are generally stronger than shoreland rules, MRCCA would apply in most cases.

The cities of Dayton and Ramsey are within the boundary of two state designations— the MRCCA and the Upper Mississippi Wild & Scenic River, which extends northward from the Crow River. Legislation passed a few years ago exempting the two cities from the Wild &

Scenic River regulations, so this potential conflict has been resolved.

Performance-based rules

We appreciate the performance standards that were included in the rules as they allow for some flexibility, where appropriate. The dimensional standards are still needed to ensure the MRCCA framework works for all the communities in the corridor. Some of the smaller cities and townships do not have the staff capacity to effectively evaluate performance-based standards.

BLUFF PROTECTION STANDARDS

The bluffs along the Mississippi River are significant natural features that are highly sensitive to erosion, which can lead to poor water quality, property damage, and potentially endanger human life. In addition to providing critical habitat that supports a diversity of plants and wildlife, these natural features also add to the scenic quality and integrity of the corridor.

During the rule development process, defining and protecting bluffs was discussed at great length. Coincidentally, several landslides occurred in the river corridor around the same time, including near the Washington Avenue Bridge in Minneapolis, along Highway 13 in Mendota Heights and at Lilydale Regional Park in St. Paul. According to a study conducted by the DNR, “The structural geologist conducting this evaluation found that all failed bluffs within the MRCCA had slopes that had been modified for building foundations, stormwater management facilities, or road construction, and that these modifications contributed to bluff failure. In these particular instances the bluff failures also resulted in significant damages to built infrastructure.” (MRCCA SONAR p. 23)



Comparing a photo of the gorge bluffs along Mississippi River Boulevard in St. Paul (top left) with a photo of the bluffs in Lilydale (top right) it is easy to see how development that is too close to the bluff can dramatically degrade the scenic environment. Serious erosion and degradation of bluff vegetation, some of which is visible in the right hand photo, has also been a problem at this site. Both sites were developed prior to the establishment of MRCCA, but there is protected open space between the river and the development in St. Paul.

While bluffs will undergo erosion over time as part of a natural process, there is a clear correlation that connects development on or near bluffs to an increased risk of bluff failure such as landslides. Changes in rainfall amount and intensity due to climate change will only serve to exacerbate these issues further in the future.

In addition to drastic impacts such as landslides, severe damage to bluffs will occur over time if development is too close to bluffs and/or vegetation is insufficient to prevent erosion.

The information contained in the DNR report provides a solid basis for both the need and reasonableness of including strong and protective standards in the MRCCA rules to ensure bluff integrity is protected to the greatest extent possible. During our oral testimony, we submitted two DNR, Division of Ecological and Water Resources reports into evidence in support of the proposed bluff definitions and standards.

Jennings, C. 2015. A limited inventory of the location and style of June 2014 slope failures; towards better prediction and management.

Jennings, C. et al 2016: Historical Landslide Inventory for the Twin Cities Metropolitan Area

Our specific comments regarding bluff definitions and setbacks are included in the rule-by-rule analysis below.

RULE-BY-RULE ANALYSIS

6106.0050 DEFINITIONS

6106.0050 Subp. 8. Bluff

6106.0050 Subp. 10. Bluffline

6106.0050 Subp. 77. Toe of Bluff

6106.0050 Subp. 78. Top of Bluff

Specifically, we agree that the proposed definitions of bluff, bluffline and other associated features in subparts 8, 10, 77 and 78 are needed and reasonable.

Executive Order 79-19 only provides a definition for bluffline, but not the other features, which has led to confusion by cities and other stakeholders, and inconsistency around how bluff protection is achieved in the corridor.

Defining bluffs as 18% slope or greater is needed because, according to the 2016 Jennings report on landslides, slopes of 20% or greater are much more likely to fail. Defining bluffs as 18% is reasonable because most of the existing city ordinances already use the 18% threshold. Defining bluffs as 25 feet in height or greater is reasonable as it will ensure that

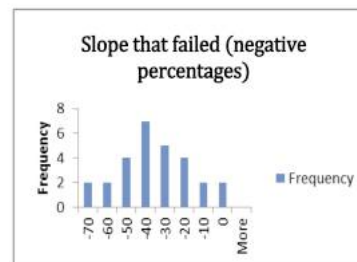


Figure 7 Range of Pre-Failure Slopes Slopes greater than 20% are more likely to fail.

