CRITICAL CONDITION

As the metro Mississippi comes under increasing development pressures, government officials and river advocates are re-examining a state law designed nearly 30 years ago to protect the river.

Their question: Is it working as it should?

By Harland Hiemstra

Commencing at the point where the west boundary line of Anoka County intersects with the north boundary line of Hennepin County; Thence north along said Anoka County west boundary line to the NW corner of the NW quarter of the SW quarter of Section 19...

No stone markers note the northern boundary of the Mississippi River Critical Area in the City of Ramsey. No signs welcome you.

... Thence southeasterly along the Dakota County boundary to the intersection with the Dakota County - Goodhue County common boundary...

Nor is there any sign at the area’s southern tip a few miles south of Hastings. Between those points, 72 river miles enjoy special protections from a unique state law that many people are unaware of, though it’s been on the books nearly three decades.

Recognizing the ecological, cultural, aesthetic and economic importance of the Mississippi River corridor in the Twin Cities, Gov. Wendell Anderson in 1976 issued an executive order designating it a state critical area. Three years later, Gov. Al Quie extended the designation by signing Executive Order 79-19, which continues to provide the framework for special protections afforded the metro Mississippi. The designation was made permanent by the state legislature in 1991, three years after Congress established the Mississippi National River and Recreation Area (MNRRA) with the same boundaries as the Mississippi River Critical Area.

Now nearing 30 years of age, the Mississippi River Critical Area law gets mixed reviews. Some local officials view it as an outdated obstacle to economic growth, taking advantage of the law’s vague standards and weak enforcement to push limits on riverside development. One environmental attorney describes it as “the perfect Minnesota law – high-sounding and great intentions, but it makes little difference.”

Others — admitting the law’s imperfections — paint it as an effective planning tool that has helped minimize negative scenic and environmental impacts, adding a much needed layer of protection for a major resource that’s under growing pressures.

Threatened resources

The Mississippi River Critical Area arose from a 1973 state law granting the governor power to establish special protections for an area by executive order. Part of a 1970s surge of proactive environmental legislation, the Critical Areas Act gave the state authority to establish more restrictive standards for activities impacting areas specially designated for their high natural resource value.

The law grew largely out of concern over increasing threats to the St. Croix and Mississippi Rivers. Eventually the St. Croix was protected under Wild and Scenic River laws, and the metro Mississippi became the only designated state critical area.

The designation divides the 72-mile corridor into four zoning districts — urban diversified, urban developed, urban open space and rural open space. Each zone has its own standards, acknowledging the wide difference between a long-urbanized area such as downtown Minneapolis and a relatively undeveloped township in Dakota County. The law requires the 25 communities along the river to develop local plans and ordinances that preserve natural resource values while allowing a range of economic uses. It caps building heights and requires bluffline setbacks to preserve scenic views from the river; it restricts removal of vegetation within the corridor and limits development on steep slopes. It gives the state certain powers to enforce the order’s standards.

Devil’s in the details

That’s the law in theory. Theory, Steve Johnson quickly notes, isn’t always the way things work out in the real world.

Continued on page 6
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MISSION:
Friends of the Mississippi River (FMR) advocates a new vision for the Mississippi, especially the river and its watershed in the Twin Cities metropolitan area. Through active leadership and education, FMR seeks to preserve and restore the river’s fish and wildlife, its vital floodplains and scenic bluffs, its natural and cultural treasures, its beauty and its romance. We envision a river on which small boats are safe and welcome, to which we have clear and easy access and in which we can safely swim and fish. We envision a river that is cleaner, healthier, more alive and more inviting, a river to which we have clear and easy access and in which we can safely swim and fish. We envision a river that is cleaner, healthier, more alive and more inviting, a river no one can ignore or take for granted.

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Letter from the Director

As an advocate and watchdog for the river and those who care about it, Friends of the Mississippi River (FMR) is working in many communities in the Twin Cities to help them protect and enhance the qualities they love about their river. For example in north Minneapolis we are leading a public process to study the feasibility and cost of redeveloping the 48-acre, city-owned Upper Harbor Terminal into a new riverfront park and residential neighborhood. In the communities of St. Paul Park and Grey Cloud Township, FMR is working with a local citizens group to significantly modify a massive new residential subdivision known as “River’s Edge,” which is proposed for the bluff overlooking a beautiful and undisturbed backwater bay. The proposal is grossly inconsistent with state critical area law.

