

✓

MINNESOTA CODE OF AGENCY RULES

RULES OF THE DEPARTMENT OF NATURAL RESOURCES

1982 Reprint



All rules as in effect on September 15, 1982

Prepared by

THE OFFICE OF REVISOR OF STATUTES
Room 3, State Capitol, St. Paul, Minnesota 55155

Distributed by

STATE REGISTER AND PUBLIC DOCUMENTS DIVISION
DEPARTMENT OF ADMINISTRATION
117 University Avenue, St. Paul, Minnesota 55155

DEPARTMENT OF NATURAL RESOURCES

6 MCAR S 1.001 Public use of state parks, recreational areas, historic sites, waysides, forest campgrounds and forest day use areas.
NR 20 State recreational trails.

Chapter Four: State Outdoor Recreation Project Criteria

NR 31 State criteria for proposed projects.
NR 32 Project programming or scheduling procedure.
6 MCAR S 1.0051 Registration and display of numbers.
6 MCAR S 1.0052 Game and fish resources.
6 MCAR S 1.0053 Public lands and waters.
6 MCAR S 1.0054 Uniform signs.
6 MCAR S 1.0055 Accident reports.
6 MCAR S 1.0056 Snowmobile education and training programs.
6 MCAR S 1.0057 Required equipment.
6 MCAR S 1.0058 Penalties.

Chapter Six: Statewide Standards and Criteria for Management of Shoreland Areas of Minnesota

Cons 70 General provisions.
Cons 71 Public waters classification -- land use designation.
Cons 72 Sanitary provisions.
Cons 73 Zoning provisions.
Cons 74 Subdivision regulations.
Cons 75 General administration.
Cons 76 Use of model ordinance.
Cons 77 Model ordinance.

Statewide Standards and Criteria for the Minnesota Wild and Scenic Rivers System

NR 78 General Provisions.
NR 79 Land use provisions.
NR 80 Public use of waters and lands within wild, scenic, and recreational river land use districts.
NR 81 General administration.

Standards and Criteria for the Management of Municipal Shoreland Areas of Minnesota

NR 82 General provisions.
NR 83 Land use control provisions.
NR 84 General administration.

Chapter Seven: Statewide Standards and Criteria for
Management of Floodplain Areas of Minnesota

- NR 85 General provisions.
- NR 86 Technical standards and requirements for flood plain evaluation.
- NR 87 Minimum flood plain management standards for local zoning ordinances.
- NR 88 Zoning: land uses permitted in floodway and flood fringe areas.
- NR 89 Supplemental standards and criteria for flood plain management.
- NR 90 Regulation of public uses.
- NR 91 Variance from standards.
- NR 92 General administration.

Chapter Eight: Permits to Prospect for and
Leases to Mine Copper, Nickel and Associated Minerals

- NR 94 Permits and leases, copper, nickel and associated minerals.

Chapter Nine: Permits and Lease Forms for the
Mining of Gold and Other Ores Under Public Waters in
Meandered Lakes and Rivers

- NR 99 Permits and leases, gold and other ores.

Chapter Ten: Permits and Leases on State-Owned
Mineral Lands for Ores Bearing Source Material

- NR 104 Permits and leases, source material.

Chapter Eleven: Permits to Prospect for and
Leases to Mine Marl

- NR 109 Permits and leases, marl.

Chapter Twelve: Permits to Prospect for and
Leases to Mine Sand and Gravel

- NR 114 Permits and leases, sand and gravel.

Chapter Thirteen: Boat and Water Safety Rules
and Regulations

- NR 200 Licensing of watercraft.
- NR 201 Rental of watercraft.
- NR 202 Navigation of watercraft on the waters of the state; safety equipment.

NR 203 Capacity plate information requirements.
 NR 204 Waterway markers.
 NR 205 Marking of legally designated swimming areas.
 NR 206 Water skiers.
 NR 207 Placement of temporary structures and buoys in
 the waters of the state.
 NR 208 Reports to the commissioner.
 NR 209 Boat and water funds.
 NR 210 Reimbursement of county sheriffs for search
 and rescue operations.
 NR 211 Penalties.
 NR 212 Previous orders.

Water Surface Use Management

6 MCAR S 1.0220 General.
 6 MCAR S 1.0221 Assessment of conditions.
 6 MCAR S 1.0222 Water surface management standards.
 6 MCAR S 1.0223 Administrative provisions.
 6 MCAR S 1.0250 Watercraft operation on Square Lake,
 Washington County.
 6 MCAR S 1.0251 Watercraft operation on Tanners Lake,
 Washington County.
 6 MCAR S 1.0252 Watercraft operation on Brown Lake, Mille
 Lacs County.

Chapter Fourteen: Scientific and Natural Area Rules and Regulations

NR 300 Scientific and natural areas.
 NR 301 Use of scientific and natural areas.
 NR 302 Restricted uses and acts.
 NR 303 Penalties.

Rules Relating to Mineland Reclamation

6 MCAR S 1.0401 General provisions.
 6 MCAR S 1.0402 Taconite and iron ore reclamation
 standards.
 6 MCAR S 1.0403 The permit to mine and requirements of
 permittees.
 6 MCAR S 1.0404 Procedures.
 6 MCAR S 1.0405 Publication.
 6 MCAR S 1.0406 Administrative standards.
 6 MCAR S 1.0407 Inspection of mining area.

Rules Relating to Wildlife Exhibits

6 MCAR S 1.0500 Wildlife exhibits.

Chapter Twenty-One: Boundary Waters Canoe Area

NR 1000 Use of state lands and waters within the
Boundary Waters Canoe Area (BWCA).

Standards and Criteria for the Lower St. Croix
National Scenic Riverway

6 MCAR S 1.2200 Lower St. Croix water surface use.
NR 2201 Land use control provisions.
NR 2202 Administration and enforcement.

Chapter Twenty-Three: The Kettle Wild and Scenic River

NR 2300 Statewide standards and criteria for
management of the Kettle wild and scenic
river in Pine County.

Chapter Twenty-Four: Rules Relating to the Designation,
Classification and Management of the Mississippi River in
Stearns, Sherburne, Wright, Anoka and Hennepin Counties

NR 2400 Designation.
NR 2410 Classification.
NR 2420 Management.

Chapter Twenty-Five: Rules Governing Designation,
Classification and Management of the North Fork of the
Crow River in Meeker County

NR 2500 Designation.
NR 2510 Classification.
NR 2520 Management.

Chapter Twenty-Six: Designation, Classification
and Management of the Minnesota River in Lac Qui Parle,
Yellow Medicine, Chippewa, Renville and Redwood Counties

6 MCAR S 1.2600 Designation.
6 MCAR S 1.2610 Classification.
6 MCAR S 1.2620 Land management.
6 MCAR S 1.2630 Recreation management.

Chapter Twenty-Seven: Designation, Classification
and Management of the Rum River in Mille Lacs,
Sherburne, Isanti and Anoka Counties

6 MCAR S 1.2700 Designation.
6 MCAR S 1.2710 Classification.
6 MCAR S 1.2720 Management.

Chapter Twenty-Nine: Designation, Classification
and Management of the Cannon River in Rice,
Dakota and Goodhue Counties

- 6 MCAR S 1.2900 Designation.
- 6 MCAR S 1.2910 Classification.
- 6 MCAR S 1.2920 Management.

Chapter Fifty: Permit Fees

- 6 MCAR S 1.5000 Fees for water permits and permits for
underground gas or liquid storage.

Standards and Criteria for Granting Permits
to Change the Course, Current, or
Cross Section of Public Waters

- 6 MCAR S 1.5020 General provisions.
- 6 MCAR S 1.5021 Filling into public waters.
- 6 MCAR S 1.5022 Excavation of public waters.
- 6 MCAR S 1.5023 Structures in public waters.
- 6 MCAR S 1.5024 Water level controls and dam construction
or reconstruction.
- 6 MCAR S 1.5025 Bridges and culverts, watermain and sewer
crossings, intakes and outfalls.
- 6 MCAR S 1.5026 General administration.

Dam Safety

- 6 MCAR S 1.5030 General provisions.
- 6 MCAR S 1.5031 Classification of dams.
- 6 MCAR S 1.5032 Procedure for existing dams.
- 6 MCAR S 1.5033 New dams or enlargements.
- 6 MCAR S 1.5034 Miscellaneous provisions.
- 6 MCAR S 1.5050 General provisions.

Rules for Appropriation of Waters of the State

- 6 MCAR S 1.5051 General requirements for applying for
permits.
- 6 MCAR S 1.5052 Commissioner's actions on permit
applications.
- 6 MCAR S 1.5053 Special additional requirements and
conditions for certain specific types of
appropriation.
- 6 MCAR S 1.5054 Well interference problems involving
appropriation.
- 6 MCAR S 1.5055 Water use conflicts.
- 6 MCAR S 1.5056 Provisions and conditions of permits.
- 6 MCAR S 1.5057 Miscellaneous provisions.
- 6 MCAR S 1.5058 Water appropriation and use management
plans.

Rules for Establishment of Lake Improvement Districts

6 MCAR S 1.5060	General provisions.
6 MCAR S 1.5061	Goals for lake improvement districts.
6 MCAR S 1.5062	Types of lake improvements eligible for the creation of a lake improvement district.
6 MCAR S 1.5063	Criteria and standards for establishment.
6 MCAR S 1.5064	Creation of a lake improvement district.
6 MCAR S 1.5065	General administrative provisions.
NR 5100	General provisions.
NR 5101	Fee schedules.
NR 5102	Protecting the environment.
6 MCAR S 1.5200	Authority; scope.
6 MCAR S 1.5201	Inventory and designation of water basins as public waters.
6 MCAR S 1.5202	Inventory, designation and classification of watercourses as public waters.
6 MCAR S 1.5203	Interim procedures and criteria for making public waters determinations.
6 MCAR S 1.5204	Interim criteria for commissioner's permits for public drainage projects.
6 MCAR S 1.5300	Basic provisions.
6 MCAR S 1.5400	Criteria for regulating agricultural dike construction along the Red River of the North and Bois de Sioux Rivers.

Public Use of State Parks, Forest Campgrounds
and Forest Day Use Areas

6 MCAR § 1.001

§ 1.001 Public use of state parks, recreational areas, historic sites, waysides, forest campgrounds and forest day use areas.

A. Authority and scope.

1. These rules apply to those state parks, recreational areas, historic sites, waysides, forest campgrounds and forest day use areas which are under the control of or operated by the Commissioner of Natural Resources.

2. The purpose of these rules is to provide for public enjoyment of the same in a way that will leave them unimpaired and minimize conflicts among users.

3. These rules shall not apply to any person lawfully engaged in the performance of his duties in the development, maintenance and operation of these areas including, but not limited to, the Commissioner of Natural Resources, his agents, employees, those persons operating under contract with the Department of Natural Resources and law enforcement officers.

4. These rules are authorized by Minn. Stat. §§ 84.03, 85.05, 89.031 and 89.21.

B. Penalty. Any person who violates any of these rules is guilty of a misdemeanor and subject to immediate removal from the park, forest campground or forest day use area and to appropriate legal action.

C. Definitions. For the purpose of these rules, unless a different meaning is manifest from the context, the terms defined in this section have the meanings given them.

1. "Commissioner" means the Commissioner of Natural Resources, State of Minnesota, acting directly or through his authorized agents.

2. "State park" means all of those areas over which the Commissioner of Natural Resources has regulatory authority within the confines of any legislatively designated state park, state recreation area, state wayside, or state historic site.

3. "Forest day use area" means a posted area to be used for day time activities such as picnic areas, swimming beaches, boat accesses and the like.

4. "Forest campground" means those areas developed and maintained by the Commissioner on state lands administered by the Division of Forestry for camping and related recreational activities.

5. "Person" means any individual, partnership, corporation or association.

6. "Intoxicating liquor" means intoxicating liquor as defined in Minn. Stat. § 340.07 and intoxicating malt liquors as defined in Minn. Stat. § 340.401.

7. "Shelter" means equipment used to sleep in or on, excluding sleeping bags. Examples are tents, trailers, pick-up campers, buses, station wagons, motor homes and boats.

8. "Beach" means that part of a body of water and shore designated for swimming and sunning.

9. "Motor vehicle" means any self-propelled vehicle including but not limited to, automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes and all terrain vehicles (AVT's), but not including snowmobiles.

10. "Snowmobile" means any self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

11. "Watercraft" means any contrivance used or designed for navigation on water other than (a) duck boats during the duck hunting season, (b) rice boats during the harvest season, or (c) seaplanes.

D. When open.

1. State parks.

a. State parks will be open each day of the year from 8:00 a.m. to 10:00 p.m., except trails otherwise posted, and during emergencies.

b. After 10:00 p.m. until 8:00 a.m., no person shall enter or remain in a state park unless he is a member of a registered camping party, or a registered cabin or lodge guest. Park managers may, at their discretion, allow entry earlier than 8:00 a.m.

2. Forest campgrounds and forest day use areas.

a. Forest campgrounds and forest day use areas will be open officially from the first Saturday in May through the second Sunday in September. Except for unusual circumstances such as fire emergencies and site rehabilitation, the public shall be allowed access to these areas during the entire year.

b. Forest day use areas will be open from 6:00 a.m. to 10:00 p.m.

E. Personal conduct.

1. A person's conduct shall be as prescribed in Minn. Stat. § 609.72.

2. No person shall use a public address system, amplifier or power equipment, or otherwise make noise of a volume tending reasonably to arouse alarm, anger, or resentment in other park users, without prior permission from the park manager or forest officer.

3. It is unlawful for any person to consume intoxicating liquors.

4. A person's possession and use of drugs shall be in accordance with state laws.

F. Public safety; hunting.

1. While in a state park, or while in a forest campground or forest day use area during the official open season for these areas, it is unlawful for any person to:

a. possess explosives of any kind;

b. possess a firearm, including an air gun, unless the firearm is unloaded both in barrel and magazine and completely contained in a gun case expressly made for that purpose, which is fully enclosed by being zipped, snapped, buckled, tied or otherwise fastened, or unless unloaded and contained in the trunk of a car with the trunk door closed;

c. possess a bow and arrows, unless either unstrung or completely contained in a case or contained in the trunk of a car with the trunk door closed;

d. use or display any other type of weapon including but not limited to slingshots, switchblade knives, and traps.

2. When hunting or trapping is authorized in a state park, the restrictions of F. 1. above on firearms, bows and arrows and traps are waived to the extent necessary to allow the authorized activity.

G. Environmental protection. The environment is for the enjoyment of all. Therefore, no person shall disturb, destroy, injure, damage, molest or remove any state property, including but not limited to wildflowers or vegetation of any kind dead or alive, ruins, wildlife, geological formations, signs, or facilities, except edible fruit, mushrooms and wild animals legally taken and vegetation unavoidably damaged or destroyed by the ordinary uses of these areas as specifically permitted by these rules. Collections for scientific and educational purposes may be made with the written consent of the Commissioner previously obtained. Damaging rock with rock-climbing equipment is forbidden.

H. Fires and refuse.

1. It is unlawful to build a fire except in a fireplace or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves or

charcoal burners may be used within a camping or rest area if such use does not create a hazard or danger to the area or to others.

2. The Commissioner may limit or ban fires when he declares that a forest fire emergency exists. Such declaration will be posted conspicuously at the entrance of the area affected.

3. Where firewood is provided at no charge its use shall be within reasonable limits.

4. Minn. Stat. § 85.20, subd. 6, and § 609.68, forbidding littering, are incorporated in this rule by reference.

5. Where refuse receptacles are provided, they shall only be used for refuse generated at the area. Refuse is to be removed from areas where receptacles are not provided.

I. Pets. Pets are permitted, provided no person shall allow any dog, cat, or other pet animal to enter any building or beach; or permit any dog, cat, or other pet animal to be unrestrained. Such animals shall be effectively restrained by a portable enclosure or by a leash not exceeding six feet and shall be personally attended, and such animals shall not deprive or disrupt the enjoyment or use of any area by other persons.

J. Picnicking. Picnicking is not permitted except in designated picnic areas. No person or group of persons shall unreasonably exclude others from a picnic area or shelter.

K. Camping area.

1. State parks.

a. Camping is permitted only at assigned sites in designated camping areas.

b. A person may not camp in the same state park for more than 14 days aggregate during the period of June 15 through Labor Day, provided, however, that the park manager may in his discretion allow camping for such additional days as he may prescribe when conditions of nonuse so warrant.

c. Each camping party must register.

(1) A senior responsible person of a camping party may register for the group, giving the number in the group. Names may be requested.

(2) Registration must be in person.

(3) The rental period must begin with the day of registration, and must be paid in full at registration. The registration may be cancelled if the site is not personally occupied the first night.

(4) Camping permits shall expire at 4:00 p.m.

d. A campsite may be occupied by:

(1) Any group of six or less using one shelter for sleep; or by

(2) A family using one shelter, and an additional shelter with prior approval of the park manager. A family consists of a father and/or mother accompanied by any of the following: their parents, their children, and their blood relatives.

2. Forest campgrounds and forest day use areas.

a. A nominal charge per campsite per night shall be collected in certain forest campgrounds. The determination of camping fees shall be based upon the nature and cost of facilities provided. Campers must pay the camping fee immediately upon occupying a campsite.

b. Camping is permitted only in designated camping areas within the prescribed limitations for the particular camping area.

c. Each camping party must register. The senior responsible person of a camping party may register for the group giving the number therein.

d. Camping shall be limited to a total period of fourteen days in any one forest campground during the period from the first Saturday in May through the second Sunday in September, provided, however, that the forest officer of any forest campground in his discretion, allow camping for such longer periods as he may prescribe when conditions or nonuse so warrant.

e. At all fee camping areas the campsite must be occupied by a member of the party on the first night of the permit.

f. Camping permits in fee campgrounds shall expire at 4:00 p.m.

g. Setting up camp between the hours of 10:00 p.m. and 6:00 a.m. is prohibited.

h. Any group desiring to occupy more than two campsites must obtain prior approval from the forest officer.

i. Only one individual, family or group shall occupy a single campsite. A group other than a family cannot exceed eight people.

3. It shall be unlawful for any person to install or affix in a permanent manner any camping facility, equipment, or structure.

4. The placement of tent stakes or anchors in the ground for the erection of tents is permitted. Digging or excavating is prohibited.

5. A watercraft used for shelter or sleeping which is tied on water frontage constitutes camping and is subject to these rules.

6. In camping areas, the hours between 10:00 p.m. and 8:00 a.m. are for outdoor solitude, and it shall be unlawful to make noise at a level above that of a quiet conversation.

L. Boating.

1. Boating conforming to Minnesota laws and rules is permitted on waters within or adjacent to state parks, forest campgrounds and forest day use areas.

2. *On any lake entirely within a state park, no person shall waterski or surf, or operate a watercraft in excess of 10 miles per hour, unless the lake is otherwise designated and posted.*

M. Fishing.

1. Fishing conforming to Minnesota laws and rules is permitted in the waters adjacent to state parks, forest campgrounds, and forest day use areas.

2. If a fish clearing facility is provided, no person shall clean fish and dispose of the remains except at that place.

N. Beaches; swimming--state parks.

1. No person shall swim in a state park except at beaches designated for such use, and as directed by the lifeguard, if one is present.

2. It is unlawful on a beach:

- a. To allow any dog or other pet to enter;
- b. To possess glass containers;
- c. While in the water, to use air mattresses, inner tubes and other flotation devices not approved by the Coast Guard;
- d. To use the beach before sunrise or after sunset;
- e. To enter with any boat, canoe or raft;
- f. To fish;
- g. To swim beyond boundary buoy or marker;
- h. To engage in any activity which is hazardous and could cause injury to others;

- i. To use any soap, detergent or shampoo; and
- j. To change clothes except in structures designated for such use.

O. Motor vehicle permits—state park.

1. Requirements for motor vehicle permits for entry into state parks shall be as stated in Minn. Stat. § 85.05, subd. 2 (a) and (c).

2. The permit shall be affixed by its own adhesive to the lower right-hand corner of the windshield.

P. Motor vehicle use; boats, trailers, fish house.

1. Only motor vehicles which are licensed and which may be driven on Minnesota highways may be operated within state parks, forest campgrounds and forest day use areas. The operator must have a valid driver's license.

2. The motor vehicle may be operated only on designated roads and parking areas, and may be parked only in designated parking areas. It may not be driven on roads which are posted, chained or gated prohibiting motor vehicles.

3. The motor vehicle shall not be operated in excess of posted speeds or in a reckless or careless manner.

4. Within forest campgrounds and forest day use areas:

a. No person shall leave standing, whether attended or unattended a motor vehicle, trailer, or boat in any manner so as to block, obstruct, or limit the use of any road, trail, waterway, or winter sport facility.

b. No vehicle, trailer, boat, fish house, or any other equipment or material may be stored or abandoned. This paragraph shall not apply, however, to the temporary storage of such items by a person who remains in the immediate vicinity.

c. Any vehicle, trailer, boat, fish house, or any other equipment or material left for a period longer than thirty days shall be deemed abandoned and shall be transferred to the custody of the Commissioner of Administration for disposal pursuant to Minn. Stat. § 16.0231.

Q. Snowmobiles—state parks.

1. No person shall operate a snowmobile in a state park unless on trails and areas posted and designated for such use, under conditions of snow cover considered adequate for protection of the park by the park manager.

2. Within state parks no snowmobile shall be operated before 8:00 a.m. or after 10:00 p.m., except as otherwise posted.

R. Non-motorized use.

1. People on foot may go anywhere that is not posted otherwise.

2. No person shall ride or lead or have a horse except on trails and areas designated for such.

3. People riding bicycles may go where motor vehicles are allowed, and on trails and areas designated for such use.

S. Restricted areas. It shall be unlawful to enter by any means a posted restricted area.

T. Aircraft. It is unlawful for any person to land any aircraft on lands or waters totally within the boundaries of any state park except by permit, or on a designated airport, or landing strip, or in making an emergency landing, conducting rescue operations, or in conducting or assisting in the conducting or assisting in the conduct of official business of the United States of America, the State of Minnesota, or the country in which the park is located.

U. Protection from peddling and soliciting. It is unlawful for any person to engage in or solicit business of any nature whatsoever from visitors, except for authorized concessions, without the prior written consent of the park manager or forest officer.

V. Suspension of rules. In situations of emergency the Commissioner may provide temporary exceptions to the general rules for a specific state park, forest campground or forest day use area by posting notice of such exception at said unit.

W. Repeal of preceding rules 6 MCAR §§ 1.001 and 1.010. Previous rules 6 MCAR §§ 1.001 and 1.010, governing state parks, forest campgrounds and forest day use areas, are repealed.

**STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES**

**Rules and Regulations for
State Recreational Trails**

NR 20—State Recreational Trails

(a) PURPOSE

It is the purpose of these statewide rules and regulations to provide for public use of designated state recreational trails while protecting the quality of the trail environment to promote long term trail use and enjoyment.

(b) JURISDICTION AND SCOPE

These rules and regulations are promulgated under the authority of Minnesota Statutes, Section 84.03, and Minnesota Statutes, Section 84.86, and apply to state recreational trails, which are (aa) those trails established by the Legislature in Minnesota Statutes, Section 85.015 when designated by the Commissioner of Natural Resources by order filed with the Secretary of State; and (bb) those other trails designated by the Commissioner by order filed with the Secretary of State after a public hearing conducted pursuant to Minnesota Statutes, Chapter 15, in a county through which the proposed trail passes. These rules and regulations shall not apply to any person lawfully engaged in the performance of his duties in the development, maintenance and operation of such trails, including but not limited to, the Commissioner of Natural Resources, his agents, employees, those persons operating under contract with the Department of Natural Resources and law enforcement officers.

(c) SEVERABILITY

The provisions of these rules and regulations shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

(d) DEFINITIONS

For the purpose of these rules and regulations, the terms defined in this section have the meanings given them.

- (1) "Bicycle" means any land based vehicle powered by human muscle.
- (2) "Commissioner" means the Commissioner of Natural Resources, State of Minnesota, acting directly or through his authorized agent.
- (3) "Drug" means any drug, controlled substance, or immediate precursor found in Schedules I through V of Minnesota Statutes, Section 152.02, and marijuana, as defined in Minnesota Statutes, Section 152.01, Subd. 9.
- (4) "Horseback riding" includes all modes of human travel produced at least in part by non-human muscle.
- (5) "Intoxicating liquor" for the purposes of these rules means liquors which are intoxicating pursuant to Minnesota Statutes, Section 340.07, and malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2% alcohol by weight.
- (6) "Motor vehicle" means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle including, but not limited to,

automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes and all terrain vehicles (ATV's).

(7) "Person" means any individual, partnership, corporation or association.

(8) "Snowmobile" means any self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

(9) "Special event" means an organized rally, race, exhibit, demonstration or other similar activity of limited duration which is conducted according to a prearranged schedule and in which general public interest is manifested.

(10) "Trail" means all of that land contained within the area designated as a state recreational trail by the Commissioner.

(11) "Treadway" means that part of the trail constructed for travel.

(e) USE OF A TRAIL

(1) Trail Uses

Subject to the limitations imposed by these regulations and other duly enacted statutes, rules and ordinances, or unless specifically prohibited by the Commissioner, trails may be used for snowmobiling and all non-motorized forms of recreation, including but not limited to hiking, bicycling, horseback riding, snowshoeing, cross-country skiing, camping and picnicking.

(2) Motor vehicles

No motor vehicle, other than a snowmobile, shall be operated within a trail, except upon a legal road or highway as those terms are defined in Minnesota Statutes, Section 160.02, Subdivision 7, and except as authorized by the Commissioner.

(3) Snowmobiles

No snowmobile shall be operated within a trail except upon treadways designated for such use and under conditions considered adequate for the protection of the trail by the Commissioner.

(4) Horses

No one shall ride, lead or drive a horse or other beast of burden upon a trail except upon treadways designated for such use.

(5) Trail hours

Any specific use of a trail may be limited to hours designated by the Commissioner and any use in violation of such limitation is unlawful.

(6) Traffic control

(aa) Trail signs shall be obeyed.

(bb) When on a trail treadway, all trail users must stay on the right half of the treadway when meeting or being passed by another trail user.

(cc) When passing another trail user traveling in the same direction a trail user must pass on the left half of the treadway and may pass only when such left half is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safety of any trail user approaching from the opposite direction or any trail user overtaken.

(dd) Any trail user who is about to enter onto or cross a trail treadway, shall yield the right of way to any trail user already on the treadway to be entered or crossed.

(ee) When at approximately the same time, two trail users are about to enter an otherwise unmarked treadway intersection from different treadways or are approaching an otherwise unmarked merger of two treadways from any two directions, the trail user on the left shall yield the right-of-way to the trail user on the right.

(7) Special events

No special events shall be held within a trail except with a written permit of the Commissioner previously obtained. Such permit may exempt the holder and other participants from the operation of any of the rules contained herein, and may be revoked or suspended by the Commissioner at any time.

(f) USE OF CAMPING AND REST AREAS

(1) Camping

(aa) Overnight camping is restricted to designated camping areas.

(bb) The duration of the stay of any person at said areas shall be no more than two consecutive nights except where otherwise posted.

(cc) A fee may be prescribed by order of the Commissioner for use of the camping areas and facilities, and if such a fee is prescribed, it shall be paid before the area or facility is used.

(dd) There shall be no digging or trenching within the camping or rest areas.

(ee) No persons or group of persons shall unreasonably exclude others from campgrounds or rest areas.

(2) Fires

It is unlawful to build a fire within a trail except in a fireplace or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves may be used within a camping or rest area if such use does not create a hazard or danger to the trail or to others.