Graph from Jennings, C. et al 2016: Historical Landslide Inventory for the Twin Cities Metropolitan Area, p. 14

small slope features commonly found on residential lots will not cause an undue burden on cities and property owners.

6106.0050 Subp. 9. Bluff Impact Zone

6106.0050 Subp. 68. Shore Impact Zone

The definitions and standards for the Bluff Impact Zone (BIZ) and Shore Impact Zone (SIZ) provide significant improvements over the current standards. The BIZ and SIZ are needed because they ensure better protection of bluffs and shorelines. The BIZ and SIZ are



reasonable because most of the proposed standards for managing vegetation and land alteration only apply to these sensitive areas, leaving other non-sensitive lands in the corridor with fewer restrictions.

One of the weaknesses of E.O. 79-19 is that the vegetation management standards and guidelines are unclear and unnecessarily broad, making it difficult to develop vegetation management policies that can be easily translated into local ordinances.

For example, the interim development regulations included “the selective cutting of trees greater than 4” in diameter may be permitted by local units of government when the cutting is appropriately spaced and staged so that continuous natural cover is maintained.” This is problematic for a few reasons. It does not define “continuous natural cover” or provide clear guidance on how to space trees. It does not incorporate how to manage other types of vegetation, such as shrubs and herbaceous plants, which are critical to ensure healthy

The proposed rules will do a better job of protecting shorelines and bluffs by requiring they remain in a natural vegetated state.

habitat for wildlife and fish. But most importantly, it requires that tree removal be regulated for all land in the corridor. This creates an undue burden on cities and property owners and was rarely enforced.

By incorporating the BIZ and SIZ, restrictions on development, land alteration and vegetation management are focused in the most sensitive areas in need of the greatest protection. This represents a prime example of the DNR listening to all perspectives and identifying a compromise that better meets the needs of cities, as well as ensuring protection of the river’s most important resources.

6106.0050 Subp. 56. Public River Corridor View

The definition of “Public River Corridor View” provides a basic framework for cities to work with that will ensure a consistent approach to protecting views throughout the corridor. The term Public River Corridor Views appears throughout the rules and numerous standards require that the identified views be protected.

(Also see comments on 6106.0070, Subp. 4B)

6106.0070 PREPARATION REVIEW AND APPROVAL OF PLANS AND ORDINANCES

6106.0070 Subp. 4. Content of Plans

A. MRCCA Plans incorporated into Comprehensive Plans

We strongly support the requirement that local MRCCA plans be included as a component of each corridor city's comprehensive plan. Linking these together will ensure that communities are reviewing and renewing their MRCCA plans at least once a decade. It will also help to avoid confusion when conditional use permits and variances are reviewed by local planning commissions, especially when one of the conditions for approval is consistency with the city's comprehensive plan.

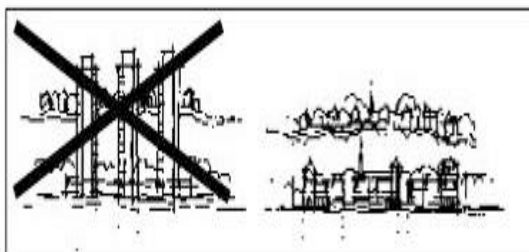
B. Plans must contain maps, policies and implementation provisions

The guidance provided in this section of the rules is extremely important, as it will set the baseline for resources that are important to each city. Some cities have expressed in their comments that completing the required inventories for their MRCCA plans will cause an undue burden, but we see these studies as essential to the long-term protection of the river's most treasured resources. We also believe that giving cities more control over identifying and prioritizing the river resources in their community will lead to greater local ownership and support of the National Park, and ultimately better protection of the key resources identified in Minnesota Statutes §116G.15 Subd. 1-4.

B. (2) Identifying "Public Corridor Views"

As part of their comprehensive plan, each municipality will "identify and protect those public river corridor views and other scenic views deemed important by the community" This provision offers each community an opportunity to engage its residents and stakeholders, including neighboring communities, to take stock of existing views, viewsheds, identifying aesthetic preferences and discerning which landforms and viewsheds have the most value. This approach is reasonable because it requires local cities to identify and protect specific river corridor views, as opposed to the current regulations that require blanket scenic protections for large areas of the corridor. Some cities have expressed an interest in more guidance from the DNR regarding how to identify and

Figure Y
New building scale
should be sensitive
to topography



Community planning is a powerful tool for ensuring that views of the river landscape are preserved. In the example above, a graphic from the 2002 City of St. Paul River Corridor Plan (top left), makes it quite clear that the built environment should not block views of the bluff. The photo of a recent development on St. Paul's West Side Flats (top right) demonstrates how well the planning led to a building that fits into the river valley context.

prioritize views in their community. We think a good place to incorporate this suggestion is through the model ordinance the DNR intends to create once the rules are formally adopted.