What is it that you love about the Mississippi River?

In towns up and down the Upper Mississippi, the riverfront revival is in full swing. Communities whose riverfronts lay dormant, underutilized and under-appreciated for decades are now discovering the great river is an amenity and a core asset around which to build their identity and civic life. This summer’s Grand Excursion was designed to promote and build upon an estimated five billion dollars worth of recent development, both public and private, along the river.

But this powerful impulse to embrace the river carries both risk and reward. Those qualities that convey such an authentic sense of place can easily be obliterated by poor planning and design. Citizens and elected officials should be thinking about which characteristics of the river they value and want to celebrate. Scenic beauty, public access, historic places and natural areas are some of the elements that make the river an authentic place.

Unfortunately, in too many communities, developers are being allowed to privatize and degrade the river’s special qualities. Anticipating this trend, the Minnesota Legislature in 1976 enacted the Critical Areas law which recognized the Mississippi as a natural, scenic and recreational asset of statewide significance and established a legal framework for protecting those values while providing for growth and development. According to the law, communities along the river are required to develop critical area plans that express their vision for their riverfronts. The law gives the Minnesota Department of Natural Resources the authority to approve and enforce those plans.

“Citizens and elected officials should be thinking about which characteristics of the river they value and want to celebrate. Scenic beauty, public access, historic places and natural areas are some of the elements that make the river an authentic place.”

Mark Twain was on to something when he said, “The face of the river, in time, became a wonderful book . . . which told its mind to me without reserve, delivering its most cherished secrets as clearly as if it had uttered them with a voice. And it was not a book to be read once and thrown aside, for it had a new story to tell every day.”

The story that the Mississippi River tells us today is an epic with its beginnings in the mists of pre-history and with its ending as yet unwritten. We get to choose how this chapter comes out. Let’s pass a healthy, scenic and publicly accessible river on to the next generation of readers of this great story.

Whitney Clark can be contacted at 651/222-2193 x13 or wclark@fmr.org
FMR's Watershed Initiative Sets a Course

“When you know what I know, you get a reverse osmosis (water) filter” stated Tom Lewanski, FMR’s Conservation Director and resident of Ninniger Township outside of Hastings. Tom first became concerned about his drinking water supply after learning about a study that was completed two years ago by Dakota County that showed significant contamination of groundwater aquifers in the area around Hastings. As a father of three children, Tom was particularly concerned about the high levels of nitrate and pesticide residues found in wells around the area. The County’s study linked the contamination to polluted runoff entering the Vermillion River and being carried downstream, where it seeps into the groundwater that feeds the wells for the City of Hastings and surrounding townships. Although their residents are impacted by this water pollution, these communities have no control over what happens upstream of their borders.

Since most water quality issues can only be addressed at the watershed level, FMR has embarked upon an effort to address this and other water quality issues through its recently launched Watershed Initiative. Focusing on two watersheds, Rice Creek in the north metro and the Vermillion River in the south metro, the Watershed Initiative is working to promote change by connecting the dots between the sources of pollution and their impacts downstream. In the Vermillion River Watershed, FMR is focusing on three issues: protecting the river’s outstanding trout population, reducing impairment from fecal bacteria and protecting drinking water. In the Rice Creek Watershed we are working to improve lake quality and overall water quality in the creek that empties into the Mississippi River just upstream of where the cities of Minneapolis and St. Paul take in their drinking water.

A major issue for both watersheds is the tremendous growth experienced by their developing suburbs. Rice Creek Watershed, with the rapidly urbanizing communities of Blaine, Forest Lake, Lino Lakes and Hugo, is expected to add another 100,000 people over the next 25 years. The Vermillion River Watershed, through the growth of the communities of Lakeville, Farmington and Apple Valley, will double in population; adding another 150,000 residents during the same period. In order to protect and improve water resources, FMR is advocating for changes to local policies and practices that impact stormwater management in rapidly growing areas, as well as already developed communities, within our target watersheds. By focusing at the watershed level, FMR hopes to influence policies at the local level where most land use decisions are made.

For more information on FMR's Watershed Initiative, please visit FMR's website or contact Daniel Huff at 651/222-2193 x18 or dhuff@fmr.org.