(g) HUNTING AND TRAPPING

(1) Hunting

No firearm or bow and arrow shall be discharged within the trail at any time, except for the purpose of lawful hunting during the period from September 15th to March 30th only. No rifle, shotgun with slug, or bow and arrow shall be discharged upon, over or across the trail treadway at any time.

(2) Trapping

The Commissioner may forbid the placement of any manner of animal trap in any area of a trail by order.

(h) PROTECTING THE TRAIL

(1) Environment

No person shall disturb, destroy, injure, damage or remove any property within trails including but not limited to vegetation, ruins, wildlife, geological formations, signs, or facilities except edible fruit and wild animals legally taken under the provisions of Section (g) subdivisions (1) and (2) of these rules, and vegetation unavoidably damaged or destroyed by the ordinary uses of the trail as specifically permitted by these regulations. Collections for scientific and educational purposes may be made with the written consent of the Commissioner previously obtained.

(2) Bill posting

No persons shall post, paste, fasten, paint or affix any placard, bill, notice or sign upon any structure, tree, stone, fence or enclosure in a trail.

(3) Obstructions

No person shall place or cause to remain within any trail, any snowmobile, trailer, horse, bicycle or other object so as to obstruct the free use and enjoyment of said trail. Any such obstruction shall be removed at the owners expense. If not claimed and payment of expenses offered within a reasonable time, which in no case shall be more than thirty days, it shall be disposed of according to the provisions of Minnesota Statutes, Section 16.0231 concerning the disposal of lost or abandoned property.

(4) Refuse

No person shall burn or dispose of garbage, refuse, litter or trash within a trail except in receptacles provided for that purpose.

(i) PROTECTING OTHER USERS**(1) Personal conduct**

Within a trail, no person, knowing or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others, or provoke an assault, shall breach the peace by engaging in the following conduct:

(aa) Brawling, fighting or other violent conduct directed toward another; or

(bb) Offensive, obscene, or abusive language or boisterous and noisy conduct which might be reasonably expected to arouse alarm, anger or resentment in others.

(2) Intoxication

No person while within a trail shall be in a state of intoxication brought about by the consumption of intoxicating liquor.

(3) Drugs

No person shall use, be in the possession of, or be under the influence of drugs within a trail unless such use, possession or influence is pursuant to and in compliance with a prescription from a licensed physician.

(4) Pets

No persons shall allow any pet animal to be unrestrained or unattended except dogs used for hunting during legal hunting seasons in accordance with Section (g) paragraph 1 of these rules. Such pets shall be restrained by a leash not exceeding six feet.

(5) Peddling

No person shall peddle or solicit business of any nature, within a trail, or use any of the lands or structures as a base for commercial operations.

(6) Safety

While being ridden or operated within a trail, horses, bicycles and snowmobiles must be under the control of the operator at all times.

(j) ADJACENT LAND**(1) Access**

A trail shall not be used as an access to private lands without the consent of the landowner, lessee, occupant or his agent.

(2) Posting

Failure to post private lands does not imply such consent for trail users.

(k) OTHER LAWS**(1) Safety regulations**

All uses of trails will be subject to:

- (aa) Commissioner's Orders;
- (bb) Snowmobile rules, regulations and safety laws; and
- (cc) Bicycle rules, regulations and state laws.

(2) Conflict with other laws

(aa) Each component of the designated State Recreational Trail System shall be subject to the provisions of these rules and regulations, provided that in the event of conflict with some other law, rule or regulation of this state, the more restrictive provision will apply.

(bb) No regulation or ordinance adopted by a local unit of government, may be inconsistent with these rules and regulations, except that local regulations or ordinances concerning the use of firearms, bows and arrows, and traps may be more restrictive than these rules and regulations.

(l) SUSPENSION OF RULES

The Commissioner may provide exceptions to the general rules for a specific trail by order filed with the Secretary of State, if such exceptions authorize activities which are not inconsistent with the purposes for which the trail is established or better serve the public interest.

(m) PENALTY

Any person who shall violate any rules promulgated herein shall be guilty of a misdemeanor and subject to arrest.

Filed June 13, 1975

DEPARTMENT OF NATURAL RESOURCES*

CHAPTER FOUR:

STATE OUTDOOR RECREATION PROJECT CRITERIA, PRIORITIES AND PROCEDURES FOR EVALUATING PROPOSED PROJECTS FOR LAND AND WATER CONSERVATION FUND ASSISTANCE

TABLE OF CONTENTS

NR 31 State Criteria for Proposed Projects

- (a) Definitions
- (b) General
- (c) State Criteria
- (d) Governmental Responsibility
- (e) Application of State Criteria to Projects of the same Classification:
Priorities

NR 32 Project Programming or Scheduling Procedure

- (a) State Allocation
- (b) Distribution of State Allocation
- (c) Submission of Project Proposals
- (d) Local Plan
- (e) Local Review of Project Proposals
- (f) State Agency Evaluation

NR 33-50 Reserved for Future Use.

Index

CHAPTER FOUR:

STATE OUTDOOR RECREATION PROJECT CRITERIA, PRIORITIES AND PROCEDURES FOR EVALUATING PROPOSED PROJECTS FOR LAND AND WATER CONSERVATION FUND ASSISTANCE

NR 31 State Criteria for Proposed Projects

(a) Definitions:

- (1) Project proposal—A proposal for acquisition of land and/or water or development of facilities contributing to outdoor recreation.
- (2) Open Space—(program)—Urban acquisition grant program administered by the Department of Housing and Urban Development.
- (3) P.L. 566—(program)—small watershed protection and flood control program administered by Department of Agriculture.
- (4) Lawcon—(program)—Land and Water Conservation Fund administered by Bureau of Outdoor Recreation.
- (5) Local projects—projects sponsored by local governmental units below state level.

**(The Department of Conservation was renamed Department of Natural Resources by LAWS 1969, Chapter 1129, Article 3.)*

(6) Allocations—amount of Land and Water Conservation Fund monies assigned annually to State of Minnesota.

(7) Bureau—Bureau of Outdoor Recreation.

(8) State Agency—Minnesota Department of Conservation.

(9) Fund—Land and Water Conservation Fund.

(10) Metropolitan Area—(7 county) Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington County Areas.

(b) General:

The following criteria will be used in evaluating outdoor recreation project proposals to establish priorities which have otherwise been determined eligible for financial assistance from the Land and Water Conservation Fund.

Evaluation of project proposals by the state agency* will be made in three steps: (1) classification of the general project, (2) application of state criteria, and (3) assignment of priorities.

(c) State Criteria:

The following acquisition and development projects shall receive priority over other projects which otherwise possess the same characteristics:

(1) Projects identified in a county or municipal plan which has been approved by a county or an established regional authority as required by NR 32 (d) (1) and (2) and incorporated in an action program of the county or regional authority which approved the project application.

(2) Those types of outdoor recreation facilities and functions for which the applying agency is normally responsible to supply. (See NR 31 (d)).

(3) Proposed projects which cannot be funded from other grants-in-aid programs (i.e., Open Space, P.L. 566, etc.).

(4) Projects having regional or statewide significance when applicants adequately demonstrate their inability to finance the project without federal LAWCON assistance.

(5) Projects promoting an environment of natural beauty as compared to those having unsightly conditions (environmental intrusions) or reservations in the title which may create such intrusions.

(6) Local projects having regional significance, and state projects having statewide significance.

(d) Governmental Responsibilities in Outdoor Recreation

(1) General:

Although there is no clear-cut separation between the responsibility of

*Pursuant to Laws 1965, c. 810, Section 21 (codified as Minnesota Statutes 1967, Section 86.71), the governor or such state agency or agencies as the governor may designate, is designated as the state agency to apply for, accept, receive and disburse federal funds and private funds which are granted to the State of Minnesota from the Federal Land and Water Fund Act. The governor on June 24, 1965, designated the Conservation Department as the state agency to act for him in applying for, receiving, accepting and disbursing such funds.

the private and public segments, the public endeavor may enter into competition with the private entrepreneur. If any separation in responsibility does exist, it follows that where facilities or services can be supplied by the private entrepreneur for profit, the public will not enter into competition. An example of this may be deluxe type of camping area. On the other hand a primitive type of camping area will remain a public responsibility. To identify responsibility by governmental levels the following are examples of areas and facilities which will ordinarily be considered to be of a public nature for outdoor recreation purposes. This does not include those areas of concern for the cultural or aesthetic amenities such as roadside beautification, air and water quality, preservation of historic sites, etc.

(2) Type of areas and facilities in public responsibility:

(aa) Municipal area of responsibility

(i) Occupancy Use sites and facilities

Picknicking—urban
 Playgrounds
 Playfields (excluding semi-pro and professional)
 Golf Links (without membership)
 Swimming—natural beaches
 Swimming pools
 Ski areas, amateur
 Boat and canoe access
 Skating rinks, amateur
 Hockey rinks, amateur
 Archery ranges

(ii) Dispersed Use sites and facilities

Natural areas
 Arboretums
 Scenic areas
 Parkways
 Hiking trails
 Horse trails
 Bicycle trails

(bb) County area of Responsibility

(i) Picknicking—rural

Picknicking—wayside
 Playing fields—rural (excluding semi-pro and professional)
 Playgrounds—rural
 Golf links (without membership)
 Swimming—natural
 Ski areas—amateur
 Boat and canoe landing
 Camping—group tent
 Camping—wayside
 Camping—primitive
 Trap shooting
 Rifle ranges

(ii) Dispersed Use sites and facilities

Natural areas
 Park areas
 Scenic areas
 Parkways

Waterfront zones
 Roadside zones
 Hiking trails
 Horse trails
 Snowmobile trails
 Historic sites—multi-use
 Hunting and Fishing areas

(cc) State area of responsibility

(i) Occupancy Sites and facilities

Picnicking—rural

Picnicking—wayside

Boat and canoe landing—(state owned land only)

Camping primitive—without road access

Camping primitive—with road access

Camping—group—tent

Camping—wayside

(ii) Dispersed Use site and facilities

Natural history areas

Geological history areas

Human history areas

Parks—multi-use

Forests—multi-use

Water areas

Scenic areas

Parkways and scenic waysides

Waterfront zones

Roadside zones

Wilderness trails

Wildlife areas

(e) Application of State Criteria to Projects of the Same Classification:

Priorities.

(1) Acquisition projects classification: Acquisition projects will be classified as follows:

(aa) Areas which will provide multipurpose sites for needed mass use type of recreational activity to meet the needs of urban and local populations.

(bb) Areas having a combination of significantly outstanding natural, scientific, cultural, historic, educational, and recreational values, particularly those providing habitat for rare and endangered species of plants and animals, and those preserving scarce ecological associations, historic and cultural features, or unique geologic formations, which will, when acquired and developed, be open to public recreation use.

(cc) Areas which will provide sites for only a single purpose or tenancy type of recreational use.

(dd) Areas which will provide for dispersed recreation uses, including but not limited to: public access, scenic areas, fish and wildlife habitat areas and roadside, trail side and waterfront zones.

(2) General Acquisition Project Priorities:

(aa) The priority of specific acquisition projects within any one

classification will be determined by the state criteria in (c) above provided each project complies with Minnesota Statutes 1967, Section 86.71, Subdivision 4. "Compatibility" as used therein shall mean in agreement with the currently accepted State Outdoor Recreation Plan promulgated in accordance with Minnesota Statutes 1967, Section 86.71, Subdivision 3.

(bb) Projects having the highest priority will be programmed as defined in NR 32, within the limits of allocations available to the state and in conformity with the distribution of the funds provided in Minnesota Statutes.

(cc) Projects having a low priority will not be programmed for funding when funds are limited.

(3) Development Projects Classification: For purposes of priority evaluation, outdoor recreation development projects will be classified as follows:

(aa) Projects which are essential to the protection and perpetuation of the site and its environment providing the site is of unique character and of public interest.

(bb) Projects which are essential for protecting the health and safety of the user.

(cc) Projects essential to provide access to dispersed use areas including, but not limited to: water access sites, hiking, horseback, snowmobile and other trails.

(dd) Projects which are essential to meet the need for facilities within an area to provide multipurpose recreational opportunities to the general public, rather than a segment of the public, and which provide for mass use needs and have combinations of facilities including, but not limited to: picnic grounds, playgrounds, launching ramps, swimming beaches, ski areas, playing fields. Consideration should be given to the needs of handicapped, aged and underprivileged groups.

(ee) Projects which are essential in providing tenancy for outdoor recreation users such as campgrounds, where such facilities are not of sufficient capacity to meet the present needs.

(ff) Single purpose projects which are essential in providing for mass use including, but not limited to: picnic areas, playgrounds, playing fields, swimming pools and beaches, ski areas or ball fields.

(4) General Development Project Priorities:

(aa) The priority of specific development projects within any one classification will first be judged for the quality of the site itself and its suitability for the planned purposes as defined in the acquisition development priority schedule of the currently approved State Outdoor Recreation Plan.

(bb) Secondly, the priority of said projects will be determined in accordance with the state criteria in (c) above provided each project complies with Minnesota Statutes 1967, Section 86.71, Subd. 4. "Compatibility" as used therein shall mean in agreement with the currently accepted State Outdoor Recreation Plan promulgated in accordance with Minnesota Statutes 1967, Section 86.71, Subd. 3.

(cc) Projects having sufficient priority will be programmed as defined in NR 32 within the limits of the allocation available to the state and in conformity with the distribution of the fund as provided in Minnesota Statutes 1967, Section 86.71, or any amendment or superseding statute thereto.

(dd) Projects having a low priority rating will not be programmed for funding when funds are limited.

NR 32 Project Programming or Scheduling Procedure

(a) State allocation: Preliminary allocations to the states are usually released approximately 30 days following the beginning of a fiscal year. The final amount available for state use is amended in the last quarter of the fiscal year. However, later adjustments in the state allocation may subsequently be made by the Bureau to reflect the actual receipts in the fund.

(b) Distribution of the state allocation: Minnesota Statutes 1967, Section 86.71, Subd. 4, provides that 50% of the state allocation be distributed for projects to be acquired, developed and maintained by local units of government. The remaining 50% will be made available to state agencies. This law further provides that *"any guidelines established by the state for distribution of moneys made available to the state under subdivision 1 shall, after July 1, 1967, be distributed on a statewide and regional priorities basis other than a formula based on population and land areas."* (Emphasis added.)

(c) Submission of Project Proposals:

(1) The programming or scheduling of projects for funding from the local government share of the state allocation for each fiscal year following July 1, 1967, will be accomplished by the review and evaluation of all project proposals in the hands of the state agency on or before November 15 and May 15 (or the nearest workday should these dates fall on Saturday or Sunday). Project proposals from state agencies will likewise be reviewed and evaluated if in hand on or before September 15 and March 15, or on the nearest workday.

(2) Each applying agency will certify by accompanying letter or statement that they have the financial authority and capability to support 100% of an acquisition or 75% of a development project until reimbursement is received.

(3) Projects programmed by the state agency and recommended to the Bureau normally require about 4 months after date submitted for Bureau action.

(4) Any state agency, county, municipality, or other local public entity in Minnesota may submit project proposals to acquire land for outdoor recreational purposes, or for the development of such acquired area, or on areas now held under an acceptable title in fee or an acceptable leasehold.

(aa) Local units of government will submit the project proposals, on forms as prescribed by the state agency for acquisition projects or for development projects, with the required attachments.

(bb) State agencies will submit their project proposals using forms as presented by the Federal Bureau of Outdoor Recreation for acquisition projects and for development projects, along with the required attachments.

(cc) The required attachments for all project proposals shall consist of the following: A preliminary site plan, drawn to scale and showing the area boundary, and any development, both existing or planned by appropriate symbol, must accompany a proposal. Acquisition proposals will list

each individual ownership as a parcel. These parcels should be indicated on the site map. The size of the map should not be larger than necessary to show the required detail. Proposals covering programmed projects will be prepared and submitted to the Bureau by the state agency.

(d) Local Plan

(1) Projects proposed by local units of government or state agencies are subject to review and coordination by the state agency. Minnesota Statutes 1967, Section 86.71, Subdivision 3. Local projects must be a part of a comprehensive outdoor recreation plan (preferably part of a coordinated land use plan) for the county or an established regional authority, and must be a part of the 5-year action program of such a plan after January 1, 1969. Minnesota Statutes 1967, Section 86.71, Subdivision 4.

(Counties or an established regional authority not having a comprehensive plan in which outdoor recreation is a planning element, may prepare an interim outdoor recreation plan for the review by the State Planning Agency and the state agency. Such a plan must contain a 5-year action program for acquisition and development which covers the entire county area and all jurisdictions therein, and which is approved by the County Board.)

(2) Projects will be rated by the county or regional authority as to priority in the county or regional action program. Only local projects having top priority will be considered by the state agency for funding.

(3) On a statewide or regional basis, the state agency will program for funding those projects included in the highest priority groups of the state plan first.

(e) Local Review of Project Proposals

(1) Any project proposal to be submitted to the Legislative Advisory Committee for State Natural Resource assistance subsequent to Bureau approval must be reviewed by the county board and the county planning committee of the regional planning committee if such a committee has been established. Minnesota Statutes 1967, Section 86.75. Local review of all project proposals, and not just those enumerated, is desirable and in the best interest of good planning and programming. Such local review will provide adequate intra-county coordination, and where regional planning authority exists, adequate inter-county coordination. The review comments may be presented to the state agency by letter or copy of a resolution signed by the board or committee chairman.

(2) Chapter 896, Minnesota Laws 1967, provides for a review of Land and Water Conservation Fund applications by the Metropolitan Council, when such a review is required by Federal law or by the Federal Agency. Pursuant to President's Executive Order 11237 and P.L. 89.754 (80 Stat. 1263) the Federal Government requires such a review when the application concerns acquisition of land in metropolitan areas such as the 7 county metropolitan area. The Council's review will be such as is required by law with respect to planning and programming. The Council's recommendations will accompany the preliminary proposal when filed with the state agency for program review.

(f) State agency evaluation

All of the preliminary proposals received 30 days prior to a semi-annual programming date will be evaluated by that date. Applications will either be submitted to the Bureau for approval, held for future action, or disqualified if the project does not meet the standards herein established. The

applicant will be duly notified by letter of the state agency's action. The standards against which a proposed project will be weighed are as follows:

(1) Qualifying requirements:

(aa) The project must meet the qualifications for an outdoor recreation project established by the Land and Water Conservation Fund Act and the Regulations of the Bureau of Outdoor Recreation.

(bb) The project must be consistent with the currently accepted State Comprehensive Outdoor Recreation Plan.

(cc) Total cost for each proposed project will be in excess of \$5,000. (Administration cost at a local, state and federal level for a smaller project would be excessive.)

(dd) The project proposal must receive a high priority as judged using State Criteria NR 31.

(ee) All applicants will certify that if the grant is approved they will have the capability of financing 100% of an acquisition project and at least 75% of a development project until reimbursement from the fund is received. Applicants will also certify as to their financial and organizational ability to maintain and administer the project if a grant were provided.

EFFECTIVE DATE: Rules NR 31 and NR 32 were promulgated by the Commissioner of Conservation on October 29, 1968, under authority of Minn. Stat. sec. 86.71. Rules NR 31 and NR 32 were filed in the office of the Secretary of State on February 10, 1969, and in the office of the Commissioner of Administration on February 11, 1969.

SNOWMOBILE RULES

Chapter Five: 6 MCAR §§ 1.0051-1.0059

SNOWMOBILE REGULATIONS

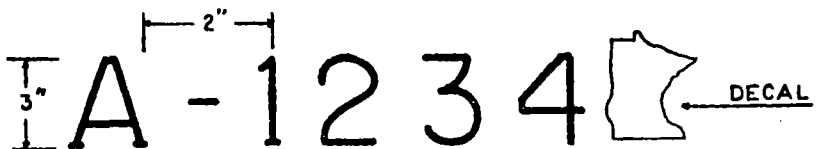
§ 1.0051 Registration and display of numbers.

A. Individual registration.

1. Application for snowmobile registration shall be made to the Commissioner of Natural Resources or his authorized agent on the form prescribed. (See Appendix of Forms, Form A). Registrants must be 18 years of age or older prior to applying for registration of a snowmobile. Upon presentation of a bill of sale in the form prescribed by the Commissioner, (Form B), and payment of the fee required, a snowmobile registration certificate will be issued to the applicant. Registration certificates are valid for a period of three years. A decal showing the expiration date shall be affixed to the machine as illustrated below.

2. The applicant shall furnish all the information required by the application for snowmobile registration. (Form A).

3. The registration number of the snowmobile, shown on the registration certificate, shall be affixed to the snowmobile and maintained in a clear, legible manner. On all machines made after June 30, 1972, and sold in Minnesota, such registration number shall be affixed in the space provided therefore in accordance with 6 MCAR § 1.0057 D. On all other machines it shall be affixed on each side of the cowling on the upper half of the machine, as follows:



4. All letters and numbers shall be of a color which will contrast with the surface to which applied, and shall be at least three (3) inches high and 3/8 inch stroke. When any previously affixed registration number or decal is destroyed or lost, a duplicate shall be affixed in the manner shown above. The registration number shall remain the same if renewed by July 1 following the expiration date.

5. No person shall operate or transport, and no person shall permit the operation of, a snowmobile within this state which does not have its registration number and unexpired decal affixed in the form and manner required by 6 MCAR § 1.0051 A., unless the owner is exempted from the registration requirements of this state by Minn. Stat., § 84.82.

6. A duplicate registration certificate will be issued upon application by the owner to the Commissioner on the form prescribed and upon payment of the fee required by law. Replacement registration decals may be obtained from the Department of Natural Resources License Center or any conservation officer.

7. Application for transfer of ownership shall be made to the Commissioner within 15 days of the date of transfer. An "Application for Transfer" form (Form C) is to be executed by the registered owner and the purchaser and submitted together with the fee required by law, the owner's registration certificate and a bill of sale in the form prescribed by the Commissioner (Form B).

8. Abandoned, stolen, or destroyed snowmobiles shall be reported to the Commissioner within (15) days by completing the reverse side of the registration certificate. No fee is charged for the reporting.

§ 1.0052 Game and fish resources.

A. No person shall operate a snowmobile between the hours of 7:00 a.m. and 3:00 p.m. in any area open for the taking of deer by firearms, except for law enforcement purposes or by Commissioner's order; provided, however, that conservation officers may issue written permits authorizing operation of snowmobiles during such hours in case of emergency or other unusual conditions.

B. Deer being dragged by a snowmobile must have the prescribed deer tag properly placed and locked at the time the operator arrives at an improved roadway or designated trail. The tag must be properly placed and locked at the time the deer is brought into any hunting camp, dwelling, farmyard or other place of abode of any kind occupied overnight, or before being placed wholly or partially on a snowmobile, or upon a conveyance towed by a snowmobile.

§ 1.0053 Public lands and waters.

A. Snowmobiles may be operated on public lands or waters under the jurisdiction of the Commissioner of Natural Resources except that no persons shall operate a snowmobile in any of the following, except for law enforcement purposes:

1. In any state park, state recreation area, state historic site, or state scientific and natural area with the exception of posted snowmobile trails or areas.

2. In any state wildlife management area without the written permission of the agent in charge thereof in that part of the state lying south and west of a line described as follows: U.S. Highway No. 2 from East Grand

Forks easterly to Bemidji; thence southerly along U.S. Highway No. 71 to Wadena; thence easterly along U.S. Highway No. 10 to Staples and U.S. Highway No. 210 to Carlton; thence east in a straight line to the easterly boundary of the state.

3. In any area in which such operation is or may hereafter be prohibited by law, regulations, order, or directive.

B. Governmental subdivisions of the state may by resolution or ordinance regulate the operation of snowmobiles on public waters within their boundaries, provided such resolution or ordinance is not inconsistent with law or these regulations. No resolution or ordinance restricting the period of time within which snowmobiles may be operated on public waters shall be valid with respect to such restriction unless first submitted to the Commissioner of Natural Resources and approved by him in writing.

C. No person shall deposit any garbage, rubbish, offal, the body of any dead animal, or other litter upon public lands or waters or the ice thereon, other than in containers, provided thereof, or, without the consent of the owner, on private lands or water or ice thereon.

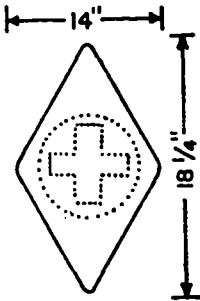
D. 1. It shall be unlawful for any person to drive or operate any snowmobile at a rate of speed greater than is reasonable or proper under all of the surrounding circumstances or at a rate that is greater than that set by the Commissioner of Natural Resources pursuant to 6 MCAR § 1.0053 D. 2., on public lands or waters of this state under the jurisdiction of the Commissioner of Natural Resources, provided that the operation of any snowmobile at a rate of speed in excess of fifty miles per hour on such lands or waters shall be unreasonable and unlawful unless operated pursuant to and in accordance with the provisions of 6 MCAR § 1.0053 D. 3.

2. Where necessary, the Commissioner of Natural Resources may establish and post at reasonable intervals, a reasonable and safe maximum speed limit for the operation of snowmobiles along a specific portion of public trail under his jurisdiction, or in a specific area of public land or water under his jurisdiction. Such speed limit shall be effective when signs are erected and any operation of a snowmobile within such posted portion of trail or area in excess of the posted speed limit is unlawful.

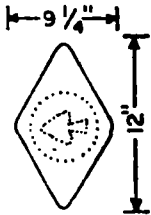
3. The speed limits established by 6 MCAR § 1.0053 D. 1. and by the Commissioner of Natural Resources under the authority of 6 MCAR § 1.0053 D. 2. may be waived in writing by the Commissioner during the pendency of an organized race or similar competitive event held upon such lands or waters.

(Filed 3-15-74)

§ 1.0054 Uniform signs. The following signs are designated as necessary and desirable to control, direct, or regulate the operation and use of snowmobiles for the purposes indicated:



Informational Blazer: to be used in indicating intersections or major changes in trail direction through use of the 7½ inch decals shown below, or comparable screened insignia.

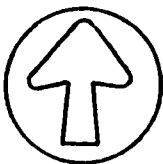


Directional Blazer: to be used in indicating minor changes in trail direction through use of the 5¼ inch arrow decal shown below or comparable screened insignia.

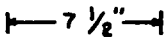


Reassuring Blazer: placed along trail often enough to reassure the user he is on trail.

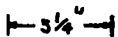
All above blazers to be orange Scotchlite #3274 or its equivalent.

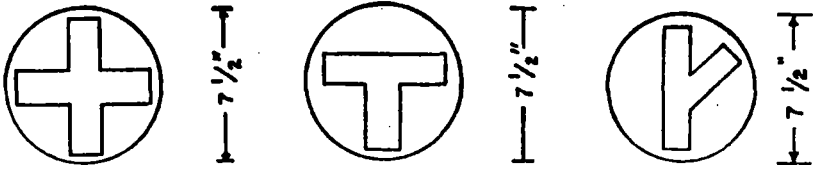


Directional Decal: to be used on the 14" x 18¼" Informational Blazer.



Directional Decal: to be used on the 9¼" x 12" Directional Blazer.





Intersection Decals: to be used on the 14" x 18 1/4" Informational Blazer.

All above decals to have background of orange Scotchlite #3274 or equivalent with insignia screened black.



Stop Sign: to be used along trail prior to road or highway crossing. Placement to be approximately 25 feet from such crossing point. Colors and reflectorization to conform to highway standards.



No Snowmobiling: to be used to indicate trails and areas where snowmobile use is prohibited. Background color is to be orange Scotchlite #3274 or equivalent; snowmobile symbol to be 60% black, prohibiting slash and letters solid black.