6106.0070 Subp. 6. Ordinance Flexibility

FMR was previously opposed to the provisions for ordinance flexibility, but DNR added criteria to ensure that resource protection and/or mitigation will be adequate. The criteria for ordinance flexibility are strong and must not be weakened. It is reasonable to provide cities with some provisions for approving an ordinance that are not in strict conformance with the rules provided that cities can show that significant MRCCA resources will not be impacted by development. We particularly appreciate the requirement that to obtain approval for a flexibility request, cities must document their proposed mitigation.

6106.0080 ADMINISTRATIVE PROVISIONS FOR ORDINANCES

6106.0080 Subp. 2 Variances

6106.0080 Subp. 4. Conditional Use Permits

6106.0080 Subp. 5. Mitigation

Granting variances and CUPs within the MRCCA can lead to serious negative impacts to the river's unique and significant resources. We support the requirements in Subparts 2, 4 and 5 because they provide criteria for approval and proportional mitigation. Although it may seem repetitive, it is essential that "the local government's findings of fact accompanying the issuance of any variance must include a finding and evidence supporting a finding that the requested variance is consistent with the purposes and scope of this chapter." (Subp. 2. C.) Cities sometimes combine variances if there is more than one proposed for a single property. The result of this is that the findings of fact refer to underlying zoning, but not the river corridor zoning.

The combination of requiring findings that tie back to the MRCCA rules, and requiring mitigation will ensure the river and National Park resources are fully considered during discretionary actions and decisions.

6106.0100 DISTRICTS

We support the description and intent of the six land-use districts in the proposed rules; however, there are a number of instances in which we disagree with how they are mapped. Our comments on the district maps can be found below.

There were several drafts of the district classifications reviewed by stakeholders during the rule development process. Earlier versions included a park district, but due to the diversity of existing and planned parkland, DNR decided instead to identify parks and public access as a priority in the intent statement for several districts: "providing public access to and public views of the river are a priority in this district."

We are concerned that in areas where parks are planned, but not yet implemented (such as UM and UC in Minneapolis), allowing intense development right along the river could delay public access in areas with rapidly growing urban populations that need access to parks and open space. We recommend that the DNR require that the district descriptions and statements of intent from the rules (6106.0100 Subparts 3-8) be included in local MRCCA ordinances once the rules are adopted.

6106.0120 DIMENSIONAL STANDARDS

6106.0120 Subp. 1 Purpose.

Public river corridor views is not included in the definition of primary conservation areas, so it should be added to line 38.17 to say:

“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...”

6106.0120 Subp. 2 Structure height.

The Mississippi River provides some of the most sweeping scenic views in Minnesota and these iconic views and viewsheds are public resources that should be protected for current and future generations. Scenic views provide a sense of place for local residents, attract new residents and businesses to the Twin Cities, and inspire tourism in the region.

Protection of scenic views by limiting building heights in the MRCCA was also discussed extensively by stakeholders during the rule development process. There was significant disagreement about height limits, with local residents and environmental groups favoring lower heights, and local city staff and development interests favoring taller heights and more flexibility. This is an area for which many city staff requested performance standards for building height and the final draft did include them in addition to minimum dimensional standards.

6106.0120 Subpart 2A (height limits)

On line 38.20, we recommend removing the comma after “accessory structures.” With the comma in place, it reads as though the clause “as defined by local ordinance” applies to both structures and accessory structures. Since structures are defined within these rules, but accessory structures are not, the clause should only apply to accessory structures.

We support the height limits listed in Subpart 2A, 1-6 and the inclusion of a performance standard in RTC (River Towns and Crossings), UM (Urban Mixed) and UC (Urban Core) that require (or encourage) buildings to tier away from the river and to minimize interfere with river corridor views. Likewise, we support the performance standard included in SR (Separated from River) requiring a structure's height to be “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.”

As these areas are developed and our local population grows, the preservation of scenic

views on the river will become even more needed than it is today.