Watershed Work in Action

More than 80 local citizens attended a meeting about the future of the Vermillion River Watershed held in Apple Valley on July 19th. The meeting was hosted by FMR, the City of Apple Valley, and Kevin Bigalke of the Vermillion River Watershed Planning Commission.

The workshop featured a presentation on the Vermillion River and its watershed, including a discussion about issues facing the river and strategies for improving it. Workshop participants had the opportunity to discuss concerns about the river and watershed and to provide feedback on the draft watershed plan being developed by the Vermillion Watershed Joint Powers Organization.

“The turnout for this meeting exceeded our expectations,” said Daniel Huff, FMR’s Watershed Program Director. “There was an overwhelming sentiment that people care deeply about water resources and want to see them improved, even if it means an increase in taxes to pay for it.”

North Creek, a tributary of the Vermillion River, is threatened by increased runoff pollution from rapid urban development.

FMR Launches New Partnership with 3M

FMR is pleased to announce an exciting new partnership with the 3M Corporation. FMR is working with 3M to restore and manage natural areas that the company owns along the Mississippi River in Cottage Grove. To begin the project, FMR developed an ecological management plan for natural areas on the property.

The management plan evaluated the ecological condition of existing natural areas on a portion of the facility and identified management and restoration steps needed to improve the ecological health of the site. The site contains sand-gravel dry prairie, a small stream, and forested areas. “The natural communities on 3M’s site provide habitat for many animals and plants,” noted Karen Schik, FMR’s Restoration Ecologist. “This area serves as an important corridor between Cottage Grove Ravine Regional Park and the Mississippi.”

FMR will serve as the project manager for the restoration efforts and will lead several activities to improve the area, including conducting prescribed burns and working with 3M employees to remove buckthorn and other exotic invasive plants.

“There are several enthusiastic 3M employees who are interested in the project and want to keep it moving forward,” said FMR’s Conservation Director Tom Lewanski. “These folks care about the animals and plants that they share the property with, and having an internal group of employees to adopt and care about the project is vital.”
Exploring the Future of Minneapolis’ Upper Harbor Terminal

FMR recently completed a redevelopment study of the Upper Harbor Terminal—a city-owned site on the Mississippi River in north Minneapolis. The purpose of the study, which was coordinated by FMR in partnership with American Rivers and the City of Minneapolis, was to explore and design potential redevelopment scenarios for the 48-acre site and surrounding area, building upon the foundation established in Minneapolis’ Above the Falls Master Plan, which calls for converting many of the industrial land uses along the river into parks, housing and commercial development.

Over 100 stakeholders representing a broad spectrum of community and river interests participated in two public input workshops and a three-day design charrette led by Hoisington Koegler Group, inc. earlier this year as part of the study. Three design concept alternatives were created during the charrette and then tested for feasibility against today’s market forces and infrastructure realities.

A report outlining the results of the study will be for-

FMR was pleased to have this opportunity to work proactively with the City on riverfront planning. “Too often developers arrive with fully baked proposals, making it difficult for citizens or public officials to provide meaningful input,” said Irene Jones, FMR Outreach Director and coordinator for the study. “By getting out ahead of the curve, the community can forge a strong vision that will be supported by a majority of stakeholders.”

The study was funded by the City of Minneapolis, the Mississippi Watershed Management Organization, American Rivers, the Carolyn Foundation, the Patrick and Aimee Butler Family Foundation, the McKnight Foundation, and the Irwin Andrew Porter Foundation.

For more information about the study or to download the report, please go to www.fmr.org/uht.html, or contact Irene Jones at 651/222-2193 x11 or by email at ijones@fmr.org.

Testing the Waters

Friends of the Mississippi River is partnering with Dakota County to coordinate the County’s award winning Wetland Health Evaluation Program (WHEP). In partnership with Hennepin County, the Minnesota Pollution Control Agency, the U.S. Fish and Wildlife Service, and Dakota County, FMR has been organizing teams of volunteers to monitor wetlands in Dakota County. Volunteers learn plant and insect identification skills while working with a community-based team to collect important data and study the ecological health of area wetlands.

Individuals interested in volunteering with WHEP are invited to join a citizen monitoring team throughout the summer months. Monitoring is conducted in June and July with some lab studies done in August. All equipment is provided and no prior science background is required. Hennepin County also coordinates monitoring teams in Minneapolis and several other west-metro suburbs.