From and after October 1, 1970, no sign intended for any of the purposes indicated in the preceding paragraph shall be erected by the state or its governmental subdivisions unless such sign is substantially in the form, shape, dimensions and colors shown in the preceding paragraph.

Detailed plans and specifications of such signs will be available upon written request to the Commissioner.

§ 1.0055 Accident reports.

A. Definitions. For the purposes of this rule, certain terms or words used herein shall be interpreted as follows:

1. "Operator" means every person who operates or is in actual physical control of a snowmobile.

2. "Involved in an accident" means every snowmobile which either strikes or is struck by another person, snowmobile, motor vehicle or other animate or inanimate object.

3. "Injury requiring medical attention" means an injury of such a degree that its proper treatment requires consultation with or a visit to a doctor or hospital emergency room.

4. "Total damage" means total apparent property damage resulting to each snowmobile and its related equipment or to any other property which is involved in the accident.

5. "Promptly" means that such written report shall be forwarded as soon as possible after an accident but not more than 48 hours after such accident.

B. General requirement. The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of \$100 or more, shall promptly forward a written report of the accident on the form prescribed. (Form E).

§ 1.0056 Snowmobile education and training programs.

A. Snowmobile education and training programs will be administered by the Snowmobile Safety Coordinator, Department of Natural Resources.

B. Training programs will be conducted in each county for the purpose of qualifying persons 12 years of age or older, but less than 18, for a snowmobile safety certificate.

C. The course content will include the following: machine nomenclature, control familiarization, machine safety features, operating procedures, snowmobile and highway laws and regulations, loading and towing procedures, snowmobile code of ethics, safety hazards of operation, including possible hearing damage, environmental consequences of snowmobile use, and performance and written tests.

D. The fee for enrollment in a training program class is \$2.00, payable in advance. A student who fails to pass may take the class over when available, without additional fee. Persons age 18 or over, or age 11 may be admitted to a class to the extent facilities permit upon payment of the \$2.00 fee.

E. Upon successful completion of the training program by a student, the instructor will submit the name, address, and date of birth of the student to the snowmobile safety coordinator who will issue to the student, on behalf of the Commissioner, a snowmobile safety certificate. A duplicate certificate will be issued if the original is lost or destroyed, upon application and payment of \$2.00. No snowmobile safety certificate shall be issued to any person less than 12 years of age except to his or her parents or guardian, to be held by such parent or guardian until the person's twelfth birthday.

F. Each snowmobile safety certificate issued shall show on its face the birthdate of the person to whom it was issued. No person less than 14 years of age or any other person 14 years of age but less than 18 years of age who does not possess a snowmobile safety certificate may make a direct crossing of a street or highway at any time.

G. Procedures for revocation of snowmobile safety certificates.

1. When the judge of a juvenile court, or any of its duly authorized agents shall determine that any person, while less than 18 years of age, has violated the provisions of sections 84.81 to 84.88, or any other state or local law or ordinance regulating the operation of snowmobiles, the judge, or duly authorized agent, shall immediately report such a determination to the Commissioner on the form prescribed. (Form F). The judge, or duly authorized agent, may indicate upon the form prescribed his recommendation as to whether or not the person's snowmobile safety certificate should be suspended and the length of such suspension, if any.

2. A person under 18 years of age shall surrender his snowmobile safety certificate to the judge, or his duly authorized agent, in all cases when such judge, or his agent, recommends the suspension of such certificate. The snowmobile safety certificate shall be transmitted to the Commissioner in all cases where suspension thereof is recommended and where such recommended period of suspension exceeds 15 days.

3. The Commissioner shall retain possession of snowmobile safety certificates which he suspends during the period of the suspension, all other certificates shall be returned immediately upon a determination that they will not be suspended.

See new (AR03555T) →
§ 1.0057 Required equipment.

A. No snowmobile shall be operated upon public lands, waters, streets or highways unless it is equipped as follows:

1. At least one head lamp having a minimum candlepower of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile operator.

2. At least one red tail lamp, having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness, under normal atmospheric conditions.

3. Reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars. Reflector material shall have at least the minimum intensity values as prescribed in Table II of federal specifications L-S-300A, dated January 1, 1970. Registration numbers, the manufacturer's trade name, or other decorative material, if meeting minimum reflectorization standards, may be included in computing the required 16 square-inch area.

4. Brakes adequate to control the movement of, and to stop and to hold the snowmobile track under normal conditions of operation.

5. "Street or highway" means the entire width between boundary lines or any way or place when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

B. Any sled, trailer or other device being towed by a snowmobile during the hours of darkness under normal atmospheric conditions shall be equipped as follows:

1. Unobstructed and visible reflector material shall be mounted on each side and at the rear of the sled, trailer or vehicle.

2. The Reflector material required herein shall have at least the minimum intensity values set forth in 6 MCAR § 1.0057 A. 3. or it shall be in accordance with Reflex Reflectors, SAE J594E.

C. All snowmobiles made after June 30, 1972, and sold in Minnesota; shall bear the maker's permanent identification number so placed and of such size as follows:

1. Be stamped into the right outside vertical surface of the track tunnel in an area within 12 inches of the rearmost edge of the track tunnel, or other approved location.

2. Have a height of numerals and letters of not less than $\frac{1}{4}$ inch.

3. Have a depth of embossing of not less than 0.010 inch.

4. Be readable without moving any part of the vehicle.

5. Each snowmobile so manufactured shall bear an individual number which is not duplicated by that maker at any time within the succeeding ten (10) years.

D. All snowmobiles made after June 30, 1972, and sold in Minnesota, shall be designed and made to provide an area on which to affix the snowmobile

registration number at the following location and of the following dimensions:

1. A clear area shall be provided on each side of the cowling or pan with the minimum size of 3½ inches vertical times 11 inches horizontal.
2. It shall be a minimum of 12 inches from the ground when the machine is resting on a hard surface.

E. Mufflers.

1. No person shall operate a snowmobile unless it is equipped with a muffler as required by law and these rules, except that snowmobiles may be operated in organized events as authorized by Minn. Stat. § 84.871, without such a muffler.

2. No snowmobile manufactured on or after June 30, 1970, and before February 1, 1972, for sale in Minnesota, except snowmobiles designed for competition purposes only, shall be sold, or offered for sale, unless it is equipped with a muffler that limits engine noise to not more than 86 decibels on the A scale at 50 feet.

3. No snowmobile manufactured on or after February 1, 1972, for sale in Minnesota, except snowmobiles designed for competition purposes only, shall be sold, or offered for sale, unless it is equipped with a muffler that limits engine noise to not more than 82 decibels on the A scale at 50 feet.

4. No snowmobile manufactured on or after February 1, 1974, for sale in Minnesota, except a snowmobile designed for competition purposes only, shall be sold, or offered for sale, unless it is equipped with a muffler that limits engine noise to not more than 73 decibels on the A scale at 50 feet.

~~c.~~ No snowmobile manufactured on or after April 1, 1975, except a snowmobile designed for competition purposes only, shall be sold, offered for sale, or operated in Minnesota unless it is so equipped and has been certified by the manufacturer to conform to a sound level limitation of not more than 78 decibels on the A scale at 50 feet as originally equipped.

~~d.~~ No snowmobile manufactured on or after July 1, 1979, for sale in Minnesota except a snowmobile designed for competition purposes only, shall be sold or offered for sale, unless it is so equipped that overall noise emission does not exceed 73 decibels on the A scale at 50 feet.

5. In certifying that a new snowmobile complies with the noise limitation requirements of this rule, a manufacturer shall make such a certification based on measurements made in accordance with the SAE Recommended Practice J192(a), as set forth in the Report of the Vehicle Sound Level Committee, as approved by the Society of Automotive Engineers September 1970 and revised November 1973.

6. No snowmobile shall be sold or offered for sale in Minnesota unless its maker shall have previously furnished the commissioner with a certificate of compliance certifying that all such snowmobiles made by that maker meet or exceed the applicable noise level restrictions established by these rules. The certification of compliance required in the foregoing shall be in the form of a "Snowmobile Safety Certification Committee" label conspicuously attached to the machine showing certification by the Snowmobile Safety and Certification Committee, Inc. Snowmobiles intended for competition purposes only shall be exempt from this rule provided a separate placard identifying that such snowmobile is not so equipped is conspicuously and permanently affixed thereto.

7. Except for organized events as authorized by Minnesota Statutes section 84.871, no snowmobile shall be modified by any person in any manner that shall amplify or otherwise increase total noise level above that emitted by the snowmobile as originally equipped, regardless of date of manufacture.

V31
6 MCAR S 1.0058 Penalties.

(A) Any person who shall violate any of the provisions of these regulations shall be guilty of a misdemeanor.

(B) A manufacturer who certifies that a new snowmobile can meet the sound level limitations imposed by these rules shall be subject to the penalty provisions of subsection (a) for each machine so certified which does not meet the applicable sound level limitations.

Appendix of Forms

Form A.

A-108

MINNESOTA DEPARTMENT OF NATURAL RESOURCES
ST. PAUL, MINNESOTA 55101

SNOWMOBILE REGISTRATION APPLICATION

DO NOT STAPLE, FOLD OR MUTILATE

REGISTRATION NO. _____

EXPIRES & EXTENDED _____

OWNER _____

DATE COMPLETED _____

(USE BLUE INK TO COMPLETE)

— PLEASE PRINT —

NAME			NAME		MOBILE	
STREET OR RFD NO.			STREET OR RFD NO.		CITY	
CITY AND ZIP CODE		STATE	CITY		REGISTRATION NO.	

MAIL TO:

MINNESOTA DEPT. OF NATURAL RESOURCES	STATE	OWNER, MOBILE
LICENSE CENTER	APPLICANT MUST BE 18 YEARS OF AGE OR OLDER	
625 NO. ROBERT ST.	FEE \$12.00 FOR 3 YEAR PERIOD	
ST. PAUL, MINNESOTA 55101	MAKE CHECK OR MONEY ORDER PAYABLE TO:	DO NOT SEND CASH
	MINNESOTA STATE TREASURER	

M-1 10053-04

Form C.

A-107

MINNESOTA DEPARTMENT OF NATURAL RESOURCES
ST. PAUL, MINNESOTA 55101

SNOWMOBILE REGISTRATION APPLICATION FOR TRANSFER OR DUPLICATE

DO NOT STAPLE, FOLD OR MUTILATE

REGISTRATION NO. _____

EXPIRES & EXTENDED _____

OWNER _____

DATE COMPLETED _____

(USE BLUE INK TO COMPLETE)

— PLEASE PRINT —

REGISTRATION TRANSFER (CHECK ONE) <input type="checkbox"/> TRANSFER <input type="checkbox"/> DUPLICATE	REGISTRATION CLASS	
---	-----------------------	--

SHOW NEW OWNER OR DUPLICATE INFORMATION HERE				SHOW PREVIOUS OWNER INFORMATION HERE			
NAME				NAME			
STREET OR RFD NO.				STREET OR RFD NO.			
CITY		STATE		CITY		STATE	
REGISTRATION NO.		MOBILE		REGISTRATION NO.		MOBILE	
FEE IN DOLLARS				\$ 2.00			

MAIL TO:

MINNESOTA DEPARTMENT OF NATURAL RESOURCES	STATE	MAKE CHECK OR MONEY ORDER PAYABLE TO:
LICENSE CENTER	APPLICANT MUST BE 18 YEARS OF AGE OR OLDER	
625 NO. ROBERT ST.	MINNESOTA STATE TREASURER	
ST. PAUL, MINNESOTA 55101	DO NOT SEND CASH	

M-1 10053-04

Form B.

MINNESOTA DEPARTMENT OF NATURAL RESOURCES
BILL OF SALE

Know all men by these presents, that _____
Name of Seller

_____ in consideration of \$ _____
Address of Seller

dollars, to _____ paid by _____
him her it Name of Buyer

_____ the receipt whereof is hereby
Address of Buyer

acknowledged to sell and deliver to said _____
Name of Buyer

the following described snowmobile:

_____ Manufacturer's Name Model Serial Number of Body

_____ Serial Number of Engine H.P.

_____ Date of Sale Signature of Seller

Form D.

A-135
7/69

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

Reg. No. _____
Checked _____
Reg. Typed _____ (Do Not Write in This Space)

APPLICATION FOR:

SNOWMOBILE MANUFACTURER OR DEALER CERTIFICATE OF REGISTRATION

I HEREBY REQUEST A:

DATE _____ 19__

- MANUFACTURER REGISTRATION - \$150.00 PER YEAR
- DEALER REGISTRATION - \$37.50 PER YEAR

MAKE CHECK OR MONEY ORDER PAYABLE TO:
MINNESOTA STATE TREASURER

ISSUE REGISTRATION TO:

DO NOT SEND CASH

PLEASE TYPE OR PRINT

BUSINESS OR OWNERS NAME		STREET OR RFD NUMBER	
CITY OR TOWN	STATE	ZIP CODE	COUNTY

PLEASE SEND _____ ADDITIONAL REGISTRATION PLATES @ \$3.00 EACH \$ _____

MAIL TO:

MINNESOTA DEPARTMENT OF NATURAL RESOURCES
LICENSE CENTER
625 NO. ROBERT STREET
ST. PAUL, MINNESOTA 55101

AUTHORIZED SIGNATURE

DETACH BEFORE MAILING

DETACH BEFORE MAILING

IMPORTANT

Effective July 1, 1971, under authority of Laws 1971, Chapter 577, Sec. 3, Subd. 3, the registration fees for manufacturers and dealers are:

MANUFACTURERS:

The total registration fee for all snowmobiles owned by a manufacturer and operated for research, testing, experimentation or demonstration purposes shall be \$150.00 per year.

DEALERS:

The registration fee for all snowmobiles owned by a dealer and operated for demonstration or testing purposes shall be \$37.50 per year.

HOW DO YOU APPLY FOR REGISTRATION?

By completing the above application as prescribed by the Commissioner of Natural Resources and mailing it together with your remittance to the address as shown on the application.

WHAT WILL YOU RECEIVE FOR YOUR FEE?

Registration plates will be furnished dealers and manufacturers by the Commissioner, and such plate shall be clearly displayed when the snowmobile is being operated. Manufacturers will be furnished twelve (12) registration plates, and dealers three (3) registration plates; in addition each such registrant will be furnished a non-transferable registration to be displayed in his place of business. Additional registration plates may be ordered by completing that section of the application at an additional cost of \$3.00 each. When sending your remittance, be sure to include the price of the extra registration plates requested in addition to the \$150.00 or \$37.50 basic fee.

Form E.

A-154

STATE OF MINNESOTA
OFFICIAL SNOWMOBILE ACCIDENT REPORT

Print or Type

The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization or to death of any person or total damage to an extent of \$100 or more, shall promptly forward a written report of the accident on the form prescribed. This report shall be mailed no later than 48 hours after the accident to the Department of Natural Resources, Bureau of I & E, 350 Centennial Building, 658 Cedar St., St. Paul 55155.

Time	Date of Accident	Month	Day	Year	Day of Week	Hour	A.M. <input type="checkbox"/>	P.M. <input type="checkbox"/>
	Owner's Full Name (print)		Address		City	State	Zip Code	Age
By Snowmobile Number 1	Operator's Full Name (unless same as owner)		Address		City	State	Zip Code	
	Date of Birth			Have you successfully completed the Minnesota Snowmobile Safety Training Program.			Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Mo.	Day	Year	Year	State	Part of Machine Damaged	Estimated Repair Cost	
	Snowmobile License Number		Year	State	Part of Machine Damaged		Estimated Repair Cost	
	Model	Year	Make	Do you have insurance covering accident?			Yes <input type="checkbox"/>	No <input type="checkbox"/>
Snowmobile or Other Vehicle Number 2	Owner's Full Name		Address		City	State	Zip Code	Age
	Other Operator's Full Name (unless same as owner)		Address		City	State	Zip Code	
	Date of Birth			Have you successfully completed the Minnesota Snowmobile Safety Training Program			Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Snowmobile or other Vehicle License Number		Year	State	Part of Vehicle Damaged		Estimated Repair Cost	
	Model	Year	Make	Do you have insurance covering accident?			Yes <input type="checkbox"/>	No <input type="checkbox"/>

IF MORE THAN TWO MACHINES OR PASSENGERS USE ADDITIONAL FORMS


Location	County	Township, City or Village	Section Number
	Type of Terrain	Road Right-of-Way <input type="checkbox"/> Privately Marked Trail <input type="checkbox"/> Private Unmarked Property <input type="checkbox"/> Railroad Right-of-Way <input type="checkbox"/> Outside City or Village Limits <input type="checkbox"/>	Governmental Marked Trail <input type="checkbox"/> Governmental Unmarked Property <input type="checkbox"/> Lake or Stream <input type="checkbox"/> Within City or Village Limits <input type="checkbox"/> Other (Describe on Back) <input type="checkbox"/>

LIST PERSONS INJURED OR KILLED						
Injured	Name	Injured	Killed	Age _____ Male <input type="checkbox"/> Female <input type="checkbox"/>	Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other <input type="checkbox"/>	Machine Number
	Name	Injured	Killed	Age _____ Male <input type="checkbox"/> Female <input type="checkbox"/>	Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other <input type="checkbox"/>	Machine Number

Form E. (Reverse Side)

Other	Other Property Damaged (Not Snowmobiles) Describe:	Approx. Cost to Repair Object
	Owner of Property Name	Address

ANSWER ALL QUESTIONS AND CHECK ALL APPLICABLE ITEMS

Weather:	<input type="checkbox"/> Clear	<input type="checkbox"/> Cloudy	<input type="checkbox"/> Rain or Sleet	<input type="checkbox"/> Fog	<input type="checkbox"/> Light Snow	<input type="checkbox"/> Heavy Snow	<input type="checkbox"/> Blowing Snow	<input type="checkbox"/> Other (Specify) _____
Light Conditions:	<input type="checkbox"/> Dawn	<input type="checkbox"/> Daylight	<input type="checkbox"/> Dusk	<input type="checkbox"/> Dark				
Type of Accident:	<input type="checkbox"/> Snowmobile-Car Collision <input type="checkbox"/> Fixed Object <input type="checkbox"/> Snowmobile-Snowmobile Collision <input type="checkbox"/> Barbed Wire <input type="checkbox"/> Snowmobile Rollover <input type="checkbox"/> Operator Thrown From Snowmobile <input type="checkbox"/> Passenger Thrown From Snowmobile <input type="checkbox"/> Passenger Thrown From Object Being Towed by Snowmobile <input type="checkbox"/> Snowmobiler Injured in Mechanism of Machine <input type="checkbox"/> Struck Guy Wire or Cable <input type="checkbox"/> Brake Through Ice <input type="checkbox"/> Equipment Malfunction <input type="checkbox"/> Collision With Train <input type="checkbox"/> Clothing Caught in Machine <input type="checkbox"/> Other (Describe) _____							
Describe Accident in Sufficient Detail to Disclose Cause. Person Completing This Report is Vehicle Number 1.								
Indicate On This Form What Happened. Indicate North by Arrow. 								

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
REPORT PURSUANT TO MINN. STAT. § 84.872

Form F.

I, _____, do hereby report that
(Juvenile Judge or authorized agent)

on the _____ day of _____, 197____, _____
(Name of Juvenile)
was found to have violated a state or local law relating to the operation of snowmobiles,

to wit: _____

It is my recommendation that said juvenile's snowmobile safety certificate _____
(be or not be)
suspended. It is further my recommendation that such suspension, if any, be for a period
of _____ days.

Dated this ____ day of _____, 197____

(Juvenile Judge or authorized agent)

(Notice: Transmit the Juvenile's snowmobile safety certificate along with this Form if the
suspension exceeds 15 days.)
Send to:

Commissioner
Department of Natural Resources
Centennial Building
St. Paul, Minnesota 55155
Attn.: Snowmobile Safety Coordinator

CHAPTER SIX: CONS 70-84
STATEWIDE STANDARDS AND CRITERIA FOR
MANAGEMENT OF SHORELAND AREAS OF MINNESOTA

Cons 70 General Provisions

(a) STATEMENT OF POLICY

The uncontrolled use of shorelands adversely affects the public health, safety and general welfare by contributing to pollution of public waters and by impairing the local tax base. In accordance with the authority granted in the Laws of Minnesota 1969, Chapter 777, and in furtherance of the policies declared in Minnesota Statutes, Chapters 105, 115, 116, 394 and 396, the Commissioner of Conservation, hereinafter referred to as the Commissioner, does hereby provide the counties of the state with minimum standards and criteria for the subdivision, use and development of the shorelands of public waters located in unincorporated areas and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise utilization of water and related land resources of the state.

(b) SCOPE

(1) To achieve the policies declared in CONS 70(a) the Commissioner has set forth minimum standards and criteria for the wise development of shorelands in CONS 71-75 which include:

(aa) Classification of public waters.

(bb) Regulations governing the type and placement of sanitary and waste disposal facilities in shoreland areas.

(cc) Regulations governing the size and length of water frontage of lots suitable for building sites.

(dd) Regulations governing the placement of structures in relation to shorelines and roads.

(ee) Regulations governing alteration and preservation of the natural landscape.

(ff) Regulations governing the subdivision of shoreland areas.

(gg) Variances from the minimum standards and criteria.

(2) These standards and criteria will provide minimum statewide requirements for county shoreland management ordinances for the shorelands of public waters which must be adopted no later than July 1, 1972. Each county shall be responsible for the administration and enforcement of the shoreland management ordinance. Nothing shall prevent counties or local units of government from enacting ordinances which are more restrictive than state standards.

(c) JURISDICTION

The standards and criteria for shoreland management, as hereby adopted and established, pertain to the shorelands of public waters of the state located in unincorporated areas.

(d) DEFINITIONS

For the purposes of these regulations, certain terms or words used herein shall be interpreted as follows: The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

"Building Line" means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

"Cluster Development" means a pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

"Conditional Use" means a use of shorelands which is permitted within a zoning district only when allowed by the County Board of Commissioners or their legally designated agent after a public hearing, if certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district.

"Nonconforming Use" means any use of land established before the effective date of a county or local ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

"Normal High Water Mark" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

"Public Water" means a body of water capable of substantial beneficial public use. This shall be construed to mean, for the purposes of these regulations, any body of water which has the potential to support any type of recreational pursuit or water supply purpose. However, no lake, pond or flowage of less than 25 acres in size and no river or stream having a total drainage area less than two square miles need be regulated by the county for the purposes of these regulations. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the Commissioner shall be exempt from the provisions of the statewide standards and criteria.

(aa) The official determination of the size of lakes, ponds or flowages shall be the areas listed in the Division of Waters, Soils and Minerals Bulletin No. 25, "An Inventory of Minnesota Lakes", or in the event that lakes, ponds or flowages are not listed therein, the official determination of size and physical limits shall be made by the Commissioner.

(bb) The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner.

"Setback" means the minimum horizontal distance between a structure and the normal high water mark or between a structure and a road or highway.

"Shoreland" means land located within the following distances from public waters: (i) 1,000 feet from the normal high water mark of a lake, pond or flowage; and (ii) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream,

whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

“Structure” means any building or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles and other supporting appurtenances.

“Subdivision” means improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

“Substandard Use” means any use of shorelands existing prior to the date of enactment of any county ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the ordinance.

“Unincorporated Area” means the area outside a city, village, or borough.

“Variance” means a modification or variation of the provisions of the local shoreland ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of any provision of the local ordinance would cause unnecessary hardship, or that strict conformity with the provisions of the local ordinance would be unreasonable, impractical or not feasible under the circumstances.

“Water Supply Purpose” includes any uses of water for domestic, commercial, industrial or agricultural purposes.

(e) SEVERABILITY

The provisions of these regulations shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

Cons 71 Public Waters Classification — Land Use Designation

In order to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, economic and natural characteristics, and the general health, safety and welfare; all public waters as defined in CONS 70(d) in unincorporated areas of Minnesota shall be given a public waters classification by the Commissioner, and the uses of shorelands in these classes shall be designated by ordinances which provide for land use districts based on the compatibility of the designated type of land use with the public waters classification.

(a) PUBLIC WATERS CLASSIFICATION SYSTEM

The classification system for public waters shall be based upon the suitability of each lake or stream for future or additional development and the desirable level of development.

(1) The classification system of public waters shall consist of Natural

Environment Lakes and Streams, Recreational Development Lakes, General Development Lakes and Streams, and Critical Lakes.

(2) Management Goals and Objectives

(aa) **Natural Environment Lakes and Streams:** to preserve and enhance high quality waters by protecting them from pollution and to protect shorelands of waters which are unsuitable for development; to maintain a low density of development; and to maintain high standards of quality for permitted development.

(bb) **Recreational Development Lakes:** to provide management policies reasonably consistent with existing development and use; to provide for the beneficial use of public waters by the general public, as well as the riparian owners; to provide a balance between the lake resource and lake use; to provide for a multiplicity of lake uses; and to protect areas unsuitable for residential and commercial uses from development.

(cc) **General Development Lakes and Streams:** to provide minimum regulations of areas presently developed as high density, multiple use areas; and to provide guidance for future growth of commercial and industrial establishments which require locations on public waters.

(dd) **Critical Lakes:** to provide a more restrictive set of standards for badly deteriorated lakes which cannot be reasonably managed in any of the public waters classes defined above. These lakes, designated by the Commissioner, shall be studied in further detail to determine appropriate standards for shoreland development for each individual lake. Until such studies are completed, these lakes shall be subject to the standards applied to Natural Environment Lakes and Streams.

(3) Criteria for determining the classification of any public water shall be:

(aa) **Size** — relating to available space for development on the shore and for use of the water space.

(bb) **Crowding Potential** — relating to the ratio of lake surface area to the length of shoreline.

(cc) **Amount and type of existing development.**

(dd) **Existing natural characteristics of the public waters and surrounding shorelands.**

(ee) **County and regional public waters needs.**

(4) Supporting data for the Public Waters Classification is provided in "Minnesota's Lakeshore; Part 1; Resources, Development, Policy Needs and Part 2; Statistical Summary", Minnesota Lakeshore Development Study, Department of Geography, University of Minnesota, 1970. Additional supporting data may be supplied, as needed, by or under the direction of the Commissioner.

(5) Re-Classification: The Commissioner may, as the need arises, re-classify any public water. Also, in the event a county feels that the classification of any particular body of water should be changed, a written request for re-classification of such waters, explaining the reasons for the proposed re-classification, may be submitted to the Commissioner for consideration.

(b) LAND USE ZONING DISTRICTS

The development of shorelands of public waters shall be controlled by means of land use zoning districts which are designated to be compatible with the classes of public waters (CONS 71(a)).

(1) Management Goals and Objectives: Land use zoning districts shall be established to provide for:

(aa) The management of areas unsuitable for development due to wet soils, steep slopes, or large areas of exposed bedrock; and the management of areas of unique natural and biological characteristics, in accordance with compatible uses.

(bb) The reservation of areas suitable for residential development from encroachment by commercial and industrial establishments.

(cc) The centralization of service facilities for recreational areas and enhancement of economic growth potential for those areas suitable for limited commercial development.

(dd) The management of areas where use may be directed toward urban or municipal activities, rather than strictly recreational activities, and for use by industry requiring a location within shoreland areas.

(2) Criteria for Land Use Zoning Districts: The land use zoning districts established by counties shall be based on considerations of: preservation of natural areas; present ownership and development of lakeshore and adjacent land; shoreland soil types and their engineering capabilities; topographic characteristics; vegetative cover; county socio-economic development needs and plans as they involve water and related land resources; the land requirements of industry requiring location in shoreland areas; and the necessity to preserve and restore certain areas having great historical or ecological value.