6106.0120 Subpart 2D (conditional use permits for height)

Height limits in the MRCCA tend to be somewhat controversial, and even with new rules, developers and cities will invariably want to make exceptions to allow some buildings to be taller. Under the existing regulations, city planning commissions often do grant conditional use permits and variances to allow structures to exceed the height permitted. However, it is quite rare for the findings of fact associated with those official actions to directly address the potential impacts to the river. Establishing a process for evaluating the impacts to scenic views, and taking steps to mitigate those impacts, is needed in order to prevent degradation of the river’s unique scenic character. We support the standards for granting a CUP for height in the proposed rules, as they will ensure that exceptions for height are reviewed within the context of the MRCCA.

Although we support the proposed height limits per district, some of the proposed mapping of districts will not provide adequate protection of scenic views, especially in the Gorge, around Grey Cloud Island, and along the bluffslands surrounding Spring Lake. Our comments on the maps are summarized in the section on district maps, below.

6106.0120 Subp. 3. Location of structures.

The proposed structure setbacks from shorelines (Subp. 3A) and bluffs (Subp. 3B) are needed and reasonable, in order to prevent erosion and habitat degradation. We support the shoreline and bluff setbacks in the proposed rules, as they are generally consistent with state shoreland law, floodplain regulations, existing MRCCA standards and most city ordinances.



This development in Lilydale was built much too close to the bluff (prior to the establishment of MRCCA) creating serious and costly bluff erosion problems, as well as scenic impacts.

6106.0150 VEGETATION MANAGEMENT STANDARDS

The vegetation management standards in this section are needed and reasonable, and we recommend no changes. As stated in the definitions section of our comments, Executive Order 79-19 guidelines for managing vegetation were insufficient and difficult to enforce.

The standards in the proposed rules provide a permitting process that will limit vegetation removal in sensitive areas like the Bluff and Shoreline Impact Zones (BIZ, SIZ) and require



restoration plans to ensure native plant communities are protected and enhanced. The permit process is needed because local government units have had difficulty preventing the destruction of critical habitat..

The photo to the left shows an example of a clear-cutting of mature oak trees in Mendota that could have been avoided if a permit had been required.

6106.0170 SUBDIVISION AND LAND DEVELOPMENT STANDARDS

6106.0170 Subp. 1. Purpose

FMR strongly supports the open space dedication requirements in this section as it ensures that the natural and scenic character of the river, and its biological and ecological functions will be preserved as the corridor develops. We strongly disagree with the comments of some groups that claim this is a taking of property. State law authorizes local governments to require developers to dedicate a “reasonable portion of buildable lands” as public amenities, including land for parks, recreational facilities, trails, wetlands and open space. Minn. Stat. § 462.358, subd. 2b(a) (2015) and Minn. Stat. § 394.25, subd. 7 (2015).

The requirement for open space dedication in the MRCCA is nothing new— in fact it pre-dates the state law requirements. Executive Order 79-19 included this requirement in the “Standards and Guidelines for Preparing Plans and Regulations,” although it is vague compared with the proposed MRCCA rules.

From Executive Order 79-19:

- C.6. Local units of government and regional and state agencies shall develop plans and regulations to maximize the creation and maintenance of open space and recreational potential of the Corridor...
- C.6.d. Plans and programs to acquire sites for public access to the river and to protect open space areas shall be adopted
- C.6.f-g. In the development of residential, commercial and industrial development, a developer shall be required to dedicate to the public, reasonable portions of appropriate riverfront access lands, other lands in interest therein, or cash in lieu

6106.0170 Subp. 2. Applicability

We are comfortable with setting thresholds, especially for properties that are not right on the river, to ensure that open space dedication does not create an undue burden on local

cities to monitor protected open space for a large number of small properties. We disagree with the 10-acre threshold for river-adjacent properties, however, and we concur with the National Park Service assessment that six acres is a more appropriate threshold for requiring that primary conservation areas be preserved. Open space dedication is needed along the river in both rural areas with high conservation value as well as in rapidly changing urban areas.

Other than river's banks, bluffs and shorelines, many of the urban areas slated for redevelopment have few "primary conservation areas." Open space dedication for smaller parcels is needed in these areas to ensure that keeping the riverfront in a natural state or restoring vegetation when necessary is given priority. This is especially true in Minneapolis and St. Paul where both cities have existing policies that wherever feasible, land along the river should be public parkland.