For more information, call Katie Gal loway at 651/222-2193 x14 or email her at kgallowa@fmr.org. You may also find more information about the program by visiting www.mnwhep.org.

Pine Bend Bluffs SNA Dedication

On May 8, The Minnesota Department of Natural Resources formally dedicated the Pine Bend Bluffs Scientific and Natural Area (SNA), located along the Mississippi River in Inver Grove Heights. The 185-acre SNA is home to beautiful oak forests, rare prairie remnants, seepage swamps, and some of the most spectacular views of the river valley in the Twin Cities. In addition to a formal dedication, the event also included a hiking tour, and for the early risers, a pre-dedication birding hike was organized at the site by FMR.

The acquisition and development of this SNA was the result of a partnership, which included FMR, the Trust for Public Land, the SNA and Metro Greenways programs at the Minnesota DNR, Dakota County, the City of Inver Grove Heights, and the former landowners.

The Pine Bend Bluffs contain some of the highest quality habitat in the seven-county region. FMR has also been working with several of the private landowners near the SNA to manage, enhance, and restore the natural areas along this stretch of the river.

For more information on the Pine Bend Bluffs Scientific and Natural Area, please visit www.fmr.org/phptmrss/.

Volunteers enjoyed getting into deep water for a Wetland Health Evaluation Program (WHEP) training this past Spring.
Gorge Steward Update

The oak savanna restoration site at 36th Street and West River Parkway in Minneapolis got a boost this spring when 100 Gorge Stewards and other volunteers participated in a planting event organized by Great River Greening. More than 5,000 prairie plugs, many raised up from seed collected by the stewards at the site last fall, were installed around the perimeter of a favorite picnic spot in the savanna.

This summer the Gorge Stewards project will embark on a new approach to gorge protection and restoration efforts—the “Foray Model.” Small groups of volunteers will carry out projects under the leadership of other trained stewards with the goal of enhancing current protection efforts at the oak savanna and other key gorge sites. Forays will involve a variety of activities including invasive species removal, seed collection, weeding planted areas, litter clean-ups, ecological surveys and more.

For more information about Gorge Stewards activities, contact Beth Storey at 651/222-2193 x16 or bstorey@fmr.org or visit www.fmr.org/stewards.html.

Water Quality Workshop with Hmong American Partnership

Immigrants from Laos maintain a close relationship to local water resources. The Minnesota DNR estimates that more than 70% of Hmong people fish for food or recreation, and the use of park resources among Hmong community members is high. Hmong immigrants also have a long agricultural tradition. They create backyard gardens as a way to preserve cultural identity and provide fresh vegetables for their families. Many Hmong gardeners have a tradition of chemical-free growing, but pesticide and herbicide use is on the rise among this immigrant community.

With these things in mind, FMR co-presented a water quality workshop to students at Hmong American Partnership last Spring. The workshop provided information about gardening practices that reduce the amount of polluted runoff flowing into local waterways, backyard composting, safer fish cleaning practices, as well as the proper use and disposal of household chemicals.

The workshop was co-presented by Deborah Carter of the Ramsey County Department of Public Health, and Choua Vang who served as the interpreter.

Volunteers Dig in Along the River

Throughout the past several months, FMR has worked with hundreds of volunteers to protect and restore several natural areas in Dakota County. Thanks to their contributions and the support from many partner agencies, habitats at three important sites are more diverse and ecologically stable.

Last October FMR partnered with Great River Greening and Flint Hills Resources to restore 15 acres of woodland at the Pine Bend Bluffs in Rosemount. More than 100 volunteers joined us for a buckthorn removal event at the site, helping to enhance the natural plant communities of the area.

FMR has also been working with the DNR and the Met Council on a comprehensive restoration project along the Vermillion River at the Empire Wastewater Treatment Plant north of Farmington. Two planting events have been held since November with 70 volunteers helping to plant over 1,000 trees and shrubs in order to revegetate and stabilize the once severely eroded banks of the Vermillion – an important trout stream and tributary to the Mississippi.