Cons 72 Sanitary Provisions

In order to insure safe and healthful conditions, to prevent pollution and contamination of public surface and ground waters, and to guide development compatible with the natural characteristics of shorelands and related water resources, county ordinances shall control individual water supply and waste disposal systems in respect to location, construction, repair, use and maintenance; commercial; agricultural; industrial and municipal waste disposal; and solid waste disposal sites.

(a) WATER SUPPLY

(1) Any public or private supply of water for domestic purposes must conform to Minnesota Department of Health standards for water quality.

(2) Private wells shall be placed in areas not subject to flooding and upslope from any source of contamination. Wells already existing in areas subject to flooding shall be flood proofed, in accordance with procedures established in Statewide Standards and Criteria for the Management of Flood Plain Areas of Minnesota.

(b) SEWAGE AND WASTE DISPOSAL

Any premises used for human occupancy shall be provided with an ade-

quate method of sewage disposal to be maintained in accordance with acceptable practices.

(1) Public or municipal collection and treatment facilities must be used where available and where feasible.

(2) All private sewage and other sanitary waste disposal systems shall conform to applicable standards, criteria, rules and regulations of the Minnesota Department of Health and the Pollution Control Agency and any applicable local governmental regulations in terms of size, construction, use and maintenance.

(3) Location and installation of a septic tank and soil absorption system shall be such that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, endanger the safety of any domestic water supply, nor pollute or contaminate any waters of the state. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, high ground water elevation, geology, proximity to existing or future water supplies, accessibility for maintenance, and possible expansion of the system.

(4) Septic tank and soil absorption systems shall be set back from the normal high water mark in accordance with class of public waters:

(aa) On Natural Environment Lakes and Streams, at least 150 feet;

(bb) On Recreational Development Lakes, at least 75 feet;

(cc) On General Development Lakes and Streams, at least 50 feet.

(5) Septic tank and soil absorption or similar systems shall not be acceptable for disposal of domestic sewage for developments on lots adjacent to public waters under the following circumstances:

(aa) Low swampy areas or areas subject to recurrent flooding; or

(bb) Areas where the highest known ground water table is within four feet of the bottom of the soil absorption system; or

(cc) Areas of exposed bedrock or shallow bedrock within four feet of the bottom of the soil absorption system or where subsurface conditions significantly restrict percolation of the effluent; or

(dd) Areas of ground slope where there is danger of seepage of the effluent onto the surface of the ground.

(6) County ordinances may require or allow alternative methods of sewage disposal, such as holding tanks, privies, electric or gas incinerators, biological and/or tertiary waste treatment plants or land disposal systems, provided such facilities meet the standards, criteria, rules and regulations of the Minnesota Pollution Control Agency and the Minnesota Department of Health.

(7) Public sewage disposal, commercial, agricultural and industrial waste disposal, and the location of solid waste disposal sites shall be subject to the standards, criteria, rules and regulations of the Minnesota Pollution Control Agency.

Cons 73 Zoning Provisions

In order to reduce the effects of over-crowding and poorly planned shoreland development, to prevent pollution, to provide ample space on lots for sanitary facilities, to minimize flood damages, to maintain property values, and to maintain natural characteristics of shorelands and adjacent water areas; county ordinances shall control lot size, placement of structures on lots and alterations of shoreland areas.

(a) LOT SIZE

(1) For lots intended as residential building sites platted or created by metes and bounds description after the date of enactment of the county shoreland ordinance, the minimum size shall be:

(aa) For Natural Environment Lakes and Streams: at least 80,000 square feet (approximately 2 acres) in area and at least 200 feet in width at the building line and at least 200 feet in width at the water line for lots abutting a public water.

(bb) For Recreational Development Lakes: at least 40,000 square feet in area (approximately 1 acre) and at least 150 feet in width at the building line and at least 150 feet in width at the water line for lots abutting a public water.

(cc) For General Development Lakes and Streams: at least 20,000 square feet in area and at least 100 feet in width at the building line and at least 100 feet in width at the water line for lots abutting a public water.

(2) In addition to the requirements of CONS 73(a)(1) lot size shall be increased so that the total area of all proposed structures on a lot shall not equal more than 30 percent of the lot area.

(3) Substandard Lots

Lots of record in the office of the County Register of Deeds (or Registrar of Titles) prior to the date of enactment of the county ordinance which do not meet the requirements of CONS 73(a)(1) may be allowed as building sites provided such use is permitted in the zoning district, the lot is in separate ownership from abutting lands, and sanitary and dimensional requirements of the county ordinance are complied with insofar as practicable. Each county ordinance may set a minimum size for substandard lots consistent with the purposes and intent of these standards and criteria.

(4) Exceptions and Variances

(aa) Lot sizes smaller than those specified in CONS 73(a)(1) may be permitted for planned cluster developments under the provisions set forth in CONS 74(d).

(bb) Lot sizes smaller than those specified in CONS 73(a)(1) may be permitted for areas served by a public sewer. The lot size shall be determined by the Commissioner after an evaluation of the individual body of water and its capabilities to support a greater density of development.

(b) PLACEMENT OF STRUCTURES ON LOTS

The placement of structures on lots shall be controlled by county ordinance in accordance with the class of public waters, high water elevation, and location of roads and highways.

(1) Public Waters Class

The following minimum setbacks for each class of public waters shall apply to all structures except boat houses, piers, and docks:

(aa) On Natural Environment Lakes and Streams, at least 200 feet from the normal high water mark.

(bb) On Recreational Development Lakes, at least 100 feet from the normal high water mark.

(cc) On General Development Lakes and Streams, at least 75 feet from the normal high water mark.

(dd) Furthermore no structure shall be erected in the floodway of a stream as defined in M.S. 1969 § 104.02.

(2) High Water Elevation

In addition to the setback requirements of CONS 73(b)(1) above:

(aa) For lakes, ponds or flowages; No structure except boathouses, piers and docks, shall be placed at an elevation such that the lowest floor, including a basement, is less than three feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the elevation of the line of permanent terrestrial vegetation shall be used as the estimated high water elevation. When fill is required to meet this elevation the fill shall be allowed to stabilize before construction is begun.

(bb) For Rivers or Streams: Structures shall be placed at an elevation consistent with any applicable local flood plain management ordinances. Where no ordinances exist, the elevation to which the lowest floor of a structure, including a basement, shall be placed, shall be determined after an evaluation of available flood information and consistent with Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota.

(3) Proximity to Roads and Highways

No structure shall be placed nearer than 50 feet from the right-of-way line of any federal, state, or county trunk highway; or 30 feet from the right-of-way line of any town road, public street, or others not classified.

(4) Exceptions

(aa) Boat houses may be located up to the normal high water mark provided they are not used for habitation and they do not contain sanitary facilities.

(bb) Location of piers and docks shall be controlled by applicable state and local regulations.

(5) Variances to the setback requirements of CONS 73(b)(1) may be granted by the county under the following circumstances provided such structures are not within a floodway:

(aa) Where structures incorporate a method of sewage disposal other than soil absorption; or

(bb) Where development exists on both sides of a proposed building site, setbacks may be varied to conform to the existing setbacks; or

(cc) In areas of unusual topography or substantial elevation above the lake level, setbacks may be varied to allow a riparian owner reasonable use and enjoyment of his property.

(c) SHORELAND ALTERATIONS

(1) Natural vegetation in shoreland areas shall be preserved insofar as practical and reasonable to retard surface runoff and soil erosion, to utilize excess nutrients in the soil to alleviate pollution problems, and to provide sufficient cover to screen cars, dwellings, and other structures from view from the lake.

(2) Grading and filling in shoreland areas or any alterations of the natural topography where the slope of the land is toward a public water shall be controlled by the county shoreland ordinance to prevent erosion and siltation of public waters and impairment of fish and aquatic life.

(3) Alterations of Beds of Public Waters

(aa) Any work which will change or diminish the course, current or cross-section of a public water must be approved by the Commissioner before the work is begun. This includes construction of channels and ditches, lagooning, dredging of lake bottom for the removal of muck, silt or weeds, and filling in the lakebed, including low lying marsh areas. Approval shall be construed to mean the issuance by the Commissioner of a permit under the procedures of Minnesota Statutes, 1969 § 105.44 and other related statutes.

(bb) Excavations on shorelands where the intended purpose is connection to a public water, such as boat slips, canals, lagoons and harbors, shall be controlled by the county shoreland ordinance. Permission for such excavations may be given only after the Commissioner has approved the proposed connection to public waters. Approval will be given only if the proposed work is consistent with applicable state regulations for work in the beds of public waters.

(d) EXCEPTIONS TO CONS 73 ZONING PROVISIONS

Counties may, under special circumstances and with the Commissioner's approval, adopt shoreland management ordinances which are not in strict conformity with CONS 73 "Zoning Provisions" provided that the proposed ordinance is based upon individual public water capabilities pursuant to CONS 71(a), and that the purposes of Minnesota Statutes § 105.485 are satisfied.

Cons 74 Subdivision Regulations**(a) LAND SUITABILITY**

No land shall be subdivided which is held unsuitable by the county for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community.

(b) INCONSISTENT PLATS REVIEWED BY COMMISSIONER

All plats which are inconsistent with the county shoreland ordinance shall be reviewed by the Commissioner before final county approval may be granted. Such review shall require that proposed plats be received by the

Commissioner at least ten (10) days before a hearing is called by the county for consideration of approval of a final plat.

(c) COPIES OF PLATS SUPPLIED TO COMMISSIONER

Copies of all plats within shoreland areas approved by the county shall be submitted to the Commissioner within ten (10) days of approval by the county.

(d) CLUSTER DEVELOPMENT

Smaller lot sizes may be allowed as variances to the county shoreland ordinance for planned cluster developments provided:

(1) Preliminary plans are approved by the Commissioner prior to their enactment by the county.

(2) Central sewage facilities are installed which at least meet the applicable standards, criteria, rules or regulations of the Minnesota Department of Health and the Pollution Control Agency.

(3) Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedication, or other methods.

(4) There is not more than one centralized boat launching facility for each cluster.

Cons 75 General Administration

(a) PROCEDURES

Counties shall provide for the administration and enforcement of the county ordinance. A copy of all notices of any public hearings to consider variances to or conditional uses under the county shoreland ordinance shall be received by the Commissioner at least ten (10) days prior to such hearings. A copy of all decisions granting a variance or conditional use to the provisions of the county shoreland ordinance shall be forwarded to the Commissioner within ten (10) days of such actions.

(b) BOARD OF ADJUSTMENT

Counties shall provide for the creation of a Board of Adjustment, under authority of Minnesota Statutes 1969 § 394.27, to be responsible for granting variances to and interpreting the provisions of the county ordinance.

(c) NONCONFORMING USES

Under authority of Minnesota Statutes 1969 § 394.36, counties may adopt provisions to regulate and control, reduce the number or extent of or gradually eliminate nonconforming and substandard uses. The counties shall provide for the gradual elimination of sanitary facilities inconsistent with CONS 72(b)(2), (b)(3) and (b)(5) over a period of time not to exceed five (5) years from the date of enactment of the county ordinance.

Cons 76 Use of Model Ordinance. The Model Ordinance hereunder is designed as an illustration of the form and subject matter which the county should consider in adopting a shoreland management ordinance. It is the duty of the county to adapt the Model Ordinance to its own particular problems and needs. Adoption of the Model Ordinance verbatim or by

reference will not necessarily constitute an adequate ordinance for the individual county within the meaning of Minnesota Statutes 1969 § 105.485 subd. 4.

Cons 77 Model Ordinance. ORDINANCE FOR THE MANAGEMENT OF SHORELAND AREAS OF _____ COUNTY.

1.0 General Provisions

1.1 STATUTORY AUTHORIZATION

This Shoreland Management Ordinance is adopted pursuant to the authorization contained in the Laws of Minnesota 1969, Chapter 777, and in furtherance of the policies declared in Minnesota Statutes Chapters 105, 115, 116, 394 and 396.

1.2 POLICY

The uncontrolled use of shorelands of _____ County, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise development of shorelands of public waters. The Legislature of Minnesota had delegated responsibility to the counties of the state to regulate the subdivision, use and development of the shorelands of public waters located in unincorporated areas and thus preserve and enhance the quality of surface waters, preserve the economic and natural environmental values of shorelands, and provide for the wise utilization of waters and related land resources. This responsibility is hereby recognized by _____ County, Minnesota.

1.3 STATEMENT OF PURPOSE

To achieve the policies described in Section 1.2 and to:

- 1.31 Designate suitable land use districts for each public water;
- 1.32 Regulate the placement of sanitary and waste disposal facilities on lots;
- 1.33 Regulate the area of a lot and the length of water frontage suitable for a building site;
- 1.34 Regulate alteration of the shorelands of public waters;
- 1.35 Regulate alterations of the natural vegetation and the natural topography;
- 1.36 Regulate the subdivision of land in unincorporated areas; and
- 1.37 Provide variances from the minimum standards and criteria; the county commissioners of _____ County, Minnesota do ordain as follows:

1.4 JURISDICTION

The jurisdiction of this ordinance shall include the shorelands of all public waters in the unincorporated areas of _____ County, Minnesota.

1.5 COMPLIANCE

The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading,

lagooning, or dredging of any shoreland area; the cutting of shoreland vegetation; and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable regulations. Construction of buildings, private water supply and sewage disposal systems and erection of signs shall require a permit unless otherwise expressly excluded by the requirements of this ordinance.

1.6 ABROGATION AND GREATER RESTRICTIONS

1.61 This ordinance supersedes all provisions of any county zoning ordinance that relate to shorelands. However, the provisions of the existing county zoning ordinance and map of _____ County, Minnesota, dated _____, 19____, are hereby incorporated by reference and shall, to the extent of greater restrictions only, be made as much a part of this ordinance as if the matter described were fully set out herein.

1.62 Notwithstanding the provisions of Minnesota Statutes Section 396.05, this ordinance shall not require approval or be subject to disapproval by any town or town board. However, this Section does not prohibit a town from adopting or continuing in force, regulations which are more restrictive than those required by this ordinance.

1.63 It is not otherwise intended by this ordinance to repeal, abrogate, or impair any existing deed restrictions or ordinances other than zoning to the extent specified in Section 1.61 of this ordinance; however, where this ordinance imposes greater restrictions the provisions of this ordinance shall prevail.

1.7 INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

1.8 SEVERABILITY

The provisions of this ordinance shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

1.9 DEFINITIONS

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows: The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

"Building Line" means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

"Cluster Development" means a pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

"Conditional Use" means a use of shorelands which is permitted within a zoning district only when allowed by the County Board of Adjustment, after a public hearing, if certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district.

"Nonconforming Use" means any use of land established before the effective date of the county ordinance which does not conform to the use restrictions of a particular zoning district.

"Normal High Water Mark" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

"Public Water" means a body of water capable of substantial beneficial public use. For the purpose of this ordinance, this shall be construed to mean any lake, pond or flowage of 25 acres in size or more, or any river or stream with a total drainage area of two square miles or more, which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private user where there was no previous shoreland as defined herein, for a designated private use authorized by the Commissioner of Conservation shall be exempt from the provisions of this ordinance.

(a) The official determination of the size and physical limits of lakes, ponds or flowages shall be the areas listed in the Division of Waters, Soils and Minerals Bulletin No. 25, "An Inventory of Minnesota Lakes".

(b) The official determination of the size and physical limits of drainage areas of rivers and streams shall be the records of the Division of Waters, Soils and Minerals.

"Setback" means the minimum horizontal distance between a structure and the normal high water mark or between a structure and a road or highway.

"Shoreland" means land located within the following distances from public waters: (1) 1,000 feet from the normal high water mark of a lake, pond or flowage; and (2) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater, except where the limits are designated by natural drainage divides at lesser distances, as designated on the official county zoning map of _____ County.

"Structure" means any building or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles and other supporting appurtenances.

"Subdivision" means improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

"Substandard Use" means any use of shorelands existing prior to the date of enactment of any county ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the ordinance.

"Unincorporated Area" means the area outside a city, village or borough.

“Variance” means a modification or variation of the provisions of the local shoreland ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of any provision of the local ordinance would cause unnecessary hardship, or that strict conformity with the provisions of the local ordinance would be unreasonable, impractical or not feasible under the circumstances.

“Water Supply Purpose” includes any uses of water for domestic, commercial, industrial or agricultural purposes.

2.0 Designation of Types of Land Use

In order to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, all public waters in the unincorporated areas of _____ County, Minnesota, have been given a public waters classification, and uses of shorelands in these classes are hereby designated by land use districts, based on the compatibility of the designated type of land use with the public waters classification.

2.1 PUBLIC WATERS CLASSIFICATION SYSTEM

The public waters of _____ County, Minnesota, have been classified by the Commissioner of Conservation as follows:

2.11 Natural Environment Lakes and Streams

- 1.
- 2. (List and designate on
- 3. official county zoning map.)
- 4.

2.12 Recreational Development Lakes

- 1.
- 2. (List and designate on
- 3. official county zoning map.)
- 4.

2.13 General Development Lakes and Streams

- 1.
- 2. (List and designate on
- 3. official county zoning map.)
- 4.

2.14 The following lakes are designated as Critical Lakes (Note: These lakes are, at present, subject to the standards specified for Natural Environment Lakes and Streams. As further studies are completed, more restrictive standards may be specified for each lake to reflect their special problems):

- 1.
- 2. (List and designate on
- 3. official county zoning map.)
- 4.

2.2 LAND USE ZONING MAPS

The following land use zoning districts have been established in accordance with their compatibility with the public waters classification.

2.21 The shorelands of _____ County, Minnesota, are hereby divided into the following districts:

- (a) Special Protection District
- (b) Residential-Recreational District
- (c) Commercial-Recreational District
- (d) General Use District

2.22 The following high level aerial photography prints are hereby designated as the official shoreland zoning maps of _____ County, Minnesota.

- 1.
- 2. (List)
- 3.
- 4.

2.23 Final determination of the exact location of land use district boundaries shall be made by the Zoning Administrator subject to appeal to the Board of Adjustment as provided in Section 7.2 of this ordinance.

2.3 SPECIAL PROTECTION DISTRICT

2.31 Purpose: to manage areas unsuitable for development due to wet soils, steep slopes, or large areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.

2.32 Permitted Uses

(a) All general agricultural pasture and minimum tillage cropland uses; except that no wetlands shall be drained to facilitate cultivation of shoreland areas within specified distances of lakes or streams depending upon topography.

(b) Forestry

(c) Parks, waysides and golf courses which do not maintain overnight camping facilities.

(d) Nature areas, hiking and riding trails, wildlife preserves, and designated official wetland areas.

(e) Designated historical sites.

2.33 Conditional Uses

(a) All approved aerial or underground utility line crossings such as electrical, telephone, telegraph, or gas lines which cannot be reasonably located in other than a special protection district.

(b) Non-residential structures used solely in conjunction with raising wild animals or fish provided the structures are of a design approved by the county board as being compatible with other general allowable uses of the district.

(c) (Others — List conditions which may be attached to the use.)

2.4 RESIDENTIAL-RECREATIONAL DISTRICTS

2.41 Purpose: to reserve areas suitable for residential development from encroachment by commercial and industrial establishments.

2.42 Permitted Uses

- (a) Any permitted or conditional use allowed in Special Protection Areas.
- (b) Single family seasonal or year round residential uses.
- (c) Multi-family seasonal or year round residential uses.

2.43 Conditional Uses

- (a) Mobile Home Parks — provided:

(1) Site plans for mobile home parks shall be approved by the Board of Commissioners.

(2) Mobile home parks shall be licensed by and in conformance with the standards prescribed by the Minnesota Department of Health, except where provisions of this ordinance are more restrictive, and then these provisions shall prevail.

(3) Each mobile home shall meet the water and road setback provisions for the classes of public waters prescribed in Section 4.2.

(4) There shall be at least 10 feet between the sides of adjacent mobile homes, including their attachments, and at least 3 feet between mobile homes when parked end to end.

(5) Each mobile home site shall be at least 4,000 square feet in area.

(6) A centralized sewage disposal facility which meets the standards, criteria, rules or regulations of the Minnesota Department of Health and the Pollution Control Agency must be installed.

(7) The location of this facility shall be consistent with the number of units served, soil types, and topography. The facility shall be setback from the normal high water mark at a distance approved by the Board of Commissioners, and in no case less than the sewage disposal system setback distances prescribed in Section 3.36(a).

(8) No individual on-site sewage disposal systems shall be used, unless site sizes meet the provisions of Section 4.11 for lot area and length of water frontage.

(9) Adequate vegetative screening shall be maintained for the mobile home park consistent with the provisions of Section 4.31 of this ordinance.

- (b) Recreational Camping Vehicle Areas, provided:

(1) Site plans for recreational camping vehicle areas shall be approved by the Board of Commissioners.

(2) Recreational camping vehicle areas shall be licensed by and meet the standards prescribed by the Minnesota Department of Health, except where the provisions of this ordinance are more restrictive, and then these provisions shall prevail.

(3) No recreational camping vehicle shall be placed nearer the normal high water mark as specified in Section 4.2 for the classes of public waters.

(4) Each recreational camping vehicle site shall be at least 2,000 square feet in area.

(5) A centralized sewage disposal facility which meets the standards, criteria, rules or regulations of the Minnesota Department of Health and the Pollution Control Agency must be installed.

(6) The location of this facility shall be consistent with the number of units served, soil types, and topography. The facility shall be setback from the normal high water mark at a distance approved by the Board of Commissioners, and in no case less than the sewage disposal system setback distances prescribed in Section 3.36(a).

(7) No individual on-site sewage disposal systems shall be used, unless site sizes meet the provisions of Section 4.11 for lot area and length of water frontage.

(8) Adequate vegetative screening for the recreational camping area shall be maintained consistent with the provisions of Section 4.31 of this ordinance.

(c) (Others — List conditions which may be attached to the use.)

2.5 COMMERCIAL-RECREATIONAL DISTRICT

2.51 Purpose: to centralize service facilities for recreational areas and to enhance the economic growth potential of those areas suitable for limited commercial development.

2.52 Permitted Uses

- (a) Single and multi-family seasonal and year round residential uses.
- (b) Hotels, motels, resorts and other permanent buildings which provide sleeping accommodations on a transient rental basis.
- (c) Restaurants, drive-ins, dinner clubs, taverns, and private clubs.
- (d) Retail businesses, novelty shops, and service facilities, such as gas stations, and any other establishments except those engaged in manufacturing or processing enterprises.
- (e) (Others)

2.53 Conditional Uses

- (a) Mobile home parks, provided the conditions specified in Section 2.43(a) are met.
- (b) Recreational camping vehicle areas, provided the conditions specified in Section 2.43(b) are met.
- (c) (Others — List conditions which may be attached to the use.)

2.6 GENERAL USE DISTRICT

2.61 Purpose: to manage areas where use may be directed toward urban or municipal activities, rather than strictly recreational activities.

2.62 Permitted Uses

- (a) Commercial uses
- (b) Industrial uses which require location within shoreland areas.

2.63 Conditional Uses

(List conditions which may be attached to the use.)

3.0 Sanitary Provisions

3.1 WATER SUPPLY

Any public or private supply of water for domestic purposes must conform to Minnesota Department of Health standards for water quality.

3.11 Public water supplies shall be used where available and where feasible.

3.12 Permit. No person, firm or corporation shall install, alter, repair or extend any private well without first obtaining a permit therefor from the Zoning Administrator for the specific installation, alteration, repair or extension.

(a) Application for permits shall be made in writing upon printed blanks or forms furnished by the Zoning Administrator and shall be signed by the applicant.

(b) Each application for a permit shall have thereon the correct legal description of the property on which the proposed installation, alteration, repair or extension is to take place. Each application for a permit shall be accompanied by a plan of the site of reasonable scale and accuracy showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property, and complete plans of the proposed water supply system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this ordinance. A complete plan shall include the location, size and design of all parts of the well to be installed, altered, repaired or extended. The application shall also show the present or proposed location of sewage disposal facilities and the name of the person, firm or corporation who is to install the system, and shall provide such further information as may be required by the Zoning Administrator.

(c) Administration. The Zoning Administrator may assign responsibility for administration of these provisions to a qualified inspector.

3.13 Private wells shall be so located and constructed that they will not be contaminated by any existing or future sewage disposal systems. They shall also be constructed to minimize the possible contamination from all possible external sources within the geological strata surrounding the well.

3.14 Private wells shall be located in a manner to be free from flooding and the top shall be so constructed and located as to be above all possible sources of pollution. Wells already existing in areas subject to flooding shall be flood proofed.

3.15 No private well shall be located closer than three (3) feet to the outside basement wall of a dwelling. The outside basement footing shall be continuous across the opening of the well alcove. No well shall be located closer than fifteen (15) feet to a property line. The following minimum distances between a well and possible sources of contamination shall be complied with:

(a) Buried or concealed extra heavy cast iron sewer or drain lines with lead caulked, air tested joints — 20 feet.

(b) Vitrified clay or equivalent (or concrete sewers or cast iron sewers not of construction described above), septic tanks or drain fields — 50 feet.

(c) Dry wells or seepage pits — 75 feet.

3.2 WASTE DISPOSAL

3.21 The disposal of sewage, industrial wastes, or other wastes as defined in M.S. c. 115 shall be subject to the standards, criteria, rules and regulations of the Minnesota Pollution Control Agency.

3.22 No rubbish or trash of any sort shall be thrown or discarded in any manner into any public water or into any watercourse leading to a public water.

3.23 No solid waste disposal site shall be located within the jurisdiction of this ordinance, unless approved by the Pollution Control Agency.

3.3 SEWAGE DISPOSAL

Any premises intended for human occupancy must be provided with an adequate method of sewage disposal to be maintained in accordance with acceptable practices.

3.31 Public or municipal collection and treatment facilities must be used where available and where feasible.

3.32 Permit. No person, firm or corporation shall install, alter, repair or extend any individual sewage disposal system without first obtaining a permit therefor from the Zoning Administrator for the specific installation, alteration, repair or extension.

(a) Application for permits shall be made in writing upon printed blanks or forms furnished by the Zoning Administrator and shall be signed by the applicant.

(b) Each application for a permit shall have thereon the correct legal description of the property on which the proposed installation, alteration, repair or extension is to take place, and each application for a permit shall be accompanied by a plan of the site of reasonable scale and accuracy showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed sewage disposal system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this ordinance. A complete plan shall include the location, size and design of all parts of the system to be installed, altered, repaired or extended. The application shall also show the present or proposed location of water supply facilities and water supply piping, and the name of the person, firm or corporation who is to install the system, and shall provide such further information as may be required by the Zoning Administrator.

(c) Administration. The Zoning Administrator may assign responsibility for administration of these provisions to a qualified inspector.

3.33 General Requirements

(a) Location and installation of the individual sewage disposal system shall be such that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, endanger the safety of any domestic water supply, nor pollute any waters of the state. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, high ground water elevation, geology, proximity to existing or future water supplies, and future expansion of the system.

(b) Raw sewage, septic tank effluent, or seepage from a soil absorption system shall not be discharged on to the ground surface, into abandoned wells, or bodies of surface water, or into any soil or rock formation, the structure of which is not conducive to purification of water by filtration, or into any well or other excavation in the ground which does not comply with

the other requirements of this ordinance. This requirement shall not apply to the disposal of sewage in accordance with a process approved by the State Board of Health and the Pollution Control Agency.

(c) Bulldozers, trucks, or other heavy machinery shall not be driven over the system after installation.

3.34 Privies

(a) Privies shall be considered to be an adequate method of sewage disposal, provided they are maintained in a clean condition and do not constitute a public nuisance.