The 10-acre threshold for applying open space dedication requirements to river-adjacent land is too high for the UM (Urban Mixed) and RTC (River Towns and Crossings), because most of the parcels in these districts are smaller than 10 acres. We believe the threshold should be changed to six acres. Much of the land within the UM will undergo redevelopment in the next 20 years and public access to the river will be needed to support growing numbers of urban residents and visitors. Some cities may argue that it is overly burdensome to monitor and enforce open space requirements of small acreages but we believe the statute requires these resources to be protected and the benefits that accrue in terms of property values, scenic enhancement and ecological health will last for generations and are easily worth the effort.

6106.0170 Subp. 4. Design Standards

Conservation design, or clustering away from the river, is a good strategy for ensuring that some wildlife habitat and other important ecological functions along the river are preserved. This is especially important in undeveloped areas of the corridor and areas slated for redevelopment.

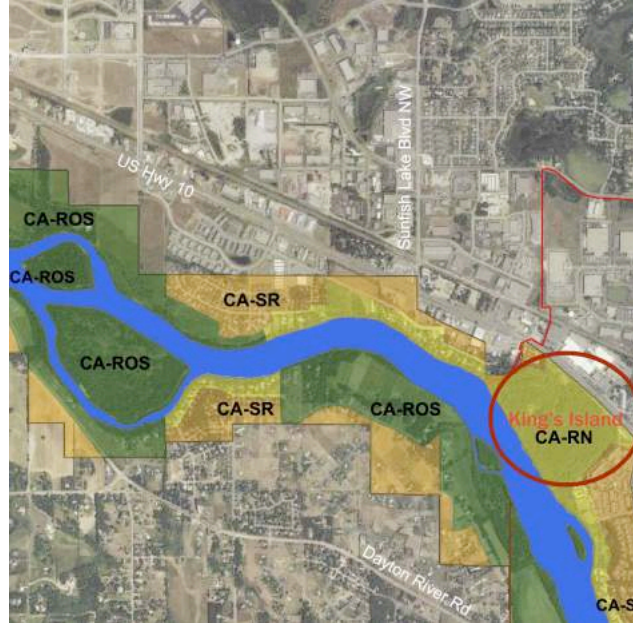
The requirement for 50% dedication of open space in the Rural and Open Space District is needed to protect, as the statute requires, the specified scenic, geologic and ecological resources, and it is reasonable, because most of these areas are already zoned for rural low-density development.

The ROS district contains lands with highest ecological integrity and function. Open space dedication in the ROS is needed to preserve quality habitat along the river, and maintain the potential for public access to the river in the future.

DISTRICT MAPS

MAP 1: DAYTON TO ANOKA Slide 19: King's Island map (City of Anoka at City of Ramsey border)

We recommend that King's Island be in the ROS District instead of RN. This area is in the floodplain and should be in the district with the highest protections, such as the 200-foot structure setback from the river. This area has the same qualities as the natural areas and parks in Minneapolis and St. Paul, and it should be in the ROS district to maintain consistency.



MAP 4: MINNEAPOLIS

Above the Falls (Plymouth Bridge to Camden Bridge)

Some of the changes that we requested were made to the Minneapolis map, such as changing the area from Plymouth to Lowry on the west side of the river from UC to UM. This is much more appropriate for an area that will someday be part of the Above the Falls Regional Park.

In general, we think UM is appropriate for the Above the Falls area because it will be undergoing a major transformation in the coming decades. A significant portion of the MRCCA is within the Above the Falls Regional Park boundary, and some of the land slated to become parks and trails is still owned privately. We do have a concern that since this area will no longer be subject to a bluff setback (the steep banks are less than 25 feet high), the UM District ordinary high water level setback of 50-feet from the river will be insufficient to provide room for future trails. A reclassification to RTC District (with a 75-foot setback) for the land adjacent to the river would afford some additional protection, and since many of the parcels are less than 10 acres in this section of the river, no open space dedication would be required by the proposed MRCCA rules.

The Mississippi River Gorge (Franklin, Lake Street, Ford bridgeheads)

In general, we are still concerned about heights at bridgeheads in the gorge, however the RTC height standard was set at 48 feet instead of 56 feet, providing some protection of scenic views at bridge crossings.