A great deal of work has also been carried out at the Hastings River Flats Park. FMR developed an ecological management plan for the park and has been working with the City of Hastings on several restoration projects. In March FMR partnered with Great River Greening for a buckthorn removal event with almost 100 volunteers coming out to remove the problematic species from the floodplain forest. Two planting events have also been held along Lake Rebecca, with over 80 volunteers helping to plant native species that will provide habitat for wildlife and filter runoff from the park. In addition, over 30 acres of the park on which large petroleum tanks used to sit were seeded last fall with wet prairie species.

FMR will continue to focus many of our restoration efforts in Dakota County and plans to hold more volunteer events this Fall. For more information about restoration events and other volunteer opportunities, please visit FMR’s website at www.fmr.org or contact Katie Galloway at 651/222-2193 x14 or kgallowa@fmr.org.

Proposed Development Would Degrade River

Paddlers and anglers who venture south of the I-494 Bridge on the Mississippi River are often surprised when they discover the quiet, secluded system of backwaters, islands and braided channels that emerge along the east side of the river. Away from the busy navigation channel and with minimal disturbance to the floodplain and banks, this stretch of the river is a haven for birds and wildlife, and a place that feels far away from city life.

A proposal to urbanize land along the river in St. Paul Park and Grey Cloud Island Township could dramatically change the character of this beautiful area and put other riverfront natural areas at risk from development. “River’s Edge,” a high-density mixed use development proposed by developer D.R. Horton, has been criticized by FMR, the Minnesota Department of Natural Resources (DNR) and others for its potential to damage bluffs, floodplains, natural springs, groundwater resources, and three bald eagle nests near the site.

In order to get around the environmental protection guaranteed this area by the Mississippi State Critical Areas Act, the developer is proposing to make unprecedented changes to the law by amending local critical area plans. Their goal is to change the level of protection (from highest to lowest) for lands within Grey Cloud Island Township, and if successful, other natural riverfront areas with the highest level of protection could also be at risk. FMR is working with a local citizens’ group and other environmental organizations to encourage local elected officials and the DNR to fully protect this rare and special place.

For more information including links to related sites and media coverage, visit www.fmr.org/savethebay.html or contact Irene Jones at 651/222-2193 x11 or ijones@fmr.org.
From 1995 to 2004, Johnson oversaw the Minnesota DNR’s Mississippi River Critical Area program. Now Stewardship Manager for the Mississippi National River and Recreation Area (MNRRRA), Johnson believes the law has made a big difference. But he’s not shy about its shortcomings.

When the order was first signed in 1976, it was a quick rampart thrown up to fend off immediate threats. Its broad standards were meant to be fleshed out in finer detail through subsequent rule-making. The intended follow-up never happened, Johnson notes. And that lack of detailed standards has given rise to a wide range of interpretations.

“It leaves us a place to have a lot of arguments,” he says.

Communities or developers who push the law’s limits have found loopholes. St. Paul issues conditional use permits; Cottage Grove hands out variances. Some cities and townships have done a good job of developing local plans and ordinances to carry out the law’s intent. A few have thumbed their noses at it.

Hard to measure

On a blue June day when no one who knows or cares about the river wanted to be inside, nearly 20 people representing a range of government, nonprofit and private interests gathered at FMR’s invitation to re-examine Mississippi River Critical Area laws and assess how they were working. Some described glaring examples of where the law had failed to protect natural resources or prevent an eyesore. Others suggested that the law’s successes were hard to point to or quantify because they rely on what-if scenarios — what if the law hadn’t been there with some protections, what if the law were hard to point to or quantify because they rely on what-if scenarios — what if the law hadn’t been there with some protections, what would the metro Mississippi look like then?

“It’s hard to judge a program like this,” Johnson says. “For every bad development that went in, how many other bad developments didn’t happen? That’s a hard thing to measure.”

Participants in the daylong discussion generally agreed that, to a large extent, growing development pressures along the metro Mississippi are the rewards of success in cleaning it up. A revitalized river is drawing people back to its banks up and down the 72-mile corridor at a time when denser housing is becoming more the norm. That creates its own unique set of challenges.

Acknowledging some positive impacts on a project level, the law’s effectiveness in maintaining a healthy corridor is less clear. Jim Erkel, a land use attorney with the Minnesota Center for Environmental Advocacy (MCEA), fears that if all the effects of all the individual developments throughout the corridor were added up, we’d see the integrity of a major ecological corridor being nibbled away at.

“Nobody’s paying attention to the issue of cumulative impacts,” Erkel says. “It’s death by a thousand cuts.”