(b) Privies shall be located at least 10 feet from a dwelling or lot line, and they shall meet the structural setbacks from public waters specified in Section 4.21.

3.35 Septic Tanks

(a) Only septic tanks meeting the specifications prescribed by the Minnesota Department of Health and Minnesota Pollution Control Agency may be installed or constructed.

(b) Location of septic tanks shall be subject to the following restrictions: 10 feet from any building intended for human occupancy; 10 feet from a lot line; 50 feet from a well or other water supply; and where feasible, the septic tank shall be placed downslope from a well.

3.36 Soil Absorption Systems

(a) Placement of soil absorption systems shall be in accordance with the public waters classification of the applicable public water body and shall be subject to the following specifications, where soil conditions are adequate:

(1) On Natural Environment Lakes and Streams, at least 150 feet from the normal high water mark.

(2) On Recreational Development Lakes, at least 75 feet from the normal high water mark.

(3) On General Development Lakes and Streams, at least 50 feet from the normal high water mark.

(b) In addition, placement of soil absorption systems shall be subject to the following specifications: 10 feet from a lot line; 20 feet from a building intended for human occupancy; and 50 feet from a well or other water supply source.

(c) Minimum seepage area of the disposal field (total flat area of trench bottom exclusive of sidewall area) shall be determined by the following percolation test procedure as applied to Table 1.

(1) Number and location of tests. Two or more tests shall be made in separate test holes spaced uniformly over the proposed absorption field site.

(2) Type of test hole. A hole with horizontal dimensions of 4 to 12 inches and vertical sides shall be dug or bored to the depth of the proposed absorption trench. The holes may be bored with an auger of not less than 4-inch diameter.

Table 1: Absorption Area Requirements for Private Residences and Other Establishments
(Per Bedroom Column Provides for Residential Garbage Grinders and Automatic Sequence Washing Machines)

Percolation rate (time required for water to fall 1 inch, in minutes)	Required absorption area in square feet standard trench ¹ and seepage pits ²	
	Per bedroom ³	Per gallon of waste per day
1 or less	70	.20
2	85	.30
3	100	.35
4	115	.40
5	125	.45
10	165	.65
15	190	.80
30 ⁴	250	1.10
45 ⁴	300	1.25
60 ^{4 5}	330	1.65

¹Absorption area for standard trenches is figured as trench-bottom area.

²Absorption area for seepage pits is figured as effective sidewall area beneath the inlet.

³In every case sufficient area should be provided for at least 2 bedrooms.

⁴Unsuitable for seepage pits if over 30.

⁵Unsuitable for absorption systems if over 60.

(3) Preparation of test hole. The bottom and sides of the hole shall be carefully scratched with a knife blade or sharp pointed instrument to remove any smeared soil surfaces and to provide a natural soil interface into which water may percolate. All loose material shall be removed from the hole and 2 inches of coarse sand or fine gravel shall be added to protect the bottom from scouring.

(4) Saturation and swelling of the soil. The hole shall be carefully filled with clear water to a minimum depth of 12 inches over the gravel. Water shall be kept in the hole for at least 4 hours, and preferably overnight, by refilling if necessary, or by supplying a surplus reservoir of water, such as in an automatic siphon. In sandy soils containing little or no clay, the swelling procedure shall not be required and the test may be made as described under item (c)(5)(cc) after the water from one filling of the hole has completely seeped away.

(5) Percolation rate measurement. With the exception of sandy soils, percolation rate measurements shall be made on the day following the procedure described under item (c)(4).

(aa) If water remains in the test hole after the overnight swelling period, the depth shall be adjusted to approximately 6 inches over the gravel. From a fixed reference point the drop in water level shall be measured over a 30 minute period. This drop shall be used to calculate the percolation rate.

(bb) If no water remains in the hole after the overnight swelling period, clear water shall be added to bring the depth of water in the hole to approximately 6 inches over the gravel. From a fixed reference point the drop in water level shall be measured at approximately 30 minute intervals for four hours, refilling 6 inches over the gravel if necessary. The drop that

occurs during the final 30 minute period shall be used to calculate the percolation rate.

(cc) In sandy soils or other soils in which the first 6 inches of water seeps away in less than 30 minutes after the overnight swelling period, the time interval between measurements shall be taken as 10 minutes and the test shall be run for one hour. The drop that occurs during the final 10 minutes shall be used to calculate the percolation rate.

(6) A modification of the percolation test may be used where the percolation test procedure has been previously used and knowledge is available on the character and uniformity of the soil.

(d) Soil absorption systems shall not be acceptable for disposal of domestic sewage wastes for developments on lots adjacent to public waters under the following conditions:

(1) Low swampy areas or areas subject to recurrent flooding; or

(2) Areas where the highest known ground water table is within four feet of the bottom of the soil absorption system at any time; or

(3) Areas of exposed bedrock or shallow bedrock within four feet of the bottom of a soil absorption system or any other geologic formation which prohibits percolation of the effluent; or

(4) Areas of ground slope where there is danger of seepage of effluent onto the surface of the ground, in accordance with the following critical slope values:

Percolation Rate (Minutes)	Critical Slope
Less than 3	20% or more
3 - 45	15% or more
45 - 60	10% or more; or

(5) Soils where the percolation rate is slower than one (1) inch in sixty (60) minutes.

3.37 Servicing of septic tanks and soil absorption units shall conform to the Minnesota Department of Health and Minnesota Pollution Control Agency specifications. Disposal of sludge and scum removed from the system shall be:

(a) Into a municipal sewage disposal system where practicable.

(b) In the absence of a public sewer, at a disposal site designated by the Zoning Administrator.

(c) Sludge shall not be discharged into any lake or watercourse, nor on land without burial.

3.38 Alternative Systems

(a) Alternative methods of sewage disposal such as holding tanks, electric or gas incinerators, biological and/or tertiary waste treatment plants or land disposal systems, wherever required or allowed in particular circumstances, shall be subject to the standards, criteria, rules and regulations of the Minnesota Department of Health and Minnesota Pollution Control Agency.

3.4 AGRICULTURAL WASTE DISPOSAL

Any agricultural waste disposal operations in shoreland areas must conform to the standards, criteria, rules and regulations of the Minnesota Pollution Control Agency.

4.0 Zoning Provisions

4.1 LOT SIZE

4.11 For lots newly platted or created by metes and bounds description:

(a) For Natural Environment Lakes and Streams, the minimum lot size shall be 80,000 square feet (approximately 2 acres) and at least 200 feet in width at the building line and at least 200 feet in width at the water line for lots abutting a public water.

(b) For Recreational Development Lakes, the minimum lot size shall be 40,000 square feet (approximately 1 acre) and at least 150 feet in width at the building line and at least 150 feet in width at the water line for lots abutting a public water.

(c) For General Development Lakes and Streams, the minimum lot size shall be 20,000 square feet and at least 100 feet in width at the building line and at least 100 feet in width at the water line for lots abutting a public water.

4.12 Furthermore, in addition to Section 4.11, lot size shall be increased so that the total area of all structures proposed on a lot will not equal more than 30 percent of the lot area.

4.13 Substandard Lots

(a) Lots of record in the County Register of Deeds (or Registrar of Titles) office prior to (Date of enactment of ordinance) which do not meet the requirements of Section 4.11 may be allowed as building sites provided: such use is permitted in the zoning district, the lot is in separate ownership from abutting lands, and all sanitary and dimensional requirements of the county ordinance are complied with insofar as practical.

(b) The minimum size and length of water frontage shall be:

(1) For Natural Environment Lakes and Streams: at least _____ square feet in size and _____ feet in width at the building line and _____ feet in width at the water line for lots abutting a public water.

(2) For Recreational Development Lakes: at least _____ square feet in size and _____ feet in width at the building line and _____ feet in width at the water line for lots abutting a public water.

(3) For General Development Lakes and Streams: at least _____ square feet in size and _____ feet in width at the building line and _____ feet in width at the water line for lots abutting a public water.

4.14 Smaller lot sizes may be granted for planned cluster developments under the provisions set forth in Section 5.5.

4.2 PLACEMENT OF STRUCTURES ON LOTS

4.21 Setbacks

All structures, except boat houses, piers and docks shall be setback the following horizontal distances:

(a) On Natural Environment Lakes, at least 200 feet from the normal high water mark.

(b) On Recreational Development Lakes, at least 100 feet from the normal high water mark.

(c) On General Development Lakes, at least 75 feet from the normal high water mark.

(d) Outside of a floodway as defined in M.S. § 104.02.

4.22 High Water Elevation

In addition to the setback requirements of Section 4.21:

(a) For lakes, ponds or flowages: No structure, except boat houses, piers and docks, shall be placed at an elevation such that the lowest floor, including basement floors, is less than three feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the elevation of the line of permanent shoreland vegetation shall be used as the estimated high water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the Zoning Administrator.

(b) For Rivers or Streams: Placement of structures shall be in conformance with any applicable local flood plain ordinances. Where no ordinances exist, the elevation of structures shall be determined after an evaluation of available flood information.

4.23 Erosion and Sedimentation Control

No structure shall be placed in any area which will require grading and/or filling which will result in impairment of public waters by reason of erosion and sedimentation, violate provisions of Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota, or result in impairment of fish and aquatic life. (See Section 4.32)

4.24 Location of structures in relation to side lot lines and roads:

(a) There shall be at least a 10 foot sideyard between any structure and side lot lines.

(b) No structure shall be placed closer than 50 feet from the right-of-way line of any federal, state, or county trunk highway, or 30 feet from any town road, public street or others not classified.

4.25 Boat houses shall be permitted to be located up to the normal high water mark subject to the issuance of a conditional use permit by the Board of Adjustment, provided they shall not be used for habitation and they shall not contain sanitary facilities.

4.26 Variances to the setback requirements of Sections 4.21 and 4.24 may be granted under the following circumstances by the County Board of Adjustment, if not within a floodway:

(a) In areas where development exists on both sides of a proposed building site, water and road setbacks may be varied to conform to the existing established setbacks, or

(b) In areas of unusual topography or substantial elevation above the lake level, the water setback may be varied to allow a riparian owner reasonable use and enjoyment of his property, or

(c) Where homes incorporate a method of sewage disposal other than soil absorption, water setbacks specified in Section 4.21 may be reduced by one-third (1/3).

4.27 Locations of signs and structural appurtenances thereto: All commercial advertising signs shall be of a size, shape and location so as not to be unduly prominent in their surroundings. The regulations of signs hereunder are in addition to the provisions of M.S. 1969 c. 173 and regulations promulgated pursuant thereto.

(a) Signs intended to be read from the water shall be set back to the established structure setback from the normal high water elevation, shall be attached to a building, and shall not exceed 30 square feet in gross area.

(b) All signs, except the following when they are not more than six (6) square feet in area, shall require a permit to be erected:

- (1) Signs advertising a customary home occupation,
- (2) Temporary signs advertising the sale, rent or lease of property,
- (3) Recreational directory signs.

(c) Prohibited signs are:

(1) Those which interfere with visibility of drivers or obstruct traffic signs.

(2) Those which are illuminated by a flashing light or by any light directed toward a neighboring residence or toward the water, except emergency or warning signs.

(3) Those which are composed of any conspicuous animated part.

(4) Those which are mounted on a dock or float.

4.3 SHORELAND ALTERATIONS

4.31 The removal of natural vegetation shall be restricted to prevent erosion into public waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. Removal shall be restricted within a strip paralleling the lakeshore and extending inland a specified distance from the normal high water mark. This specified distance will depend upon lake class:

(a) Natural Environment Lakes and Streams: 100 feet from the normal high water mark.

(b) Recreational Development Lakes: 50 feet from the normal high water mark.

(c) General Development Lakes and Streams: 35 feet from the normal high water mark.

(d) To allow a view corridor to the water, 25 percent of the length of this strip may be clear cut to the depth of the strip. In the remaining 75 percent of this strip, cutting shall leave sufficient cover to screen cars, dwellings, and other structures, except boat houses, piers, docks and marinas, from view from the lake.

(e) Section 4.31 shall not apply to permitted uses which normally require the removal of the natural vegetation.

4.32 Grading and filling in shoreland areas or any alterations of the natural topography where the slope of the land is toward a public water or a watercourse leading to a public water must be authorized by a condi-

tional use permit obtained from the Board of Adjustment. The permit may be granted subject to the conditions that:

- (a) The smallest amount of bare ground is exposed for as short a time as feasible,
- (b) Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted,
- (c) Methods to prevent erosion and trap sediment are employed, and
- (d) Fill is stabilized to accepted engineering standards.

4.33 Excavations on shorelands where the intended purpose is connection to a public water shall require a permit from the county zoning administrator before construction is begun. Such permit may be obtained only after the Commissioner of Conservation has issued a permit for work in the beds of public waters.

5.0 Subdivision Regulations

5.1 LAND SUITABILITY

No land shall be subdivided which is held unsuitable for the proposed use by the Board of Commissioners for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community. The Board of Commissioners in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusions that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing as provided in Section 8.4. Thereafter the Board of Commissioners may affirm, modify or withdraw its determination of unsuitability.

5.2 DESIGN STANDARDS

5.21 All subdivision layouts shall be developed in proper relation to existing and proposed streets, topography, surface water, vegetative cover, other natural features, and the most advantageous development of adjoining areas.

5.22 Lot Size

(a) Lots within a plat shall be of a size and shape to satisfy the requirements of Section 4.1.

(b) The shape of individual lots may render portions unusable for installing private sewage disposal systems or providing adequate separating distances between them and watercourses or water wells. Therefore, any part of a lot less than thirty (30) feet wide shall not be used in computing the minimum lot area.

5.23 Public Streets

(a) Public streets shall be designed and located to take into account:

- (1) Existing and planned streets,
- (2) Topographic conditions including the bearing capacity and erosion potential of the soil,

(3) Public convenience and safety including facilitating fire protection, snow plowing and pedestrian traffic,

(4) Requirements of public utility facilities,

(5) The proposed uses of land to be served,

(6) Anticipated traffic volumes, and

(7) Further resubdivision possibilities.

(b) Width: Public streets shall be of the right-of-way, roadway and surface width specified by the County Highway Commissioner and approved by the County Board.

(c) Construction Standards for Public Streets: Where there are no local road standards, the minimum standards of the Minnesota Department of Highways shall apply. The subdivider shall grade the roadbeds in the roadway width to subgrade and shall surface all roadways to the width prescribed by these regulations.

(d) Sale of Lands Abutting on Private Way: No person shall sell any parcel of land in a subdivision located in shoreland areas if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the town or county.

5.24 Storm Drainage

Storm drainage facilities, where required, shall be designed to permit the unimpeded flow of natural watercourses; insure the drainage of all points along the line of streets; and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and preventing excess run-off on adjacent property.

5.25 Water Supply Facilities

Where there is an existing public water supply system on or near the subdivision, the local municipality furnishing such service and the Board of Commissioners shall determine the feasibility of service and the requirements to be followed by the subdivider in connecting to the system. Where there is no existing public water supply, individual water supply systems will be permitted in accordance with the minimum standards and regulations of the Department of Health.

5.26 Sanitary Sewerage

(a) In areas that have a sanitary sewer system on or near the proposed subdivision, the local municipality furnishing such service and the Board of Commissioners shall determine the feasibility of service and the procedures to be followed by the subdivider in joining the system.

(b) In areas that are not to be served by sewer systems, on-site sewage disposal systems utilizing septic tank and soil absorption fields will be permitted only where soil borings and percolation tests indicate the systems will function adequately. Disposal systems shall be constructed to meet the requirements of the Minnesota Department of Health, the standards set out in Section 3.3 of this ordinance, and other state and local requirements. The subdivider shall carry out sufficient soil borings and percolation tests to adequately portray the character of the soil, ground water levels, and depth to bedrock. Each lot shall have at least 50% of its area free of all of the limiting conditions set forth in Section 3.36(d) of this ordinance.

(c) The Board of Commissioners may prohibit the installation of sewage disposal facilities utilizing septic tank and soil absorption fields where such systems would impair water quality, and the Commissioners may require alternative methods of waste treatment and disposal including, but not limited to, biological and/or tertiary treatment plants, or incinerator or chemical toilets.

(d) Plans for private sewage disposal systems not utilizing septic tank and soil absorption fields, as specified in paragraph (c), shall be approved in writing by the Minnesota Pollution Control Agency or Minnesota Department of Health. The subdivider shall clearly indicate on the face of the plat and in any deed of conveyance that septic tank and soil absorption fields are not to be used.

5.3 DEDICATIONS

5.31 The Board of Commissioners may require that suitable sites in the subdivision be dedicated or reserved for future public use, such as schools, parks, playgrounds, public access and open spaces as needed by the subdivision.

5.32 Any part of a street or other public way which is indicated on a comprehensive plan or plan component shall conform to the arrangement, width and location indicated, and shall be offered for dedication to the county or town.

5.33 The Board of Commissioners may require that easements for drainage ways of widths sufficient to accommodate anticipated storm water run-off be provided.

5.34 The Board of Commissioners may require that easements for public utilities be provided.

5.4 PROCEDURES FOR SUBMITTING A PLAT

All plats, replats or any modifications thereof shall be submitted to the County Board of Commissioners in the manner set forth in Minnesota Statutes 1969 c. 505.

5.41 Any proposed plat in shoreland areas which is inconsistent with the provisions of this ordinance, shall first be approved by the Commissioner of Conservation.

5.42 Survey Monuments

The subdivider shall install survey monuments in accordance with the requirements of Minnesota Statutes § 505.02.

5.5 CLUSTER DEVELOPMENT

Smaller lot sizes may be allowed for planned cluster developments provided:

5.51 Preliminary plans are first approved by the Commissioner of Conservation.

5.52 Central sewage facilities are installed which meet the standards, criteria, rules or regulations of the Minnesota Department of Health and the Pollution Control Agency.

5.53 Open space is preserved.

5.54 There is not more than one centralized boat launching facility for each cluster.

5.55 Any attached conditions are met, such as limits on overall density, minimum size of the cluster development, restriction to residential uses, or minimum length of water frontage.

6.0 Nonconforming and Substandard Uses

6.1 NONCONFORMING USES:

Any uses in existence prior to the date of enactment of the shoreland ordinance which do not conform to the use restrictions of the established zoning district are nonconforming uses. All sanitary facilities inconsistent with Sections 3.33 and 3.36(d) shall be brought into conformity or discontinued within five (5) years from the date of enactment of this ordinance. All other nonconforming uses shall be subject to the following conditions:

6.11 No such use shall be expanded or enlarged except in conformity with the provisions of this ordinance.

6.12 No structural alteration, addition, or repair to any nonconforming structure over the life of the structure shall exceed 50 percent of its assessed value at the time of its becoming a nonconforming use unless permanently changed to a conforming use.

6.13 If such use is discontinued for twelve (12) consecutive months, any future use of the building or premises shall conform to this ordinance. The county assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses which have been discontinued for a period of twelve (12) consecutive months.

6.14 Uses or adjuncts thereof which are nuisances shall not be permitted to continue as nonconforming uses.

6.2 SUBSTANDARD USES:

Any uses of shorelands in existence prior to the date of enactment of this ordinance which are permitted within the applicable zoning district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this ordinance are substandard uses. Substandard uses, including substandard sanitary facilities, shall be allowed to continue. However, any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.

7.0 Administration and Enforcement

7.1 ZONING ADMINISTRATOR

The office of the Zoning Administrator is hereby established, for which the Board of County Commissioners may appoint such employee or employees of the county as it may deem proper. The term of office of the Zoning Administrator shall be indefinite and shall terminate at the pleasure of the Board of County Commissioners.

7.11 Duties

The Zoning Administrator shall:

- (a) Act as Building Inspector for the County;

- (b) Enforce and administer the provisions of this ordinance;
- (c) Issue permits and certificates of occupancy and maintain records thereof;
- (d) Receive and forward to the Board of County Commissioners, the County Planning Commission, and the Commissioner of Conservation, all applications for conditional use permits (See Section 7.4).
- (e) Receive and forward all applications and petitions for matters to come before the Board of Adjustment;
- (f) Receive and forward to the Board of County Commissioners, the County Planning Commission, and the Commissioner of Conservation all applications for amendments to this ordinance (See Section 8.0).
- (g) Inspect all construction and development to insure that the standards of this ordinance are being complied with;
- (h) Provide and maintain a public information bureau relative to matters arising out of this ordinance; and
- (i) Maintain the County Zoning Map as required in Section 2.2.

7.2 BOARD OF ADJUSTMENT

A Board of Adjustment is hereby established and vested with such authority as is hereinafter provided and as provided by Minnesota Statutes, Chapter 559, Laws of 1959, as amended. Such Board shall consist of three (3) members, one of which shall be a member of the County Planning Commission, excluding any elected officer of the County or employee of the Board of County Commissioners. The three (3) board members shall be appointed by the Board of County Commissioners. The board members shall be appointed for terms coinciding with terms on the County Planning Commission.

7.21 The Board of Adjustment shall elect a chairman and vice chairman from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations.

7.22 The meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify.

7.23 Powers. The Board of Adjustment shall have the following powers:

- (a) To grant a variance as provided in Section 7.3 of this ordinance.
- (b) To interpret zoning district boundaries on official zoning maps.
- (c) To permit the extension of a zoning district where the boundary line thereof divides a lot in one ownership at the time of the passage of this ordinance, but such extension of any district shall not exceed one hundred (100) feet.
- (d) To act upon all questions as they may arise in the administration of this ordinance; and to hear and decide appeals from and to review any order, requirements, decision or determination made by an administrative official charged with enforcing this ordinance adopted pursuant to the provisions of Section 394.21 to 394.37, Minnesota Statutes, Chapter 559, Laws of 1959, as amended.
- (e) To grant conditional use permits as specified in Section 7.4.

7.3 VARIANCES FROM STANDARDS

In any case where, upon application of any responsible parties to the Board of Adjustment, it appears, that by reason of exceptional circumstances, the strict enforcement of any provision of the standards would cause unnecessary hardship or that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances, the Board of Adjustment may permit a variance therefrom upon such conditions as it may prescribe for management of shorelands consistent with the general purposes of this ordinance and the intent of this and all other applicable state and local regulations and laws, provided that:

7.31 The condition causing the hardship is unique to that property.

7.32 The variance is proved necessary in order to secure for the applicant a right or rights that are enjoyed by other owners in the same area or district.

7.33 The granting of the variance will not be contrary to the public interest or damaging to the rights of other persons or to property values in the neighborhood.

7.34 The granting of the variance will not be contrary to management policies of the area or district.

7.35 No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do; nor for any other reason than a proved hardship.

7.4 CONDITIONAL USES

7.41 Application for Conditional Use Permit

Any use listed as a conditional use in this ordinance shall be permitted only upon application to the Zoning Administrator and issuance of a Conditional Use Permit by the Board of Adjustment.

7.42 Standards Applicable to all Conditional Uses

In passing upon a Conditional Use Permit the Board of Adjustment shall evaluate the effect of the proposed use upon:

- (a) The maintenance of safe and healthful conditions.
- (b) The prevention and control of water pollution including sedimentation.
- (c) Existing topographic and drainage features and vegetative cover on the site.
- (d) The location of the site with respect to flood plains and floodways of rivers or streams.
- (e) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (f) The location of the site with respect to existing or future access roads.
- (g) The need of the proposed use for a shoreland location.
- (h) Its compatibility with uses on adjacent land.
- (i) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

(j) Locational factors under which:

- (1) Domestic uses shall be generally preferred;
- (2) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
- (3) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

7.43 Conditions Attached to Conditional Uses

Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions, in addition to those required elsewhere in this ordinance, that it deems necessary in furthering the purposes of this ordinance. Violation of any of these conditions shall be deemed a violation of this ordinance. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; locations of piers, docks, parking and signs; type of construction or any other requirements necessary to fulfill the purpose and intent of this ordinance.

In order to secure information upon which to base its determination the Board of Adjustment may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:

- (a) A plan of the area showing contours, soil types, high water mark, groundwater conditions, bedrock, slope and vegetative cover.
- (b) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and landscaping.
- (c) Plans of buildings, sewage disposal facilities, water supply systems, and arrangements of operations.
- (d) Specifications for areas of proposed filling, grading, lagooning or dredging.
- (e) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

The Board of Adjustment in evaluating each application may request the County Soil and Water Conservation District to make available expert assistance from those state and federal agencies which are assisting said district under a memorandum of understanding and any other state or federal agency which can provide technical assistance.

7.44 Notice and Public Hearing

Before passing upon an application for Conditional Use Permit the Board of Adjustment shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the Board shall be published in the official paper of the county at least ten (10) days in advance of such hearing.

7.45 Fees

The applicant, upon filing of his application, shall pay a fee to the Zoning Administrator not to exceed administrative costs. Such fees shall be determined by the County Board of Commissioners.

7.5 PERMITS AND CERTIFICATE OF OCCUPANCY

7.51 Building Permit

(a) Hereafter no person shall erect, alter, or move any building or part thereof without first securing a building permit therefor. No permit fee shall be charged for an alteration costing less than one thousand dollars (\$1,000).

(b) Application for a building permit shall be made to the Zoning Administrator on blank forms to be furnished by the County. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of building permit shall contain such other information as may be deemed necessary for the proper enforcement of this ordinance or any other. The Zoning Administrator shall issue the building permit only after determining that the building plans, together with the application, comply with the terms of this ordinance, except where such setback does not comply with the planning of future road construction, which information shall be furnished by the County.

7.52 Other Permits

Permits for installing water and sewage disposal systems, and excavations intended for connection to a public water and the erection of signs in shoreland areas must also be obtained from the County Zoning Administrator before construction is begun.

7.53 Permit fees and inspection fees as may be established by resolution of the Board of County Commissioners shall be collected by the Zoning Administrator for deposit with the County and credited to the General Revenue Fund.

7.54 Certificate of Occupancy

(a) A certificate of occupancy shall be obtained from the Zoning Administrator before any building hereafter erected or structurally altered is occupied or used or the use of any such building is altered.

(b) Application for a certificate of occupancy for a new building or for an existing building which has been altered shall be made to the Zoning Administrator as part of the application for a building permit as required in Section 7.51.

(c) Every certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of law and this ordinance. A record of all certificates of occupancy shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

7.6 ENFORCEMENT

7.61 This ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer.

7.62 In the event of a violation or a threatened violation of this ordinance, the Board of County Commissioners or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings

to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.

7.63 Any taxpayer or taxpayers of the County may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this ordinance.

7.64 Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment of not to exceed ninety (90) days or both. Each day that a violation continues shall constitute a separate offense.

8.0 Amendment

8.1 APPLICATION

8.11 This ordinance may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this section.

8.12 Requests for amendment of this ordinance shall be initiated by a petition of the owner or owners of the actual property; a recommendation of the Planning Advisory Commission; or by action of the Board of County Commissioners.

8.13 An application for an amendment shall be filed with the Zoning Administrator. All applications for changes in the boundaries of any zoning district which are initiated by the petition of the owner or owners of the property, the zoning of which is proposed to be changed, shall be accomplished by a map or plat showing the lands proposed to be changed and all lands within five hundred (500) feet of the boundaries of the property proposed to be rezoned, together with the names and addresses of the owners of the lands in such area as the name appears on the records of _____ County.

8.14 Notice shall be sent by letter, when an amendment application has been filed for change in district boundary, to all property owners within five hundred (500) feet as to the time and place of the public hearing.

8.2 PUBLIC HEARING

Upon receipt in proper form of the application and other requested material, the Planning Advisory Commission shall conduct a public hearing in the manner prescribed by Minnesota Statutes 1969 § 394.26.