Nicollet Island (Hennepin Ave Bridge)

We requested that Nicollet Island be changed from UM to RN. The northern half was changed to RN and the southern half was changed to RTC. We recognize this was a compromise, however we still think all of Nicollet Island should be in RN. Most of Nicollet Island is owned by the Minneapolis Park and Recreation Board, and although it is very close to downtown, it has strict covenants and lease agreements that do not permit dense

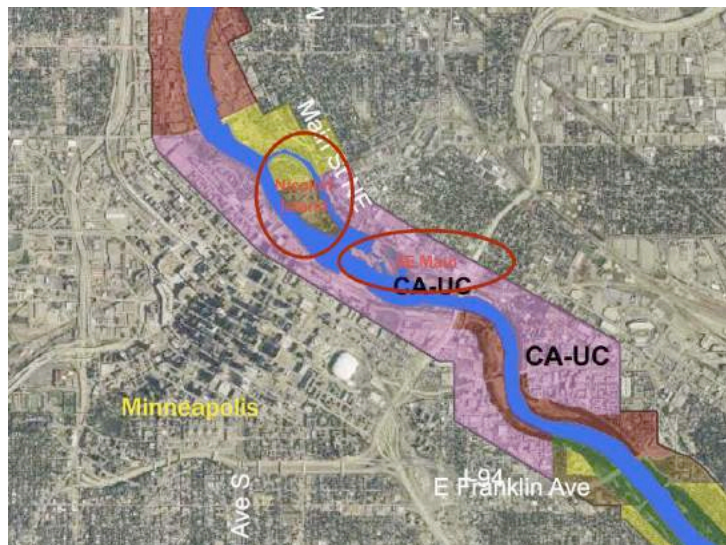
urban development. Nicollet Island is a major feature of the St. Anthony Falls National Historic District. It has a small neighborhood of less than 150 people, many of who live in historic houses that add character to the park and historic district. There are no tall buildings on the island and it is zoned and guided for low-density residential neighborhood and public parkland.

We do not see any reason to differentiate the southern half of Nicollet Island as RTC and we are concerned that if CUPs for heights greater than 48 feet were granted for the few private parcels on Nicollet Island, it could damage the historic small town feel of this unique place that is frequented by park users and visitors from around the world.

The Minneapolis Park and Recreation Board recently approved a new regional park master plan for the area, which calls for maintaining the existing uses and historic character, while adding more natural features to the island, such as restoring land along the East Channel of the Mississippi River and replacing the paved road with a “woonerf” which can be used by bikes and pedestrians with limited automobile traffic. This plan is consistent with the RN District.

Southeast Main Street (Hennepin to Washington SE)

River-adjacent land on the east bank between Main Street and the river from Hennepin to the Washington Ave. Bridge should not be in the UC-Urban Core district. This is within the most visited section of the National Park and the St. Anthony Falls area has arguably



the most historically significant geography in Minnesota. We understand that the City is planning buildings that are taller than 65 feet between Main Street SE and University Ave., so UM or UC makes sense for that area. The unrestricted heights of the UC district would be highly inappropriate, however, for the area right along the river. This area is within the boundary of the Central Riverfront Regional Park, includes Father Hennepin Bluffs Park and Hennepin Island, and is adjacent to the Stone Arch Bridge. There are private parcels in this area, including University of MN owned land along the shoreline, and if development is not limited, the riverfront park and Historic Main Street could be negatively impacted. Tall buildings in this area could wall off the river and the Stone Arch Bridge from area residents and visitors and would not be in keeping with the surrounding open space or the many historic structures on Main Street.

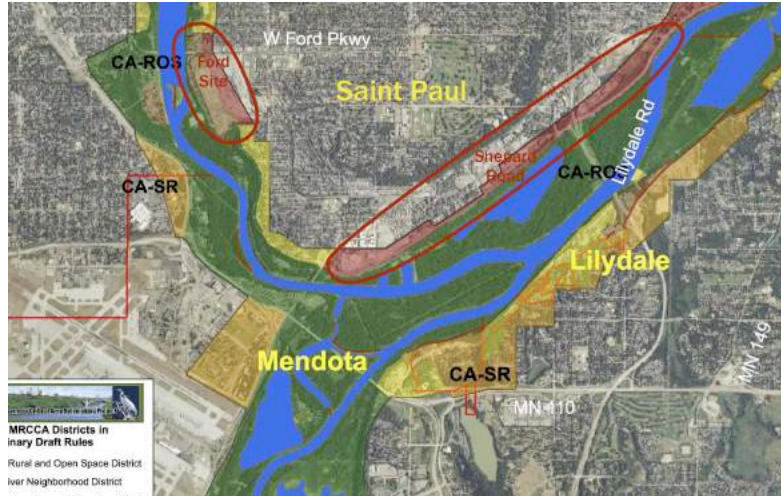
MAP 5: ST. PAUL

Confluence of the Minnesota and Mississippi Rivers

We continue to have concerns that some of the most scenic parts of the MRCCA will end up with weaker standards for structure height than the existing MRCCA ordinance. In particular, the Mississippi River Gorge on the east side of the river from Highland Parkway to Otto Avenue. At the center of this area is one of the most historically and geographically significant places in