But in the view of some, the biggest current challenge facing the Mississippi River Critical Area may loom still larger than the issue of cumulative impacts: a changing political landscape in which the sense of collective responsibility toward the river as a shared asset has given way to demands for local control. The law itself is sound, they say; what’s lacking is the political will to enforce it.

“When the Mississippi River Critical Area was designated nearly 30 years ago, it represented a profound recognition of the river’s value and a sincere commitment to maintaining the contributions it makes to our regional quality of life,” says FMR’s Executive Director, Whitney Clark. “Our challenge now is to renew that commitment in a way that respects local wishes, without compromising the health of a resource that’s national, regional and statewide significance.”

Harland Hiemstra is a writer and communications consultant who lives near the river in Saint Paul Park.

A small backwater bay on the Mississippi in Grey Cloud Island Township is threatened by annexation and a proposal to urbanize the local riverfront.
Friends of the Mississippi River • Summer 2004

Join us — or continue our friendship — as we expand our efforts to protect the mighty Mississippi! All contributions to FMR are tax deductible. Please make checks payable to Friends of the Mississippi River and send them, along with this form, to:

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Thank you to all of our new and renewing members for your generous support this year! With your contributions of funds, resources, and volunteer time, Friends of the Mississippi River is accomplishing an incredible amount of work to protect and restore the river in 2004.

FMR Project Support

Do you feel passionate about a particular FMR program or project? Explore the idea of a designated or planned gift to support it by calling Heather Haynes, Director of Development, at 651/222-2193 x20.

Want to support your favorite project right away? Visit the website at www.fmr.org to donate online!

Plan Your Legacy

Is ensuring that the Mississippi River stays cleaner and healthier for your children and for future generations important to you? Consider joining the Friends of the Mississippi River Legacy Society. By making a planned gift or bequest, you can support long-term work to protect and conserve the river as it flows through the Twin Cities. Please call Heather Haynes, Director of Development, at 651/222-2193 x20 for more information.

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This year marks the first ever Mississippi River Challenge. Approximately 300 paddlers will join FMR on August 7-8 for a 44-mile trip from Coon Rapids Dam to Grey Cloud Island, raising funds for river protection in the process. If you are unable to join the fun this year, we plan to hold the event again in 2005. Check out the Mississippi River Challenge website for more information about participating or volunteering for the event—www.mississippi-river-challenge.org.

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It's a great time to become a Friend of the Mississippi River
New Season of Special Places

FMR is excited to announce that the Fall and Winter Special Places Tours brochure will soon be available, and the schedule includes several exciting tours that highlight special places along the Mississippi and its tributaries. Check your mailbox for the brochure in early September or visit our website at www.fmr.org/spt2.html for a listing of all tours.

Over 170 people attended our Spring and Summer Special Places Tours, giving a strong indication that the tours continue to grow in popularity and attract new participants. Some of the highlights of the season were a birding hike at the new Pine Bend Bluffs SNA, a paddle through the Rice Creek Chain of Lakes and a geology tour of Minnehaha Falls.

FMR plans to offer more great tours in the future and add interpretive outings to new places, while continuing to offer tours that have remained old favorites such as the Grey Cloud Dunes SNA Wildflower Walk. If you wish to be added to the brochure mailing list, please contact Katie Galloway at 651/22-2193 x14.

The River Wildlife Watch at Coon Rapids Dam Regional Park will be repeated in March of 2005.

Subscribe to Mississippi Messages!

Each month, FMR publishes Mississippi Messages, our e-mail newsletter. This update contains news and information about the Mississippi River and FMR’s work to protect its natural beauty, the quality of its waters, and its ecological and cultural values. Read Mississippi Messages to find out about:

- Upcoming interpretive events, tours, and workshops by FMR and others;
- Volunteer events where you can get involved in helping to restore the ecology of the Mississippi River and its watershed;
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- News about important trends and policy decisions that affect the Mississippi River and other waters;
- Updates on FMR’s projects and programs;
- Phenology - fascinating seasonal phenomena that highlight the natural life of the River; and
- Ways that you can help support our work through various giving opportunities.

To sign up to receive Mississippi Messages in your e-mail in-box, visit www.fmr.org/update.html. There you will find a simple signup form and examples of some of the news items from previous issues.