8.3 AUTHORIZATION

Following the public hearing, the Planning Advisory Commission shall make a report of its recommendations on the proposed amendment and shall file a copy with the County Board within sixty (60) days after the hearing.

8.4 FEES

To defray the administrative costs of processing of requests for an amendment to this ordinance, a fee not exceeding administrative costs shall be

paid by the petitioner. Such fee shall be determined by the County Board of Commissioners.

9.0 Date of Effect. This ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Adopted June 30, 1970. Filed with the Secretary of State and the Commissioner of Administration July 3, 1970.

Cons 78-84 Reserved for Future Use

**STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES**

Rules and Regulations

CHAPTER SIX: NR 78-81

**STATEWIDE STANDARDS AND CRITERIA FOR
THE MINNESOTA WILD AND SCENIC RIVERS SYSTEM**

NR 78 General Provisions

(a) STATEMENT OF POLICY

It is in the interest of present and future generations to preserve and protect the outstanding scenic, recreational, natural, historical, and scientific values of certain Minnesota rivers and their adjacent lands. Accordingly, the Commissioner of Natural Resources does hereby provide standards and criteria for the preservation, protection, and management of such rivers, as authorized by Laws of Minnesota 1973, Chapter 271.

(b) SCOPE

The standards and criteria established in NR 78-81 will provide minimum statewide requirements for the selection, classification, management and control of Wild, Scenic and Recreational Rivers and their land use districts.

(c) JURISDICTION

(1) The standards and criteria for Wild, Scenic, and Recreational Rivers hereby established in NR 78-81 shall pertain to public waters and to public and private lands within the land use districts as defined in the management plan.

(2) The extent of the lands so covered is a maximum of 320 acres per each mile of river on both sides (not each side) of those rivers or river segments which the Commissioner of Natural Resources has designated as components of the Minnesota Wild and Scenic Rivers System.

(3) All state, local, and special governmental units, councils, commissions, boards, districts, agencies, departments and other authorities shall exercise their powers so as to further the purpose of the Minnesota Wild and Scenic Rivers Act and management plans adopted thereunder.

(4) Land owned by the state, its agencies and subdivisions shall be administered in accordance with the management plan. No land so owned within the land use district shall be transferred if the Commissioner determines such transfer is inconsistent with the plan.

(5) In case of conflict between a provision of the Minnesota Wild and Scenic Rivers Act of these rules and regulations and some other law of this state or provisions of existing local ordinances, the more protective provision shall apply.

(d) DEFINITIONS

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows: The word "shall" is mandatory, not per-

missive. All distances unless otherwise specified shall be measured horizontally.

"Agricultural Use" means the management of land for production of farm crops such as vegetables, fruit trees, grain and other crops, and their storage on the area, as well as for the raising thereon of farm poultry, domestic pets, and domestic farm animals.

"Bluffline" means a line along the top of a slope connecting the points at which the slope becomes less than 13%. This applies to those slopes within the land use district which are beyond the setback provision from the normal high water mark.

"Building Line" means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

"Campground" means an area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.

"Clear-cutting" means the removal of an entire stand of vegetation.

"Cluster Development" means a pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

"Commissioner" means the Commissioner of Natural Resources.

"Conditional Use" means a use of land which is permitted within a zoning district only when allowed by the County Board of Commissioners or their legally designated agent after a public hearing, if certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district.

"Essential Services" means underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.

"Forestry" means the management, including logging, of a forest, woodland, or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, and fences.

"Land Use District" means those lands designated by the Commissioner as the protected land corridor along those rivers or river segments which the Commissioner has designated as components of the Minnesota Wild and Scenic Rivers System. The boundaries of such land use district shall include not more than 320 acres per each mile of river on both sides (not each side) of the river.

"Mining Operation" means the removal from the land of stone, sand and gravel, coal, salt, iron, copper, nickel, granite, petroleum products or other material for commercial, industrial, or governmental purposes.

"Nonconforming Use" means any use of land established before the effective date of a county or local ordinance which does not conform to the

use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

"Normal High Water Mark" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. In areas where the normal high water mark is not evident, setbacks shall be measured from the stream bank.

"Open Space Recreational Uses" means recreation use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks, and recreation areas.

"Primitive Campsites" means an area that consists of individual remote campsites accessible only by foot or water.

"Scenic Easement" means an interest in land, less than the fee title, which limits the use of the land for the purpose of protecting the scenic, recreational, or natural characteristics of Wild, Scenic or Recreational River areas. Unless otherwise expressly and specifically provided by the parties, such easement shall be (a) perpetually held for the benefit of the people of Minnesota; (b) specifically enforceable by its holder or any beneficiary; and (c) binding on the holder of the servient estate, his heirs, successors and assigns. Unless specifically provided by the parties, no such easement shall give the holder or any beneficiary the right to enter on the land except for enforcement of the easement.

"Selective cutting" means the removal of single scattered trees.

"Setback" means the minimum horizontal distance between a structure and the normal high water mark or between a structure and a road or highway.

"Sewage Disposal System" means any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems, and drain fields.

"Single Family Dwelling" means a detached building containing one dwelling unit.

"Structure" means any building, sign, or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles and other supporting appurtenances.

"Subdivision" means improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

"Substandard Use" means any use of shorelands existing prior to the date of enactment or amendment of a county or local ordinance which is permitted within the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of the ordinance.

"Variance" means a modification or variation of the provisions of the local ordinance where it is determined that, by reason of exceptional

circumstances, the strict enforcement of any provision of the local ordinance would cause unnecessary hardship, or that strict conformity with the provisions of the local ordinance would be unreasonable, impractical or not feasible under the circumstances. This shall be evaluated according to the provisions contained in NR 81.

“Watershed Management or Flood Control Structure” means a dam, floodwall, wingdam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term “watershed management or flood control structure” does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner.

“Wetland” means land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh.

(e) SEVERABILITY

The provisions of these regulations shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

(f) RIVERS ELIGIBLE FOR INCLUSION

To be eligible for inclusion in the Minnesota Wild and Scenic Rivers System, a river or segment of a river, and its adjacent lands must possess outstanding scenic, recreational, natural, historical, scientific, or similar values. The river or its segments shall be classified into one or more of the three classes of rivers: Wild, Scenic and Recreational. Each river shall be managed so as to preserve and protect the values which qualify it for designation and classification.

(1) Wild rivers are those that exist in a free-flowing state with excellent water quality and with adjacent lands that are essentially primitive.

(aa) “Free-flowing” means existing in natural condition without significant artificial modification such as impoundment, diversion, or straightening. The existence, however, of low dams, diversion works or other minor structures shall not automatically bar its inclusion as a Wild, Scenic, or Recreational river.

(bb) “Excellent water quality” means that the water quality is in or approaches natural condition with no significant evidence of man’s activities.

(cc) “Adjacent lands that are essentially primitive” means that the river’s adjacent lands should possess a wilderness or natural-like appearance. These adjacent lands should be substantially free of habitation and other evidence of man’s intrusion. However, the existence of a few unobtrusive structures along the river would not bar a river from Wild river classification nor would a limited amount of domestic livestock grazing and pasture land, and cropland developed for the production of hay.

Wild rivers should not be paralleled by conspicuous and well-traveled roads or railroads. Short inconspicuous and well-screened stretches would not bar a river from Wild river classification, nor would a bridge or utility crossings.

(2) Scenic rivers are those rivers that exist in a free-flowing state and with adjacent lands that are largely undeveloped.

(aa) "Free-flowing state" has the same meaning for Scenic rivers as it does for Wild rivers.

(bb) "Adjacent lands that are largely undeveloped" means that the adjacent lands still present an overall natural character, but in places may have been developed for agricultural, residential or other land uses. Small communities that are limited to short reaches of the total area would not bar a river from Scenic river classification.

Although roads and railroads may occasionally bridge certain rivers, this will not bar such rivers from Scenic river classification, nor will short stretches of conspicuous roads and railroads and longer stretches of inconspicuous and well screened roads or railroads paralleling the river.

(3) Recreational rivers are those rivers that may have undergone some impoundment or diversion in the past and that may have adjacent lands which are considerably developed, but that are still capable of being managed so as to further the purposes of this act.

(aa) "May have undergone some impoundment or diversion in the past" means that there may be preexisting water resource development and diversions having an environmental impact greater than that described for wild and scenic rivers.

(bb) "May have adjacent lands that are considerably developed" means that the bordering lands may have already been developed for a full range of agricultural or other land uses. Recreational rivers also may be readily accessible by preexisting roads or railroads.

(g) PROCEDURE FOR INCLUDING A RIVER: MANAGEMENT PLANS

(1) For each river proposed to be included in the Wild and Scenic Rivers System, the Commissioner shall prepare a management plan. The plan shall:

(aa) Give emphasis to the preservation and protection of the area's scenic, recreational, natural, historic, and similar values.

(bb) Place no unreasonable restrictions upon compatible, pre-existing, economic uses of particular tracts of land.

(2) Each Management Plan shall include:

(aa) The proposed classification of the river or appropriate segments.

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

(cc) The proposed methods for preserving the river and its adjacent lands.

(i) Land use controls, applied through local zoning ordinances, will be employed to preserve and protect the values of the river which justified its selection and classification.

(ii) Scenic easements or fee title to land may be acquired when preservation dictates stricter limits on shoreland development than land use controls can impose.

(iii) Fee ownership, or, when sufficient, use easements, may be acquired for campsites, accesses, launch areas, trails, and other public uses of land.

(iv) The Commissioner can acquire fee and lesser interests in land by purchase, grant, gift, devise, exchange or lease.

(dd) The proposed regulations for local land use control. These shall be consistent with the river classification, but may differ from the standards and criteria of NR 78-81 to the extent necessary to take account of the particular attributes of the area.

(ee) The proposed regulations, if any, for water surface use of the river.

(ff) The proposed plan for recreational management within the land use district.

(gg) The proposed plan for administration of the management plan.

NR 79 Land Use Provisions

In order to preserve and protect those rivers and adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific, and similar values, to reduce the effects of over-crowding and poorly planned development of such adjacent lands, to prevent pollution, to provide ample space on lots for sanitary facilities, to preserve natural beauty and quietude, to maintain property values, and to promote the general welfare, land use ordinances and official zoning district maps shall be enacted or amended by the county or municipality to comply with the Management Plan promulgated for lands within the jurisdiction of the local authority.

(a) LAND USE DISTRICTS

(1) The land use controls set forth herein shall apply to the area within the land use district boundaries described in the management plan, and determined in accordance with NR 78 (g) (2) (bb).

(2) The following land use districts shall be established in accordance with the classification of the river in the management plan:

- (aa) Wild River Land Use District
- (bb) Scenic River Land Use District
- (cc) Recreational River Land Use District

(b) USE WITHIN LAND USE DISTRICTS

(1) Nonconforming Uses and Substandard Uses

(aa) Nonconforming Uses

All uses in existence prior to the effective date of enactment or amendment of the ordinance, which do not conform to the use restrictions of the newly established land use district are nonconforming uses. Under the

authority permitted by law, local authorities may adopt provisions to regulate and control, reduce the number or extent of, or gradually eliminate nonconforming uses. Local authorities shall provide for the gradual elimination of sanitary facilities inconsistent with CONS 72 (b) (2), (b) (3), and (b) (5) over a period of time not to exceed five (5) years from the date of enactment of the local ordinance.

(bb) Substandard Uses

All uses in existence prior to the effective date of enactment or amendment of the ordinance which are permitted uses within the newly established land use district, but do not meet the minimum lot area, setbacks or other dimensional requirements of the ordinance are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:

(i) Any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.

(ii) Each local authority shall provide for the gradual amortization of substandard signs over a period of time not to exceed five (5) years from the enactment or amendment of the ordinance.

(2) Permitted and Conditional Uses

In the following table of uses:

P means Permitted Use

C means Conditional Use

N means Nonpermitted Use

Certain of the following uses are subject to the ZONING DIMENSION PROVISIONS and SANITARY PROVISIONS. See (c) and (d). All of the following uses are subject to the VEGETATIVE CUTTING PROVISIONS and the GRADING AND FILLING PROVISIONS. See (g) and (h).

	LAND USE DISTRICTS		
	Wild River	Scenic River	Rec. River
(aa) Governmental campgrounds, subject to management plan specifications.	N	P	P
(bb) Private campgrounds, subject to management plan specifications.	N	C	C
(cc) Public accesses, road access type with boat launching facilities subject to management plan specifications.	N	P	P
(dd) Public accesses, trail access type, subject to management plan specifications.	P	P	P
(ee) Temporary docks.	C	C	P
(ff) Other governmental open space recreational uses, subject to management plan specifications.	P	P	P

	LAND USE DISTRICTS		
	Wild River	Scenic River	Rec. River
(gg) Other private open space recreational uses, subject to management plan specifications.	C	C	C
(hh) Agricultural uses.	P	P	P
(ii) Single family residential uses.	P	P	P
(jj) Forestry uses.	P	P	P
(kk) Essential services.	P	P	P
(ll) Sewage disposal systems.	P	P	P
(mm) Private roads and minor public streets.	P	P	P
(nn) Signs approved by federal, state, or local government which are necessary for public health and safety and signs indicating areas that are available, or not available, for public use.	P	P	P
(oo) Signs not visible from the river that are not specified in (nn).	P	P	P
(pp) Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads.	P	P	P
(qq) Underground mining that does not involve surface excavation in the land use district.	C	C	C
(rr) Utility transmission power lines and pipelines, subject to the provisions of NR 79 (i).	C	C	C
(ss) Public roads, subject to the provisions in NR 79 (j).	C	C	C

All uses not listed as permitted or conditional uses shall not be allowed within the applicable land use district.

(c) ZONING DIMENSION PROVISIONS

(1) Substandard Lots

(aa) Lots of record in the office of the County Register of Deeds (or Registrar of Titles) on the effective date of enactment or amendment of the local land use ordinance, which do not meet the requirements of NR 79 (c) shall be allowed as building sites provided the proposed use is consistent with the local ordinance and the SANITARY PROVISIONS, NR 79 (d), and the ZONING DIMENSION PROVISIONS, NR 79 (c), are complied with to the greatest extent practicable.

(bb) If in a group of two or more contiguous lots under a single ownership any individual lot does not meet the lot width requirements of the local ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined

with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width requirements of the local ordinance, or to the greatest extent practicable.

(2) Lot Size

(aa) For lots platted or created by metes and bounds description, the minimum size shall be:

(i) For Wild Rivers: At least 6 acres in area, and at least 300 feet in width at the building line and at least 300 feet at the water line for lots abutting a wild river.

(ii) For Scenic Rivers: At least 4 acres in area, and at least 250 feet in width at the building line and at least 250 feet at the water line for lots abutting a scenic river.

(iii) For Recreational Rivers: At least 2 acres in area and at least 200 feet in width at the building line and at least 200 feet at the water line for lots abutting a recreational river.

(bb) Smaller lot sizes may be permitted for planned cluster developments. See NR 79 (f).

(3) Structures: Density, Setback, Placement, Height

(aa) Density of Dwelling Units

(i) The density of dwelling units shall not exceed 1 dwelling unit per lot.

(bb) Setback Provisions

Structures, except signs specified in NR 79 (b) (2) (nn), essential services, private roads, and minor public streets, shall be placed so as to satisfy all setback requirements of the following three minimum setback tables.

(i) From the normal high water mark:

Wild River	200 feet
Scenic River	150 feet
Recreational River	100 feet

(ii) From a bluffline:

Wild River	40 feet
Scenic River	30 feet
Recreational River	20 feet

(iii) From tributaries designated in the management plan:

Wild River	100 feet
Scenic River	100 feet
Recreational River	100 feet

(cc) Placement of Structures

(i) Structures shall not be located on slopes greater than 13% unless such structures can be screened and sewage disposal system facilities can be installed so as to comply with the SANITARY PROVISIONS (d).

(ii) Where a floodplain ordinance exists, no structure shall be located in the floodway of a stream as defined in Minnesota Statutes Chapter

104.02 and furthermore shall be placed at an elevation consistent with any such applicable floodplain management ordinances. Where no floodplain ordinances exist, the elevation to which the lowest floor of a structure, including a basement, shall be placed, shall be determined after an evaluation of available flood information and shall be consistent with the statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota.

(dd) Structure height shall not exceed 35 feet.

(d) SANITARY PROVISIONS

(1) The sanitary provision standards set forth in Minn. Regs. Cons. 72 of the Statewide Standards and Criteria for Management of Shoreland Areas of Minnesota shall apply to Wild, Scenic and Recreational river land use districts.

(2) However, the provisions of Cons. 72 (b) (4) are superseded by the following setback provisions for septic tank and soil absorption systems.

	Setback from the normal high water mark
Wild River	150 feet
Scenic River	100 feet
Recreational River	75 feet
Tributaries	75 feet

(e) WATERSHED MANAGEMENT AND FLOOD CONTROL STRUCTURE PROVISIONS

Minnesota Statutes Section 105.42, as amended, requires a permit from the Commissioner of Natural Resources before any change is made in the course, current, or cross section of public waters.

(f) SUBDIVISION REGULATIONS

(1) Land Suitability

No land may be subdivided which is held unsuitable by the local authority, or the Commissioner, for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community.

(2) Subdivision Standards

The provisions otherwise set forth in NR 79 shall apply to all plats except Planned Cluster Developments.

(3) Planned Cluster Developments

Local ordinances shall contain provisions for allowing planned cluster developments when the proposed clustering provides a means of preserving agricultural land, open space, woods, scenic views and other features of the natural environment. Smaller lot sizes than those permitted in NR 79 (c) (2) may be allowed for planned cluster developments provided:

(aa) Preliminary plans are approved by the Commissioner of Natural Resources prior to their enactment by the local authority.

(bb) Central sewage facilities are installed which at least meet the applicable standards, criteria, rules or regulations of the Minnesota Department of Health and the Pollution Control Agency.

(cc) Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedication, granting of scenic easements, or other methods.

(dd) There is not more than one centralized boat launching facility for each cluster.

(g) VEGETATIVE CUTTING PROVISIONS

(1) On lands within 200 feet of the normal high water mark of Wild Rivers, 150 feet of the normal high water mark of Scenic Rivers, 100 feet of the normal high water mark of Recreational Rivers and lands within 100 feet of the normal high water mark of tributaries designated in the management plan and on lands 40 feet landward of the bluffline on Wild Rivers, 30 feet landward of the bluffline on Scenic Rivers, and 20 feet landward of the bluffline on Recreational Rivers, the following standards shall apply:

(aa) Clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted.

(bb) **Selective** cutting of trees in excess of 4 inches in diameter at breast height is permitted provided that cutting is spaced in several cutting operations and a continuous tree cover is maintained, uninterrupted by large openings. In cases where the existing tree cover has been interrupted by large openings in the past, selective cutting should be performed so as to maintain a continuous tree cover in the remaining wooded areas.

(cc) The above cutting provisions will not be deemed to prevent:

(i) The removal of diseased or insect infested trees, or of rotten or damaged trees that present safety hazards;

(ii) Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops, or cutting suppressed trees or trees less than four inches in diameter at breast height.

(2) Clear cutting anywhere in Wild, Scenic, or Recreational River Land Use Districts is subject to the following standards and criteria:

(aa) Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are fragile and subject to injury.

(bb) Clear cutting shall be conducted only where clear-cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain.

(cc) The size of clear cut blocks, patches, or strips shall be kept at the minimum necessary.

(dd) Where feasible all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring, or the following spring.

(h) GRADING AND FILLING PROVISIONS

(1) Grading and filling in of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the land use district.

(2) Grading and filling in of the natural topography which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities and shall be controlled by the local ordinance.

(3) Grading and filling in of the natural topography shall also meet the following standards:

(aa) The smallest amount of bare ground is exposed for as short a time as feasible.

(bb) Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.

(cc) Methods to prevent erosion and trap sediment are employed.
and

(dd) Fill is stabilized to accepted engineering standards.

(4) Excavation of material from, or filling in a Wild, Scenic, or Recreational River, or construction of any permanent structures or navigational obstructions therein is prohibited, unless authorized by a permit from the Commissioner pursuant to Minnesota Statutes, Section 105.42.

(5) No state or local authority shall authorize the drainage or filling in of wetlands within Wild, Scenic, or Recreational River Land Use Districts.

(i) UTILITY COMPANIES, STANDARDS AND CRITERIA FOR UTILITY CROSSINGS

(1) Permits

(aa) All utility crossings (transmission and distribution) of Wild, Scenic, or Recreational Rivers, or of state lands within their land use districts which are under the control of the Commissioner, require a permit from the Commissioner pursuant to Minnesota Statutes, Sections 84.415 or 105.42. In reviewing permit applications for such crossings, primary consideration shall be given to crossings that are proposed to be located with or adjacent to existing public facilities, such as roads and utilities.

(bb) Utility **transmission** crossings of lands within the jurisdiction of the local authority within Wild, Scenic, or Recreational River Land Use Districts, require a conditional use permit from the local authority. **Transmission** means electric power, telephone, and telegraph lines, cables, or conduits which are used to transport large blocks of power between two points — with respect to electric power, generally, 69 kilo-volts or more— or main or pipeline crossings for gas, liquids, or solids in suspension which are used to transport large amounts of gas, liquids, or solids in suspension between two points. A conditional use permit is not required for high voltage (200 kilo-volts or greater) transmission lines under the control of the Environmental Quality Council, pursuant to Minnesota Statutes, Section 116C.61.

Distribution means lines, cables, or conduits or mains or pipelines used to distribute power, water, gas, or other essential services to the utility com-

pany's customers. These are essential services. A conditional use permit is not required for essential services.

(2) Standards and Criteria for utility **transmission** crossings of lands within the jurisdiction of the local authority within Wild, Scenic, or Recreational River Land Use Districts:

(aa) Policy

It is essential to regulate utility transmission crossings of lands within the jurisdiction of the local authority within Wild, Scenic, or Recreational River Land Use Districts in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from such utility crossings. These standards and criteria provide a basic framework of environmental considerations concerning such a proposed crossing. The considerations deal with route design, structure design, construction methods, safety considerations, and right-of-way maintenance.

(bb) Standards and Criteria

For each environmental consideration listed in these standards and criteria, the applicant shall indicate how he is satisfying the consideration, where applicable, or if he is not, why not. In dealing with route design considerations the applicant must, where applicable, also supply data on relevant site conditions. The local authority shall issue a conditional use permit if the applicant shows he has satisfied, to the extent feasible, these environmental considerations.

In general, avoid Wild, Scenic and Recreational River Land Use Districts, especially Wild River Land Use Districts, whenever practicable. But if there is no feasible alternative, the following standards and criteria shall apply.

(i) Route Design

With regard to topography:

(aaa) Avoid steep slopes.

(bbb) Avoid scenic intrusions into stream valleys and open exposures of water.

(ccc) Avoid scenic intrusions by avoiding ridge crests and high points.

(ddd) Avoid creating tunnel vistas by, for example, building deflections into the route or using acceptable screening techniques.

With regard to location:

(eee) Avoid entering areas within 200 feet of Wild, Scenic, and Recreational Rivers and avoid entering areas within 100 feet of designated tributaries with Wild, Scenic, or Recreational River Land Use Districts except where the utility has been authorized by the Commissioner to cross Wild, Scenic, or Recreational Rivers or tributaries within their land use districts.

With regard to vegetation:

(fff) Avoid wetlands.

(ggg) Run along fringe of forests rather than through them.

But if it is necessary to route through forests, then utilize open areas in order to minimize destruction of commercial forest resources.

With regard to soil characteristics:

(hhh) Avoid soils whose high susceptibility to erosion would create sedimentation and pollution problems during and after construction.

(iii) Avoid areas of plastic soils which would be subject to extensive slippage.

(jjj) Avoid areas with high water tables, especially if construction requires excavation.

With regard to crossing of public waters:

(kkk) Utility crossings of public waters requires a permit from the Commissioner pursuant to Minnesota Statutes, Section 84.415 or 105.42.

With regard to open space recreation areas:

(lll) Avoid them whenever practicable.

(ii) Structure Design

With regard to locating the utility overhead or underground:

(aaa) Primary considerations must be given to underground placement in order to minimize visual impact. If the proposal is for overhead placement, the applicant shall explain the economic, technological, or land characteristic factors, which make underground placement infeasible. Economic considerations alone shall not be the major determinant.

(bbb) If overhead placement is necessary, the crossing should be hidden from view as much as practicable.

With regard to the appearance of the structures:

(ccc) They shall be made as compatible as practicable with the natural area with regard to: Height and width, materials used, and color.

With regard to the width of the right-of-way:

(ddd) The cleared portion of the right-of-way should be kept to a minimum.

(iii) Construction methods

(aaa) Construct across wetlands in the winter in order to minimize damage to vegetation, and in order to prevent erosion and sedimentation.

(bbb) Construct at times when local fish and wildlife are not spawning or nesting.

(ccc) Effective erosion and sedimentation control programs shall be conducted during all clearing, construction, or reconstruction operations in order to prevent the degradation of the river and adjacent lands.

(iv) Safety Considerations

Applicants must adhere to applicable Federal and State safety regulations, both with regard to prevention (such as safety valves and circuit breakers) and with regard to emergency procedures in the event of failure (fire suppression, oil spill cleanup).

(v) **Right-of-Way Maintenance**

(aaa) If possible, natural vegetation of value to fish or wildlife, and which does not pose a hazard to or restrict reasonable use of the utility, shall be allowed to grow in the right-of-way.

(bbb) Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and trees, should be planted and maintained on the rights-of-way.

(ccc) Chemical control of vegetation is discouraged. But where such methods are justified, chemicals used and the manner of their use must be in accordance with rules, regulations and other requirements of all state and federal agencies with authority over the use.

(ddd) The Management Plan may identify areas suitable for utility corridors.

(j) **PUBLIC ROADS, RIVER CROSSINGS**

(1) **Permits**

(aa) A permit as established in Minnesota Statutes, Section 105.42, is required for the construction or reconstruction, removal, or abandonment of any road or railroad crossing, of a public water.

In reviewing permit applications required for road or railroad crossings, primary consideration shall be given to crossings located with or adjacent to existing facilities, such as roads and utilities.

(bb) A conditional use permit from the local authority shall be required for any construction of new public roads, or the reconstruction of any existing public roads within Wild, Scenic, or Recreational River Land Use Districts. Public roads include township, county, and municipal roads and highways which serve or are designed to serve flows of traffic between communities or other traffic generating areas. Public roads also include public streets and roads which serve as feeders or traffic-ways between minor public streets and major roads. A conditional use permit is not required for minor public streets which are streets intended to serve primarily as an access to abutting properties.

(2) **Standards and Criteria for construction of new public roads, or the reconstruction of any existing roads within Wild, Scenic, or Recreational River Land Use Districts.**

(aa) **Policy**

It is essential to regulate the construction of new public roads and reconstruction of existing public roads within Wild, Scenic, and Recreational River Land Use Districts in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from such development. These standards and criteria provide a basic framework of environmental considerations concerning such proposed road construction. The considerations deal with route design, construction methods, safety considerations, right-of-way maintenance, and waysides.

(bb) **Standards and Criteria**

For each environmental consideration listed below, the applicant shall indicate how he is satisfying the consideration, where applicable, or if he is

not, why not. In dealing with route design considerations, the applicant must, where applicable, also supply data on relevant site conditions. The local authority shall issue a conditional use permit if the applicant shows he has satisfied, to the extent feasible, these environmental considerations.

In general, avoid Wild, Scenic, and Recreational River Land Use Districts, especially Wild River Land Use Districts, whenever practicable. But if there is no feasible alternative, the following standards and criteria shall apply.

(i) Route Design

With regard to topography:

(aaa) Avoid steep slopes.