Minnesota, the confluence of the Mississippi and Minnesota Rivers. The confluence area has unique geography that connects our community with 10,000 years of history. One of the largest waterfalls in the history of planet earth existed here, before receding to the present day location of St. Anthony Falls. Native Americans considered this area highly spiritual and important,

calling it “Mendota” which means “the meeting of the waters.” It’s no coincidence that this location is the birthplace of Minnesota – Ft. Snelling was built high on the bluff where soldiers and early settlers of the territory had a commanding view of both rivers and the surrounding landscape. In addition to its historical significance, the scenic qualities of this area are dramatic, unusual and worth preserving.



Under the city’s existing MRCCA ordinance, the area landward of Mississippi River Boulevard and Shepard Road from the Minneapolis-St. Paul border to Otto Avenue has a 40-foot height limit, but in the proposed rules, height limits for some parts of the confluence area would increase to 65 feet and could be even higher with a CUP. Taller heights in this area could diminish the scenic character of this important place, which presently has very few buildings that are taller than the trees.

Ford Motor Company site

At the Ford site, which is just north of the confluence, we support the use of the RTC district for the area along Mississippi River Boulevard, and the UM district to the east, as it is now shown on the draft map. We are aware that the City of St. Paul would like the Ford site to be all UM-district in order to have taller buildings closer to the river. If the city can provide a visual analysis during the development of their ordinance that shows buildings will not be readily visible from the river, we would potentially support higher height limits for a larger portion of the Ford site during the city’s MRCCA ordinance revision process.

Land owned by Ford between Mississippi River Boulevard and the river should remain in ROS, including the area around the steam plant and Ford hydroelectric dam operations.

This area is part of the river gorge as it enters the confluence, and it is surrounded on three sides by regional parks (Mississippi River Gorge, Hidden Falls and Minnehaha Falls), all of which are in ROS. The river dependent industry can remain in the ROS District without restrictions, so there is no reason to change this.

Shepard Road

We recommend changing the UM district to the RTC district for the area north of Shepard Road between the Highway 5 Bridge and Otto Ave. RTC has a maximum height of 48 feet, which is more appropriate for the confluence and river valley, while still allowing taller development, if visual studies can show that the views from the river and floodplain lakes will not be impaired. We have heard from numerous concerned citizens who live and/or recreate in the immediate area that do not want the river corridor height limits increased from the existing 40-foot limit. Changing this area to RTC is a fair compromise that will ensure the highly significant resources adjacent to Shepard Road are adequately protected.



The Shepard-Davern site, just east of Highway 5, is an example of a development site that is highly visible from the confluence area. The photo above, taken from the opposite shore within Fort Snelling State Park, demonstrates that the 44.5-foot tall parking ramp is visible and degrades the scenic values of this very significant area.

The Shepard-Davern site, just east of Highway 5, is an example of a development site that is highly visible from the confluence area. Currently there is an airport parking lot on the site that is 44.5 feet in height. The photo below, taken from Pike Island at Ft. Snelling State Park, clearly shows that the structure is visible from the river.