(bbb) Avoid scenic intrusion into stream valleys and open exposures of water.

(ccc) Avoid scenic intrusion by avoiding ridge crests and high points.

With regard to location:

(ddd) Avoid new public road construction within 200 feet of Wild, Scenic, and Recreational Rivers and avoid new public road construction within 100 feet of designated tributaries within Wild, Scenic, or Recreational River Land Use Districts, except where a crossing of a Wild, Scenic, or Recreational River has been authorized by the Commissioner.

With regard to vegetation:

(eee) Avoid wetlands.

(fff) Run along fringes of forests rather than through them. But if it is necessary to route through forests, then utilize open areas in order to minimize destruction of commercial forest.

With regard to soil characteristics:

(ggg) Avoid soils whose high susceptibility to erosion would create sedimentation and pollution problems during and after construction.

(hhh) Avoid areas of plastic soils which would be subject to extensive slippage.

(iii) Avoid areas with high water tables, especially if construction requires excavation.

With regard to crossing of public waters:

(jjj) A permit from the Commissioner is required for a road or railroad crossing, or reconstruction, removal, or abandonment of any existing road or railroad crossing, of a public water.

With regard to open space recreation areas:

(kkk) Avoid them whenever practicable.

(ii) Construction methods

(aaa) Construct new roads so they rest as "lightly on the land" as feasible, avoiding cuts and fills so as to blend into the natural terrain so that it appears to be a part of the natural landscape.

(bbb) Reconstruction of an existing public road or railroad should be performed in a manner that would minimize any adverse effect on the natural beauty and environment of the river.

(ccc) Effective erosion and sedimentation control programs shall be conducted during all clearing, construction, or reconstruction operations in order to prevent the degradation of the river and its adjacent lands.

(ddd) Construct across wetlands in a manner which minimizes damage to vegetation, and in a manner preventing erosion and sedimentation.

(eee) Construct at times when local fish and wildlife are not spawning or nesting.

(iii) Safety Considerations

Applicants must adhere to applicable Federal and State Safety regulations with regard to new road construction or reconstruction of an existing road.

(iv) Right-of-Way Maintenance

(aaa) If possible, natural vegetation of value to fish or wildlife, and which does not pose a safety hazard, shall be allowed to grow in the roadside right-of-way.

(bbb) Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and trees should be planted and maintained on the roadside right-of-way.

(ccc) Chemical control of vegetation is discouraged. But where such methods are justified, chemicals used and the manner of their use must be in accordance with rules, regulations and other requirements of all state and federal agencies with authority over their use.

(v) Highway Waysides

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

NR 80 Public Use of Waters and Lands within Wild, Scenic, and Recreational River Land Use Districts

(a) POLICY

(1) In order to protect the rights of private landowners, to ensure quietude, to prohibit trespassing, to prevent littering, and to maintain the essential quality of Wild, Scenic and Recreational Rivers and their land use districts, the Commissioner and local governments shall adopt measures to manage the use and enjoyment of the rivers and their land use districts by the public.

(2) The public use and enjoyment of Wild, Scenic, and Recreational Rivers and their land use districts is limited to the public waters and designated publicly owned lands and interests in land within the land use districts. Private lands which may be located within the Land Use District do not become public in any sense. As otherwise provided in NR 78, private landowners may grant scenic easements in their land to the State of Minnesota. However, unless specifically provided by the parties, no such easement shall give the holder or any beneficiary the right to enter on the land except for enforcement of the easement.

(3) The restrictions set forth in NR 80 (b) shall not apply to persons who have been authorized by the Commissioner or by the appropriate local government to possess such items for the sole purpose of removing such items from the area.

(b) RESTRICTIONS

(1) Pursuant to Minnesota Statutes, Section 609.68, whoever unlawfully deposits garbage, rubbish, offal, or the body of a dead animal, or other litter in or upon any public highway, public waters or the ice thereon, public lands, or without the consent of the owner, private lands or water or ice thereon, may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.

(2) No person shall discharge a firearm while traveling on or using a Wild, Scenic, or Recreational River, except for the purpose of hunting during those times and in those areas in which hunting for protected animals is allowed.

(3) No person traveling over or using publicly owned lands within Wild, Scenic, or Recreational River Land Use Districts shall use trail bikes, all-terrain vehicles, or vehicles of a similar nature, provided that snowmobiles may be provided for in accordance with the management plan. This provision shall not apply to the lawful use of such vehicles on public roads and public streets.

(4) Overnight camping, fires or campfires shall not be allowed on publicly owned lands within Wild, Scenic, or Recreational River Land Use Districts, except in areas posted or designated by the Commissioner for such purposes.

(5) No person traveling on or using a Wild, Scenic, or Recreational River shall enter upon private lands within the land use district unless he has permission from the landowner, lessee, or occupant.

(6) Anyone violating any of the provisions of NR 80 (b) shall be guilty of a misdemeanor.

(c) WATER SURFACE ZONING

Any regulations which may be necessary to reduce conflicts among users of a particular river, or between users and nearby residents, shall be promulgated as part of the management plan for the river, or as amendments thereto. The boundaries of such areas shall be described with particularity in the management plan.

NR 81 General Administration

(a) IMPLEMENTING THE PROPOSED MANAGEMENT PLAN

(1) Adoption of the management plan, and adoption or amendment of local ordinances to comply with the management plan, shall be carried out pursuant to the procedures described in Laws of Minnesota 1973, Chapter 271, sections 5 and 6.

(2) When the Commissioner deems it necessary to expedite the preservation and protection of the designated river, he may request the local authority to initially implement the land use controls described in the adopted

management plan by passing an interim zoning resolution, providing such a resolution would be otherwise lawful.

(b) CERTIFYING CERTAIN ACTIONS

(1) In order to ensure that the standards herein are not nullified by unjustified exceptions in particular cases, and to promote uniformity in the treatment of applications for such exceptions, a review and certification procedure is hereby established for certain local land use decisions. These certain decisions consist of any decisions which (1) directly affect the use of land within a Wild, Scenic, or Recreational River Land Use District, and (2) are one of the following types of action:

(aa) Adopting or amending an ordinance regulating the use of land, including rezoning of particular tracts of land.

(bb) Granting a variance from a provision of the local land use ordinance which relates to the ZONING DIMENSION PROVISIONS of NR 79 (c) and any other zoning dimension provisions established in the management plan.

(cc) Approving a plat which is inconsistent with the local land use ordinance.

(2) No such action shall be effective unless and until the Commissioner has certified that the action (1) complies with the Minnesota Wild and Scenic Rivers Act, the statewide standards and criteria, and the management plan; and (2) conforms to the following decision guides:

(aa) A land use ordinance or amendment must comply with the Act, the statewide standards and criteria, and the management plan.

(bb) The grant of a variance requires the presence of these conditions:

(i) The strict enforcement of the land use controls will result in unnecessary hardship. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use under the conditions allowed by the zoning provisions. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of the ordinance.

(ii) Granting of the variance is not contrary to the purpose and intent of the zoning provisions herein established by these standards and criteria, and is consistent with the comprehensive management plan adopted by the Commissioner.

(iii) There are exceptional circumstances unique to the subject property which were not created by the landowner.

(iv) Granting of the variance will not allow any use which is neither a Permitted or Conditional use in the land use district in which the subject property is located.

(v) Granting of the variance will not alter the essential character of the locality as established by the management plan.

(vi) Exception:

Where a setback pattern from the normal high water mark has already been established on both sides of the proposed building site, the setback of

the proposed structure may be allowed to conform to that pattern. (This provision shall apply only to lots which do not meet the minimum lot width restrictions of the ordinance).

(cc) Approval of a plat which is inconsistent with the local land use ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.

(3) Procedures for the certification process

(aa) A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, variances, or inconsistent plats under the local ordinance shall be received by the Commissioner at least thirty (30) days prior to such hearings or meetings to consider such actions. The notice or application shall include a copy of the proposed ordinance or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance.

(bb) The local authority shall notify the Commissioner of its final decision on the proposed action, within 10 days of the decision.

(cc) The Commissioner shall, no later than 30 days from the time he receives notice of the final decision, communicate to the local authority either:

(i) Certification of approval, with or without conditions; or

(ii) Notice of non-approval.

(dd) The action becomes effective when and only when either:

(i) The final decision taken by the local authority has previously received certification of approval from the Commissioner; or

(ii) The local authority receives certification of approval after its final decision; or

(iii) Thirty days have elapsed from the day the Commissioner received notice of the final decision, and the local authority has received from the Commissioner neither certification of approval nor notice of non-approval; or

(iv) The Commissioner certifies his approval after conducting a public hearing.

(ee) In the case of notice of non-approval of an ordinance or a variance or an inconsistent plat, either the applicant, or the chief executive officer of the county or municipality, may, within 30 days of said notice, file with the Commissioner a demand for hearing. If the demand for hearing is not made within the 30 days, the notice of non-approval becomes final. Also:

(i) The hearing shall be held in an appropriate local community within 60 days of the demand for it but not before 2 weeks published notice. Notice and the conduct of the hearing and the allocation of costs of the hearing shall be accomplished in the same manner as provided in Minnesota Stats. 105.44, subdivisions 5 and 6 (1971) as amended.

(ii) Within 30 days after the hearing, the Commissioner shall either certify his approval of the proposed action, or deny it. His decision shall be based upon findings of fact made on substantial evidence found in the

hearing record. If the Commissioner concludes that the proposed action satisfies the standards and criteria of NR 81 (b) (2), then he shall certify his approval; otherwise, he shall deny it.

(c) REVIEWING APPLICATIONS FOR CONDITIONAL USE PERMITS

A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit shall be received by the Commissioner at least thirty (30) days prior to such hearings or meetings to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the Commissioner within ten (10) days of such action.

(d) COPIES OF ALL PLATS SUPPLIED TO THE COMMISSIONER

Copies of all plats within the boundaries of wild, scenic, or recreational river land use districts shall be forwarded to the Commissioner within ten (10) days of approval by the local authority.

CHAPTER SIX: NR 82-84

**STANDARDS AND CRITERIA FOR THE
MANAGEMENT OF MUNICIPAL SHORELAND AREAS
OF MINNESOTA**

NR 82 GENERAL PROVISIONS

(a) Statement of Policy

The uncontrolled use of shorelands adversely affects the public health, safety, and general welfare by contributing to pollution of public waters and by impairing the local tax base. In accordance with the authority granted in the Laws of Minnesota 1973, Chapter 379, and in furtherance of the policies declared in Minnesota Statutes 1974, Chapters 105, 115, 116, and 462, the Commissioner of Natural Resources, hereinafter referred to as the Commissioner, does hereby provide the municipalities of the State with minimum standards and criteria for the subdivision, use, and development of the shorelands of public waters located in municipalities in order to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise utilization of water and related land resources of the State.

(b) Scope

(1) To achieve the policies declared in NR 82(a), the Commissioner here sets forth minimum standards and criteria for the wise use and development of shorelands in NR 82-84 which include:

- (aa) Classification of public waters.
- (bb) Regulations providing for the designation of land use zoning districts compatible with shoreland management classification.
- (cc) Regulations providing minimum dimensions for the size and length of water frontage of lots suitable for building sites.
- (dd) Regulations governing the placement of structures in relation to shorelines and roads.
- (ee) Regulations governing the amount of impervious surface allowed on each lot.
- (ff) Regulations governing the type and placement of sanitary and waste disposal facilities.
- (gg) Regulations governing the alteration of natural shorelands in municipalities.
- (hh) Regulations governing the placement of roads and parking areas in shoreland areas.
- (ii) Regulations governing the subdivision of shoreland areas in municipalities.
- (jj) Provisions for the enforcement and administration of municipal shoreland management ordinances.

(2) These are minimum standards and criteria for municipal shoreland

management ordinances. Each municipality shall be responsible for the administration and enforcement of the shoreland management ordinance adopted in compliance with these standards and criteria. Nothing in these standards and criteria shall be construed as prohibiting or discouraging a municipality from adopting and enforcing ordinances, rules, or regulations which are more restrictive.

(c) Jurisdiction

These minimum standards and criteria apply to those shorelands of public waters of the State which are located in municipalities.

(d) Definitions

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows: the word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

"Boathouse" means a structure used solely for the storage of boats or boating equipment.

"Building Line" means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

"Clear-cutting" means the removal of an entire stand of trees.

"Conditional Use" means a use of shorelands which is permitted within a zoning district only when allowed by the municipality after a public hearing, if certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district.

"Crowding Potential" means the ratio of total acreage of a water body to shore miles.

"Hardship" means the property in question cannot be put to a reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property, not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.

"Lot" means a parcel of land designated by metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. For the purposes of these regulations, a lot shall be considered to be an individual building site which shall be occupied by no more than one principal structure equipped with sanitary facilities.

"Municipality" means any city.

"Nonconforming Use" means any use of land established before the effective date of a municipal ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

"Ordinary High Water Mark" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave

evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

"Planned Unit Development" means a type of development which may incorporate a variety of land uses planned and developed as a unit. The Planned Unit Development is distinguished from the traditional subdivision process of development in that zoning standards such as density, setbacks, height limits, and minimum lot sizes may be altered by negotiation and agreement between the developer, the municipality and the Commissioner.

"Public Waters" means any waters of the State which serve a beneficial public purpose, as defined in Minnesota Statutes 1974, Section 105.37, Subdivision 6. However, no lake, pond, or flowage of less than 10 acres in size and no river or stream having a total drainage area less than two square miles need be regulated by the municipality for the purposes of these regulations. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the Commissioner shall be exempt from the provisions of these regulations.

The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner. The official size of lakes, ponds, or flowages shall be the areas listed in the Division of Waters, Soils and Minerals Bulletin 25, *An Inventory of Minnesota Lakes*, or in the event that lakes, ponds or flowages are not listed therein, official determination of size and physical limits shall be made by the Commissioner in cooperation with municipalities.

"Setback" means the minimum horizontal distance between a structure or sanitary facility and the ordinary high water mark or between a structure or sanitary facility and a road, highway, or property line.

"Shoreland" means land located within the following distances from public water: (i) 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and (ii) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

"Structure" means any building or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles, and other supporting appurtenances.

"Subdivision" means improved or unimproved land or lands which are divided for the purpose of sale or lease, or divided successively within a five year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

"Substandard Use" means any use of shorelands existing prior to the date of enactment of any municipal ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the ordinance.

"Variance" means any modification or variation of official controls where it is determined that, because of hardships, strict enforcement of the official controls is impractical.

(e) Severability

The provisions of these regulations shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision, or any other part.

(f) Shoreland Management Classification System

(1) The Commissioner shall classify all public waters in municipalities in accordance with the provisions of Minn. Reg. Cons. 71 (a)(1), (2) and (3) and the following criteria:

(aa) Those waters whose shores are presently characterized by industrial, commercial or high density residential development shall be classified as General Development.

(bb) Those waters whose shores are presently characterized by medium density residential development with or without limited service-oriented commercial development shall be classified as Recreational Development.

(cc) Those waters whose shores are presently characterized by low density, single-family residential development shall be classified as Natural Environment.

(dd) Those waters whose shores are not yet densely developed, so that the future character of the waters is a matter of choice, shall be classified as either Natural Environment or Recreational Development, depending on:

(i) Existing natural characteristics of the waters and shorelands.

(ii) The ability of the waters and adjacent shorelands, based on size and crowding potential, to accept, without degradation, medium density shoreland development.

(iii) State, regional, county, and municipal plans.

(iv) Existing land use restrictions.

(2) Supporting data for the shoreland management classification is supplied by the records and files of the Department of Natural Resources, Bulletin No. 25 of the Division of Waters, Soils and Minerals (1968); other supporting data is provided in *Minnesota's Lakeshore, Part 2, Statistical Summary*, Department of Geography, University of Minnesota; and additional supporting data may be supplied, as needed, by the Commissioner.

(3) Classification Procedures

Public waters shall be classified by the Commissioner. The Commissioner shall document each classification with appropriate supporting data. He shall submit a preliminary list of classified public waters to each affected municipality. Each affected municipality shall be given an opportunity to request a change in the proposed classification. If a municipality feels such a change is needed, a written request with supporting data may be submitted to the Commissioner for consideration. If a municipality requests a change in a

proposed shoreland management classification and the public water is located partially within the jurisdiction of another governmental unit, the Commissioner shall review the recommendations of the other governmental unit(s) prior to making a final decision on the proposed change.

(4) Reclassification

The Commissioner may, as the need arises, reclassify any public water. Also, any municipality may at any time submit a resolution and supporting data requesting a change in any shoreland management classification of waters within its jurisdiction to the Commissioner for consideration.

(5) Classification System — Modification and Expansion

The Commissioner may, as the need arises, modify or expand the shoreland classification system to provide specialized shoreland management regulations based upon unique characteristics and capabilities of any public water(s).

NR 83 LAND USE CONTROL PROVISIONS

(a) Land Use Designation

The development of shorelands of public waters shall be controlled by means of land use zoning districts which are designated to be compatible with the classes of public waters set forth in NR 82 (f). Land use zoning districts shall be established to provide for:

(1) The management of areas unsuitable for development due to wet soils, steep slopes, flooding, inadequate drainage, severe erosion potential, or any other feature likely to be harmful to the health, safety or welfare of the residents of the community.

(2) The reservation of areas suitable for residential development from encroachment by commercial and industrial uses.

(3) The centralization of service facilities for residential areas and enhancement of economic growth for those areas suitable for limited commercial development.

(4) The management of areas where use may be directed toward commercial or industrial uses, rather than strictly residential uses, which by their nature require location in shoreland areas.

(b) Criteria for Land Use Zoning District Designation

The land use zoning districts established by municipalities shall be based on considerations of: preservation of natural areas; present ownership and development of shoreland areas; shoreland soil types and their engineering capabilities; topographic characteristics; vegetative cover; municipal socio-economic development needs and plans as they involve water and related land resources; the land requirements of industry which, by its nature, requires location in shoreland areas; and the necessity to preserve and restore certain areas having significant historical or ecological value.

(c) Zoning Provisions

In order to reduce the effects of over-crowding, to prevent pollution of waters of the State, to provide ample space on lots for sanitary facilities, to

minimize flood damages, to maintain property values, and to maintain natural characteristics of shorelands and adjacent water areas, municipal shoreland ordinances shall control lot sizes, placement of structures on lots, and alterations of shoreland areas.

(1) Lot Size

All lots intended as residential building sites platted or created by metes and bounds description after the date of enactment of the municipal shoreland ordinance shall conform to the following dimensions:

(aa) For Natural Environment Waters: Lots not served by public sewer shall be at least 80,000 square feet (approximately 2 acres) in area and at least 200 feet in width at the building line and at the ordinary high water mark (for lots abutting a public water). Lots served by public sewer and which abut a public water shall be at least 40,000 square feet (approximately 1 acre) in area and at least 125 feet in width at the building line and at the ordinary high water mark. All other lots served by a public sewer shall be at least 20,000 square feet (approximately ½ acre) in area and at least 125 feet in width at the building line.

(bb) For Recreational Development Waters: Lots not served by public sewer shall be at least 40,000 square feet (approximately 1 acre) in area and at least 150 feet in width at the building line and at the ordinary high water mark (for lots abutting a public water). Lots served by public sewer and which abut a public water shall be at least 20,000 square feet (approximately ½ acre) in area and at least 75 feet in width at the building line and at the ordinary high water mark. All other lots served by a public sewer shall be at least 15,000 square feet in area and at least 75 feet in width at the building line.

(cc) For General Development Waters: Lots not served by a public sewer shall be at least 20,000 square feet (approximately ½ acre) in area and at least 100 feet in width at the building line and at the ordinary high water mark (for lots abutting a public water). Lots served by a public sewer and which abut a public water, shall be at least 15,000 square feet in area and at least 75 feet in width at the building line and at the ordinary high water mark. All other lots served by a public sewer shall be at least 10,000 square feet in area and at least 75 feet in width at the building line.

(dd) Substandard Lots: Lots of record in the office of the County Register of Deeds on the date of enactment of the Municipal Shoreland Ordinance which do not meet the requirements of NR 83 (c) (1) (aa) through (dd) may be allowed as building sites provided such use is permitted in the zoning district, the lot is in separate ownership from abutting lands and sanitary and dimensional requirements of the shoreland ordinance are complied with insofar as practicable. Each municipal ordinance may, consistent with these standards and criteria, set a minimum size for substandard lots or impose other restrictions on the development of substandard lots, including the prohibition of development until the substandard lot(s) are served by public sewer and water.

(ee) Exceptions — Exceptions to the provisions of NR 83 (c) (1) (aa) through (ee) may be permitted for Planned Unit Developments pursuant to NR 83 (e) (4).

(2) Placement of Structures on Lots

The placement of structures on lots shall be controlled by the municipal

shoreland ordinance in accordance with the class of public waters, high water elevation, and location of roads and highways.

(aa) The following minimum setbacks for each class of public waters shall apply to all structures except those specified as exceptions in NR 83 (c) (2) (ff):

(i) For Natural Environment Waters: at least 200 feet from the ordinary high water mark for lots not served by public sewer and at least 150 feet from the ordinary high water mark for lots served by public sewer.

(ii) For Recreational Development Waters: at least 100 feet from the ordinary high water mark for lots not served by public sewer and at least 75 feet from the ordinary high water mark for lots served by public sewer.

(iii) For General Development Waters: at least 75 feet from the ordinary high water mark for lots not served by public sewer and at least 50 feet from the ordinary high water mark for lots served by public sewer.

(iv) Furthermore, no structure shall be erected in the floodway of a river or stream as defined in Minnesota Statutes 1974, Section 104.02.

(bb) High Water Elevations — In addition to the setback requirements of NR 83 (c) (2), municipal shoreland ordinances shall control placement of structures in relation to high water elevation. Structures shall be placed at an elevation consistent with any applicable local flood plain management ordinances. When fill is required to meet this elevation, the fill shall be allowed to stabilize to accepted engineering standards before construction is begun. When no ordinances exist, the elevation to which the lowest floor, including basement, shall be placed shall be determined as follows:

(i) For lakes, ponds, and flowages by (a) an evaluation of available flood information and consistent with Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota or (b) placing the lowest floor at a level at least three feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the ordinary high water mark shall be used.

(ii) For rivers and streams, by an evaluation of available flood information and consistent with Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota.

(cc) Proximity to Roads and Highways — No structure shall be placed nearer than 50 feet from the right-of-way line of any federal, state, or county trunk highway; or 20 feet from the right-of-way line of any town road, public street, or others not classified.

(dd) All structures, except non-residential agricultural structures, shall not exceed 35 feet in height, unless such structures are approved as part of a planned unit development pursuant to the procedures set forth in NR 83 (e) (4).

(ee) The total area of all impervious surfaces on a lot shall not exceed 30 percent of the total lot area.

(ff) Exceptions:

(i) Boathouses may be located landward of the ordinary high water

mark as a conditional use provided they are not used for habitation and they do not contain sanitary facilities.

(ii) Location of piers and docks shall be controlled by applicable state and local regulations.

(iii) Where development exists on both sides of a proposed building site, structural setbacks may be altered to take setbacks of existing structures into account.

(iv) Commercial, industrial, or permitted open space uses requiring location on public waters may be allowed as conditional uses closer to such waters than the setbacks specified in NR 83 (c) (2).

(3) Shoreland Alterations

(aa) Natural vegetation in shoreland areas shall be preserved insofar as practical and reasonable in order to retard surface runoff and soil erosion, and to utilize excess nutrients. The removal of natural vegetation shall be controlled by the municipal shoreland ordinance in accordance with the following criteria:

(i) Clearcutting shall be prohibited, except as necessary for placing public roads, utilities, structures, and parking areas.

(ii) Natural vegetation shall be restored insofar as feasible after any construction project.

(iii) Selective cutting of trees and underbrush shall be allowed as long as sufficient cover is left to screen motor vehicles and structures when viewed from the water.

(bb) Grading and filling in shoreland areas or any other substantial alteration of the natural topography shall be controlled by the municipal shoreland ordinance in accordance with the following criteria:

(i) The smallest amount of bare ground shall be exposed for as short a time as feasible.

(ii) Temporary ground cover, such as mulch, shall be used and permanent vegetative cover, such as sod, shall be provided.

(iii) Methods to prevent erosion and trap sediment shall be employed.

(iv) Fill shall be stabilized to accepted engineering standards.

(cc) Alterations of Beds of Public Waters

(i) Any work which will change or diminish the course, current, or cross section of a public water shall be approved by the Commissioner before the work is begun. This includes construction of channels and ditches, lagooning, dredging of lakes or stream bottom for removal of muck, silt or weeds, and filling in the lake or stream bed. Approval shall be construed to mean the issuance by the Commissioner of a permit under the procedures of Minnesota Statutes 1974, Section 105.42 and other related statutes.

(ii) Excavations on shorelands where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall be controlled by the municipal shoreland ordinance. Permission for

such excavations may be given only after the Commissioner has approved the proposed connection to public waters. Approval shall be given only if the proposed work is consistent with applicable state regulations for work in beds of public waters.

(4) **Placement of Roads and Parking Areas** — The placement of roads and parking areas shall be controlled in order to retard the runoff of surface waters and excess nutrients. The placement of roads and parking areas shall be controlled by the municipal shoreland ordinance in accordance with the following criteria:

(aa) No impervious surface shall be placed within 50 feet of the ordinary high water mark.

(bb) Where feasible and practical, all roads and parking areas shall meet the setback requirements established for structures in NR 83 (c) (2).

(cc) Natural vegetation or other natural materials shall be used in order to screen parking areas when viewed from the water.

(5) Municipalities may, under special circumstances and with the Commissioner's approval, adopt shoreland management ordinances which are not in strict conformity with NR 83 (c) "Zoning Provisions" provided that the proposed ordinance is based upon individual public water capabilities and that the purposes of Minnesota Statutes 1974, Section 105.484 are satisfied.

(d) Sanitary Provisions

In order to insure safe and healthful conditions, to prevent pollution and contamination of surface and ground waters, and to guide development compatible with the natural characteristics of shorelands and related water resources, municipal shoreland ordinances shall control individual water supply and waste disposal systems in respect to location, construction, repair, use, and maintenance; and shall control commercial, agricultural, industrial and municipal waste disposal, and solid waste disposal sites.

(1) Water Supply

(aa) Any public or private supply of water for domestic purposes shall conform to Minnesota Department of Health Standards for water quality.

(bb) Private wells shall be placed in areas not subject to flooding and upslope from any source of contamination. Wells already existing in areas subject to flooding shall be flood proofed in accordance with accepted engineering standards.

(2) Sewage and Waste Disposal

Any premises used for human occupancy shall be provided with an adequate method of sewage disposal to be maintained in accordance with acceptable practices.

(aa) Public or municipal collection and treatment facilities shall be used where available or feasible.

(bb) All private sewage and other sanitary waste disposal systems shall conform to applicable standards, criteria, rules, and regulations of the Minnesota Department of Health, the Pollution Control Agency, and any

applicable local government regulations in terms of size, construction, use, and maintenance.

(cc) Location and installation of a septic tank and soil absorption system shall be such that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, endanger the quality of any domestic water supply, or pollute or contaminate any waters of the State. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, high ground water elevation, geology, proximity to existing or future water supplies, accessibility for maintenance, and possible expansion of the system.

(dd) Septic tank and soil absorption systems shall be set back from the ordinary high water mark in accordance with the class of public waters:

- (i) On Natural Environment Waters, at least 150 feet;
- (ii) On Recreational Development Waters, at least 75 feet; and
- (iii) On General Development Waters, at least 50 feet.