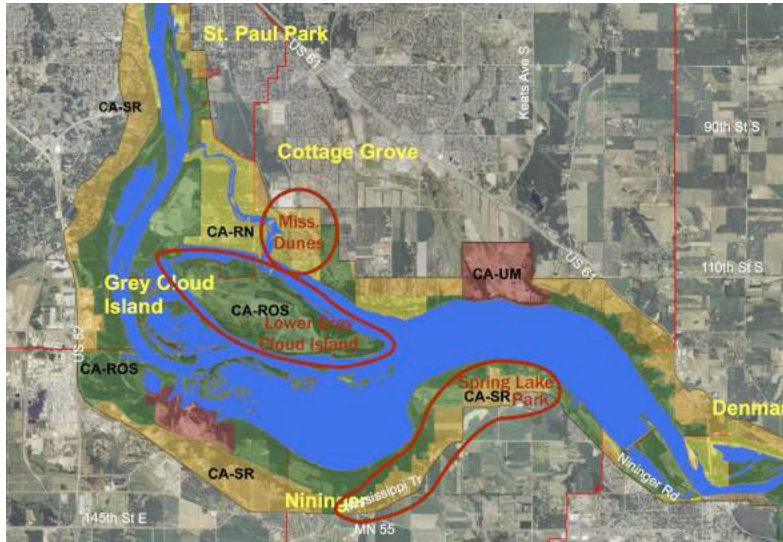
The 65-foot height limit in this most special and scenic location is demonstrably not protective of the scenic values here as required by statute. We see no reason for this site to have a 65-foot height limit and many of the local residents agree.

MAP 6: ST PAUL TO NININGER

This map includes some very significant resources, including Pine Bend Bluffs, Schaar's Bluff, Grey Cloud Dunes, and numerous floodplain islands and backwater lakes. This area has some of the highest quality native plant communities in the metro area and considerable investment has been made to set aside riverfront land for natural areas, regional parks and trails and spectacular scenic overlooks.

Blufflands around Spring Lake (Rosemount, Nininger, Cottage Grove, Denmark)

We are very concerned and surprised that so much of this special, scenic area is in the SR district. We are concerned because these areas have no height limits other than underlying



zoning and they are much too close to the river and bluffs. We are surprised, because most of this land is in Nininger Township, Denmark Township and rural sections of Cottage Grove that have no plans to develop or urbanize in the foreseeable future.

By definition, these areas should not be visible from the river, but photos show numerous SR locations that are clearly visible. Other areas

in the SR are not visible now because they are farmland, but should that change the rural and open space character of these areas, as well as views from the river could be dramatically and negatively impacted.

One good example of this is Mississippi Dunes Golf Course in Cottage Grove. This site is visible from the river and portions of Grey Cloud Island and should not be in the SR district. ROS is the best district for this area, but RN would also be acceptable.

Another example is the boundary for ROS/SR along the bike path west of Spring Lake Park. It should be moved west to the road instead of being on the bike path. At the very least, RN could be designated between the trail and the road instead of SR.

Lower Grey Cloud Island

All of Lower Grey Cloud Island is in the ROS - Rural and Open Space District. The ROS should not be changed to UM in this area as requested by the property owner. ROS is highly appropriate for this land for a number of reasons.



The photo above is looking northeast towards Cottage Grove from Grey Cloud Island. The Mississippi Dunes Golf Course is visible from the river here, so it should not be in the SR-district.

Lower Grey Cloud is the largest island in a system of dozens of islands that provide unprecedented wildlife habitat for an urban area. Recent studies, conducted as part of the

unpublished “Nelson Mine Expansion Draft Environmental Impact Statement,” (City of Cottage Grove), have shown that the southern tip of Lower Grey Cloud Island includes massive mussel beds that support more than 1 million mussels, some of which are rare or threatened species.

Although there is a large aggregate mining operation on Lower Grey Cloud, the environment is largely rural, open and natural with pockets of existing habitat. The open space character of the area, along with its habitat value and potential, demonstrate that ROS is the right district for Lower Grey Cloud. Exemptions for river dependent industrial uses allows for some flexibility, while still protecting the basic river character and resources of this unique area.

The City of Cottage Grove’s 2030 comprehensive plan makes several references to possible redevelopment on Lower Grey Cloud in the future once the mining operation is completed. There is a strong interest from the city to provide additional parkland and public access to the river, as well as increasing tax base through new residential and/or commercial development. According to the utility phasing plan however, new development would not occur until 2030 or later.

We strongly recommend that this area remain in ROS until more work can be done to consider development scenarios and how those scenarios would impact the sensitive resources of Lower Grey Cloud Island. The MRCCA was established for many reasons, but protecting and restoring the biological and ecological functions of the river in areas like Grey Cloud is essential if the program is to be successful.

To conclude our comments, we would like to thank the DNR and all the stakeholders for a robust process to establish state rules for the Mississippi River Corridor Critical Area. We support adoption of these rules, and it is our hope that you will find these comments helpful and will give careful consideration to incorporating Friends of the Mississippi River’s suggestions and recommendations into the final version of the rules.

Sincerely yours,

Whitney L. Clark
Executive Director