(ee) Soil absorption systems shall not be allowed in the following areas for disposal of domestic sewage:

- (i) Low, swampy areas or areas subject to recurrent flooding;
- (ii) Areas where the highest known ground water table, bedrock or impervious soil conditions are within four feet of the bottom of the system; and
- (iii) Areas of ground slope which create a danger of seepage of the effluent onto the surface of the ground.

(ff) Municipal shoreland ordinances may require or allow alternative methods of sewage disposal such as holding tanks, privies, electric or gas incinerators, biological and/or tertiary waste treatment plants or land disposal systems, provided such facilities meet the standards, criteria, rules, and regulations of the Minnesota Pollution Control Agency and the Minnesota Department of Health.

(gg) Public sewage disposal and commercial, agricultural, solid waste, and industrial waste disposal shall be subject to the standards, criteria, rules, and regulations of the Minnesota Pollution Control Agency.

(e) Subdivision Provisions

(1) Land Suitability

No land shall be subdivided which is held unsuitable by the municipality for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

(2) Inconsistent Plats Reviewed by Commissioner

All plats which are inconsistent with the municipal shoreland ordinance shall

be reviewed by the Commissioner before approval by the municipality may be granted. Such review shall require that the proposed plats be received by the Commissioner at least 10 days before a hearing is called by the municipality for consideration of approval of a final plat.

(3) Copies of Plats Supplied to Commissioner

Copies of all plats within shoreland areas shall be submitted to the Commissioner within 10 days of final approval by the municipality.

(4) Planned Unit Development

Altered zoning standards may be allowed as exceptions to the municipal shoreland ordinance for planned unit developments provided:

(aa) Preliminary plans shall be approved by the Commissioner prior to their approval by the municipality.

(bb) Central sewage facilities shall be installed which at least meet the applicable standards, criteria, rules, or regulations of the Minnesota Department of Health and the Pollution Control Agency or the planned unit development is connected to a municipal sanitary sewer.

(cc) Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedications, or other methods.

(dd) That the following factors are carefully evaluated to ensure that the increased density of development is consistent with the resource limitations of the public water:

- (i) Suitability of the site for the proposed use;
- (ii) Physical and aesthetic impact of increased density;
- (iii) Level of current development;
- (iv) Amount and ownership of undeveloped shoreland;
- (v) Levels and types of water surface use and public access; and
- (vi) Possible effects on over-all public use.

(ee) Any commercial, recreational, community, or religious facility allowed as part of the planned unit development shall conform to all applicable federal and state regulations including, but not limited to the following:

- (i) Licensing provisions or procedures;
- (ii) Waste disposal regulations;
- (iii) Water supply regulations;
- (iv) Building codes;
- (v) Safety regulations;
- (vi) Regulations concerning the appropriation and use of Public Waters as defined in Minnesota Statutes 1974, Chapter 105; and
- (vii) Applicable regulations of the Minnesota Environmental Quality Council.

(ff) The final plan for a planned unit development shall not be

modified, amended, repealed, or otherwise altered unless approved in writing by the developer, the municipality, and the Commissioner.

(gg) There are centralized shoreline recreation facilities such as beaches, docks and boat launching facilities.

NR 84 GENERAL ADMINISTRATION

(a) Administration and Enforcement

Municipalities shall provide for the administration and enforcement of the Municipal Shoreland Ordinance adopted pursuant to Minnesota Statutes 1974, Section 462.362.

(1) Permit System

In order to facilitate orderly and efficient administration and enforcement of municipal shoreland ordinances, municipalities shall establish permit procedures for building construction, installation of sewer and water facilities, and grading and filling in shoreline areas.

(2) Variances

Variances shall only be granted when there are particular hardships which make strict enforcement of official controls impractical. They shall not circumvent the general purposes and intent of the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to insure compliance and to protect adjacent properties and the public interest.

(3) Nonconforming Uses

Under authority of Minnesota Statutes 1974, Section 462, municipalities may adopt provisions to regulate, control, and reduce the number or extent of and gradually eliminate nonconforming and substandard uses. Municipalities shall provide for the elimination of sanitary facilities inconsistent with NR 83 (d) (2) (bb), (2) (cc), and (2) (ee) over a period of time not to exceed 5 years from the date of enactment of the municipal ordinance.

(b) Joint Exercise of Powers

In order to facilitate more logical, consistent, and efficient administration of municipal shoreland management ordinances, municipalities are encouraged, wherever feasible and practicable, to enter into joint powers agreements with adjacent or otherwise similarly situated local units of government for the purpose of jointly administering and enforcing shoreland management ordinances pursuant to the procedures and authority of Minnesota Statutes 1974, Section 394.32 and 471.59.

(c) Notification Procedures

(1) Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under the municipal shoreland management ordinance shall be received by the Commissioner at least 10 days prior to such hearings.

(2) A copy of amendments and final decisions granting variances or conditional uses under the municipal shoreland management ordinance shall be received by the Commissioner within 10 days of final action or amendment.

(Filed March 15, 1976)

CHAPTER SEVEN: NR 85-93

STATEWIDE STANDARDS AND CRITERIA FOR MANAGEMENT OF FLOOD PLAIN AREAS OF MINNESOTA

NR 85 General Provisions

(a) STATEMENT OF POLICY

The following standards and criteria establishing minimum flood plain management standards are promulgated in accordance with the authority granted in Minnesota Statutes 1969, § 104.05 and apply to land adjacent to all watercourses of the state except as herein provided.

(b) SCOPE

These standards and criteria for the management of flood prone areas and private and governmental uses located therein pertain to all watercourses, both intrastate and interstate, where the drainage area of the watercourse is over two square miles and where the Commissioner finds a watercourse having a drainage area under two square miles has significant flood hazard.

(c) DEFINITIONS

For the purposes of these regulations, certain terms or words used herein shall be interpreted as follows:

“Building Code” means a collection of regulations adopted by a local governing body setting forth standards for the construction, addition, modification and repair of buildings and other structures for the purpose of protecting the public health, safety and general welfare.

“Channel” means a natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

“Commissioner” means the commissioner of natural resources.

“Encroachment Lines” means the lateral limits or lines drawn along each side and generally parallel to a stream or another body of water, which delineates the floodway and within which the flood carrying capacity of the stream or other body of water is to be preserved. Their location, if along a stream, should be such that the floodway between them will effectively carry and discharge a flood not less than the regional flood.

“Equal Degree of Encroachment” means a method of determining the location of encroachment lines so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a stream for a significant reach.

“Flood” means a temporary rise in stream flow or stage which results in inundation of the areas adjacent to the channel.

“Flood Frequency” means the average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equalled or exceeded. By strict definition, such estimates are designated

“exceedence frequency”, but in practice the term “frequency” is used. The frequency of a particular stage or discharge is usually expressed as having a probability of occurring once within a specified number of years. See also: “Recurrence Interval”.

“Flood Fringe” means that portion of the flood plain outside of the floodway.

“Flood Peak” means the highest value of stage or discharge attained during a flood event; thus peak stage or peak discharge.

“Flood Plain” means the areas adjoining a watercourse which has been or hereafter may be covered by the regional flood.

“Flood Plain Management” means the full range of public policy and action for insuring wise use of the flood plains. It includes everything from collection and dissemination of flood control information to actual acquisition of flood plain lands, construction of flood control measures, and enactment and administration of codes, ordinances, and statutes regarding flood plain land use.

“Flood Plain Regulations” means the full range of codes, ordinances, and other regulations relating to the use of land and construction within flood plain limits. The term encompasses zoning ordinances, subdivision regulations, and sanitary and building codes.

“Flood Profile” means a graph or a longitudinal plot of water surface elevations of a flood event along a reach of a stream or river.

“Flood Proofing” means a combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

“Flood Stage” means, as commonly used by the U. S. Weather Bureau and others, that stage, at a particular river gage, where overflow of the natural banks of the stream results in significant flood damage in any portion of the reach for which the gage is a representative index.

“Floodway” means the channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

“Local Governmental Unit” means a county, city, village or borough.

“Reach” means the hydraulic engineering term used to describe longitudinal segments of a stream or river influenced by a natural or man made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

“Recurrence Interval” means the average interval of time, based on a statistical analysis of actual or representative stream flow records, which can be expected to elapse between floods equal to or greater than a specified stage or discharge. The recurrence interval is generally expressed in years. See also: “Flood Frequency”.

“Regional Flood” means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval.

“Rural Areas” means all areas not included under urban areas, such as agricultural, forest, and undeveloped areas.

“Standard Project Flood” means the flood that may be expected from the most severe combination of meteorological and hydrological conditions that is considered reasonably characteristic of the geographical area in which the drainage basin is located, excluding extremely rare combinations. Such floods are intended as practicable expressions of the degree of protection that should be sought in the design of flood control works, the failure of which might be disastrous.

“Subdivision Regulations” means regulations and standards established by a local unit of government with authority granted under a state enabling law, for the subdivision of land in order to secure coordinated land development.

“Urban Areas” means the area within the present corporate limits plus the adjoining areas that are or could be under the statutory extraterritorial zoning jurisdiction of any city, village or borough.

“Watercourse” means a channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.

“Zoning Ordinance” means an ordinance adopted by a local unit of government, with authority from state enabling legislation, which under the police power divides local governmental areas into districts and, within each district, regulates the use of land.

(d) SEVERABILITY

The provisions of these regulations shall be severable and the invalidity of any lettered paragraph, subparagraph or subdivision thereof shall not invalidate any other lettered paragraph or subparagraph, subdivision or any other part.

(e) LOCAL DUTIES

In accordance with Minnesota Statutes 1969, c. 104, local governmental units shall:

(1) Submit to the Commissioner for his review a list of available flood data, flood plain maps, and degree of flood damage potential for each watercourse having flood hazards.

(2) Adopt or amend a flood plain management ordinance which meets these minimum standards and criteria for flood plain management, upon the determination of the Commissioner that sufficient technical information is available for the delineation of flood plains and floodways on a watercourse.

(3) Submit proposed flood plain management ordinances to the Commissioner for his review and approval before adoption.

(4) Administer and enforce flood plain management ordinances upon adoption.

(5) Submit to the Commissioner for approval any amendments to flood plain management ordinances before adoption.

(f) COMMISSIONER'S DUTIES

The Commissioner shall:

(1) Establish statewide standards for management of flood plain areas which apply to private and governmental uses located therein.

(2) Determine the availability of sufficient technical information for the delineation of flood plains and floodways on a watercourse.

(3) Upon request, assist the local governmental unit in the drafting of a flood plain management ordinance which meets the provisions of Minnesota Statutes 1969, c. 104 and the minimum standards set forth herein. This assistance may include, but not be limited to, creation of specific guidelines to be used locally in the formulation of reasonable regulations and other flood plain management practices based on sound technical data and consistent with state standards and community land use needs.

(4) Review and approve flood plain management ordinances prior to adoption by the local governmental unit.

(5) Where sufficient information is not available, cooperate to the fullest practical extent with appropriate federal agencies and local governmental units in securing adequate technical information which can be used for the delineation of flood plains and floodways along the state's watercourses.

(6) Periodically review and upgrade flood plain management criteria based on new hydrologic, hydraulic and other technical methodologies.

(7) Disseminate to local governmental units, whenever available, technical information including information of federal programs involving flood plain areas, educational materials, and other material useful in carrying out a flood plain management program.

(8) Survey the enforcement of flood plain management ordinances.

(9) Coordinate federal, state, and local flood plain management activities in the state.

NR 86 Technical Standards and Requirements for Flood Plain Evaluation

Except as otherwise provided herein, or as new hydrologic and hydraulic techniques of nationwide scope and acceptance are developed and deemed acceptable by the Commissioner, any federal, state or local agency, any of their consultants, or any private consultants involved in the establishment and/or implementation of flood plain management studies or programs in Minnesota shall comply with technical standards prescribed in all applicable sections of these standards and criteria.

(a) FLOOD FREQUENCY TECHNIQUES FOR THE DELINEATION OF THE FLOOD PLAIN

The regional flood shall serve as the basis for delineation of the flood plain and floodway for regulatory purposes.

(1) The basic method of flood frequency analysis in the determination of regional flood flows shall be the log — Pearson Type III distribution (with log — normal as a special case) as described in the Federal Water Resources Council Bulletin 15, "A Uniform Technique for Determining Flood Flow Frequencies", December, 1967.

(2) In those instances where inadequate stream flow data exists to allow use of the method outlined in NR 86(a)(1), the Commissioner may use or authorize use of other acceptable hydrologic methods or techniques.

(b) DETERMINATION OF EXTREME FLOODING EVENTS

Whenever the Commissioner finds that sufficient technical information is available to estimate the magnitude of floods larger than the regional flood (such as the Standard Project Flood) this information shall be made available by the Commissioner to the local unit of government for use by the public as general information.

(c) STANDARDS FOR TECHNICAL HYDROLOGIC AND HYDRAULIC TECHNIQUES IN FLOOD HAZARD EVALUATION

In order to provide uniformity in the analysis of flood hazards and the effects of various artificial and natural obstructions to flood flows within flood plain areas the Commissioner will adopt and require use of a uniform system for the analysis of technical factors including:

(1) Minimum required survey data needed to provide adequate vertical and horizontal ground control elevations and distances for the channel of a stream or river and the adjoining flood plain area.

(2) Referencing of bench marks used for vertical control data.

(3) Procedures for computation of water surface profiles and analysis of backwater effects in flood plain areas.

NR 87 Minimum Flood Plain Management Standards for Local Zoning Ordinances

(a) GENERAL PROVISIONS

(1) The standards contained in NR 87 herein apply to the amendment or creation of local flood plain zoning ordinances.

(2) To provide for comprehensive flood plain management, supplemental measures as contained in NR 89 shall be enacted consistent with these standards.

(3) These standards and criteria are considered to provide only a minimum degree of flood protection for flood plain developments. Local governmental units may enact local flood plain regulations which exceed these standards.

(b) MINIMUM MAPPING STANDARDS FOR LOCAL GOVERNMENTAL ZONING ORDINANCES

(1) All mapping used to delineate flood plain zoning districts shall include the following properly identified regulatory districts: flood plains, floodways, and flood fringe areas. Where adequate information is available the limits of the area subject to inundation by floods larger than the regional flood, as provided in NR 86(b), shall be designated for public information purposes.

(2) Local ordinances may superimpose the flood plain zoning districts on the prior official zoning map or the ordinance may adopt, by reference, a supplemental official map providing the supplemental map is approved by the Commissioner.

(3) The flood plain limits on the zoning map shall correspond to the actual area subject to inundation, not street or property lines, unless use of the latter would include all areas subject to inundation.

(c) DELINEATION OF THE FLOOD PLAIN

(1) The delineation of the flood plain shall be based on the flood protection elevation as set forth in NR 87(e).

(2) Procedures for flood plain determination shall conform to technical standards established in NR 86(a) and (c). Each local flood plain zoning ordinance must include a flood plain map conforming to the standards established in NR 87(b).

(3) In special instances and upon approval of the Commissioner, the use of other techniques such as maps indicating limits of past flooding, detailed soil maps and/or aerial photographic interpretation may initially serve as a basis for the delineation of flood plains for regulatory purposes provided that:

(aa) The affected flood plains are generally undeveloped.

(bb) The associated text of the zoning ordinance provides for a special permit use procedure to determine the effects of proposed construction upon flood stages and flood flows and to establish the flood protection elevation.

(cc) The local unit of government has initiated a program to ultimately obtain regional flood data.

(4) Where a conflict exists between the flood plain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor in locating the regulatory flood plain limits.

(d) DELINEATION OF THE FLOODWAY

Local government flood plain zoning ordinances shall designate a floodway. Exceptions may be allowed by the Commissioner for those conditions listed in NR 87(c)(3). A portion of the flood plain, outside of the immediate channel of a watercourse, shall be selected and designated as the floodway by a local governmental unit upon approval of the Commissioner. The selection must be based on an evaluation of the flood hazard for the area which may be involved or affected by such designation and must conform to the following standards:

(1) The limits of the floodway shall be designated so that permissible encroachments on the flood plain will not cause an increase in stage of the regional flood of more than 0.5 feet in any one reach or for the cumulative effect of several reaches of a watercourse. If the increase in flood stage will materially increase the flood damage potential, the Commissioner may require that such increases be less than 0.5 feet. The Commissioner may authorize increases greater than 0.5 feet where studies show that further increases in flood stages will not materially increase the flood damage potential.

(2) The limits of the floodway shall be based on a uniform degree of encroachment for a significant reach on both sides of a watercourse. Variances from this rule may be authorized by the Commissioner when topography, existing development patterns and comprehensive land use plans justify a modified approach.

(3) The floodway shall be determined consistent with minimum standards for technical hydrologic and hydraulic techniques and mapping standards contained in NR 86(c) and NR 87(b).

(e) FLOOD PROTECTION ELEVATIONS

(1) The flood protection elevations shall correspond to a point not less than one foot above the water surface profile associated with the regional flood plus any increases in flood stages attributable to encroachments on the flood plain established under NR 87(d)(1).

(2) The flood protection elevations shall be clearly lettered at identifiable positions on the official zoning district map consistent with the water surface profile of the regional flood, or the profile shall be attached to and made part of the official zoning district map.

NR 88 Zoning: Land Uses Permitted in Floodway and Flood Fringe Areas

(a) GENERAL PROVISIONS

(1) Certification of Compliance

No vacant flood plain land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until the applicant submits to the appropriate local official a certification by a registered professional engineer, land surveyor or other qualified person designated by the local governing body that the finished fill and building floor elevations or other flood protection measures are in compliance with appropriate flood plain zoning provisions and other flood plain regulations.

(2) Removal of Lands From a Flood Plain District

The flood plain designation on official zoning maps shall not be removed from flood plain areas adjacent to and outside of floodways unless it can be shown that the areas are filled to an elevation at or above the flood protection level and are contiguous to other lands lying outside the flood plain district or unless flood control measures which meet the standards of NR 89(e)(2)(aa) and NR 89(e)(4) are constructed and operative.

(b) PERMITTED USES WITHIN THE FLOODWAY OR BETWEEN LEVEES

Local zoning ordinances may designate specified uses as permitted or special permit uses provided such uses have a low flood damage potential and will not materially obstruct flood flows or increase velocities or stages of the regional flood. However, uses that are likely to cause pollution of waters, as defined in Minnesota Statutes 1969, § 115.01, are prohibited unless adequate safeguards approved by the state water pollution control agency are provided. All other uses are prohibited including storage of any potentially hazardous materials which if subject to flooding may become buoyant, flammable, explosive or may be injurious to human, animal or plant life. Permitted uses must not be detrimental to the uses permitted in adjoining districts. The following uses may be permitted within the floodway or between levees:

(1) Uses having a low flood damage potential including agricultural uses, recreational uses, parking lots, loading areas, storage yards, airport landing strips, certain sand and gravel operations, water control structures, navigation facilities, and other open space uses.

(2) Structures accessory to the above uses and commercial excavation and stockpiling of materials may be permitted if:

(aa) Structures are not intended for human habitation.

(bb) Structures will have a low flood damage potential.

(cc) Structures or stockpiles of materials, if permitted, will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters.

(dd) Structures will be firmly anchored to prevent flotation.

(ee) Service facilities within these structures, such as electrical and heating equipment, will be at or above the flood protection elevation for the site as described in NR 87(e) or adequately flood proofed as provided in NR 89(b)(4).

(3) Channel and harbor connections to public waters, constructed under authority of Minnesota Statutes 1969, c. 105, which can be shown will not cause material increases in flood stages within the flood plain and which will not increase the flood hazard to properties adjacent to the flood plain.

(4) Public utility facilities and water oriented industries which must be adjacent to watercourses provided that the development is located in such a manner that it will not significantly alter flood flows, heights, or velocities of the regional flood. Whenever necessary, compensating measures shall be required to be undertaken to offset any adverse effects of allowing the use within the floodway and to keep increases in stages of the regional flood within the limits specified in NR 87(d)(1).

(c) DEVELOPMENT OF FLOOD FRINGE AREAS ADJACENT TO AND OUTSIDE OF FLOODWAYS

(1) General Provisions

(aa) All flood plain developments within designated flood fringe areas shall be compatible with local comprehensive plans.

(bb) Flood plain developments shall not adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems.

(2) Residential Areas

The finished surface of the first floor or basement floor of any residential building or structure to be erected, constructed, reconstructed, altered or moved on the flood plain shall ordinarily be placed on fill at or above the flood protection elevation. The fill shall be at or above the elevation associated with the regional flood plus any increase in the water surface elevation due to flood plain encroachment as described in NR 87(d)(1). The fill shall extend at such elevation at least 15 feet beyond the limits of any structure or building erected thereon. Where existing streets or utilities are at elevations which make strict compliance with this provision impractical, the Commissioner may authorize use of flood proofing or other measures or methods to provide protection to the flood protection elevation. Flood proofing or other protective measures may be allowed only upon issuance of a special use permit by the local governmental unit.

(3) Commercial Areas

Commercial buildings or structures generally are to be constructed on fill with no first floor or basement floor below the flood protection elevation. Accessory land uses such as yards, railroad tracks and parking lots may be at lower elevations. However, in the absence of an adequate local flood warning system, no area shall be designed for use by the public which would be inundated to a depth greater than two feet or subjected to flood velocities greater than four feet per second upon the occurrence of the regional flood.

(4) Manufacturing and Industrial Areas

Manufacturing and industrial buildings, structures and appurtenant works shall be protected to the flood protection elevation. Measures shall be taken to minimize interference with normal plant operations especially for streams having protracted flood durations. Certain accessory land uses such as yards, railroad tracks and parking lots may be at lower elevations subject to requirements of NR 88(c)(3). Local ordinances shall give due consideration to needs of industries whose businesses require that they be located in a flood plain area.

(5) Public Utilities, Roads and Bridges

Public utility facilities, roads, railroad tracks and bridges within the flood plain should be designed to minimize increases in flood elevations and should be compatible with existing local comprehensive flood plain development plans. When failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, protection to the flood protection elevation shall be provided. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroad tracks, or utilities.

(6) Storage of Materials

Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal or plant life shall be stored at or above the flood protection elevation, flood proofed, or protected by structural measures consistent with the standards set forth herein. Furthermore, storage of materials likely to cause pollution of the waters, as defined in Minnesota Statutes 1969, § 115.01, if subject to flooding are prohibited unless adequate safeguards approved by the state water pollution control agency are provided.

(d) NONCONFORMING USES OF THE FLOOD PLAIN

(1) Floodway Uses

Local flood plain management ordinances may, where appropriate, provide for the gradual elimination of nonconforming uses within the floodway. Any addition or modification to a lawful nonconforming use shall be in conformance with the provisions of these standards and criteria and shall not increase the flood damage potential or increase the degree of obstruction to flood flows.

(2) Flood Fringe Uses

Nonconforming uses within the flood fringe may be continued provided that such uses will not have an unduly adverse effect on flood flows, veloci-

ties or stages associated with the regional flood. Any addition or modification to a lawful nonconforming use within the flood fringe shall be in conformance with the provisions of these standards and criteria. Where applicable, provisions shall be made to allow the proposed modifications and additions to be protected to the flood protection elevation by an approved use of supplemental flood plain management measures as outlined in NR 89.

NR 89 Supplemental Standards and Criteria for Flood Plain Management

Supplemental measures for flood plain management should be included in local governmental comprehensive flood plain management programs and adopted or provided in addition to local zoning ordinances when sufficient technical data and resources are available for their effectuation. All local governmental units shall provide for control of the development and use of flood plains in flood hazard areas by adopting the following specific regulations and measures where practical to supplement and complement flood plain zoning ordinances and provide comprehensive flood plain management:

(a) SUBDIVISION REGULATIONS

Local government flood plain subdivision regulations shall regulate flood plain land subdivision in order to promote the public health, safety and general welfare; promote wise use of flood plain lands; assure that flood plain lands are suitable for building sites and public improvements; provide for adequate drainage of the subdivided area; provide for ingress and egress to all lands involved; promote proper surveying, legal description and monumenting of subdivided land; and establish procedures for vacating, correcting and revising plats. The subdivision regulations shall establish standards for protection of roads, sewers, water supply and other facilities from floods. In addition the regulations shall provide that:

- (1) The flood plain, floodway and flood fringe areas as determined by standards set forth in NR 86(c) be clearly labeled on the plat.
- (2) Subdivision of lands within flood plain areas may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on the local government unit.
- (3) Restrictive deed covenants shall be filed with the final plat and shall provide that the flood plain area be left essentially in the state shown on the plat, establish finished elevations of buildings, structures and private streets and roads, and require that additions or modifications to these facilities will not violate any provisions of the flood plain zoning ordinances or supplemental regulations.

(b) BUILDING CODES

Building codes shall provide for the control of the design, construction, addition and modification of buildings or structures placed in flood plain areas under authorized flood plain management ordinances. Flood plain building codes shall provide for necessary construction measures to protect health, safety and welfare and to reduce the damaging effects and hazards of floods subject to the following standards:

- (1) The degree of flood protection required for building construction by building codes shall be based on the flood protection elevation described in NR 87(e) and on flood velocities and duration of the regional flood for the particular area.

(2) Whenever feasible and compatible with flood plain zoning ordinances and other regulations, all new buildings or structures located, constructed, or reconstructed in the flood plain shall conform to the following provisions:

(aa) The first floors or basement floors of the buildings or structures shall be at or above the flood protection elevation in accordance with NR 87(e) and NR 88.

(bb) Those portions of buildings, structures and appurtenances located below the flood protection elevation shall be adequately flood proofed as provided in NR 89(b)(4).

(3) Alterations or additions to existing buildings or structures may be permitted if such will:

(aa) Decrease the flood damage potential of the building or structure.

(bb) Not increase the degree of obstruction to flood flows.

(cc) Provide for adequate protection of the building or structure to the flood protection elevations where applicable, in accordance with the provisions of NR 87(e).

(dd) Not endanger human life.

(4) Where flood proofing is incorporated into new buildings or structures, and into alterations or additions to existing nonconforming structures, flood proofing measures shall be provided to the flood protection elevations described in NR 87(e) and designed to withstand flood velocities, depths, durations, forces and any other factors associated with the regional flood. A plan or document certified by a registered professional engineer or architect that the flood proofing measures are adequately designed to withstand regional flood conditions shall be submitted to the local government unit for approval before authorization is granted for the proposed work. Where this is not practical because of the particular circumstances, the Commissioner may authorize other methods to determine the adequacy of flood proofing measures. Authorized flood proofing measures may include such provisions as anchorage of structures to prevent flotation, installation of water tight barriers over openings, reinforcement of walls to resist water pressures, use of materials to reduce wall seepage, construction or modification of water supply and waste disposal systems to prevent entry of flood waters, placement of essential utilities above the flood protection elevation, and installation of pumping facilities for internal and subsurface drainage.

(c) SANITARY REGULATIONS

In addition to all applicable state rules, regulations, requirements and laws and local laws, local sanitary regulations shall:

(1) Require the flood proofing of proposed water supply systems in flood plain areas to prevent entry of flood waters by means of flood proofing techniques consistent with NR 89(b)(4).

(2) Control the location, construction, or modification of private and public liquid or solid waste treatment and disposal facilities in flood plain areas so that:

(aa) No new construction, addition or modification to existing sewage, industrial waste or other waste disposal systems shall be permitted

within the flood plain unless emergency plans and procedures for action to be taken in the event of flooding are prepared, filed with, and approved by the state water pollution control agency.

(bb) Emergency plans and procedures established consistent with (aa) must provide for measures to prevent introduction of any pollutant or toxic material into the flood waters.

(cc) Public or municipal collection and treatment facilities are used where available and where feasible.

(dd) There shall be no disposal of garbage or solid waste materials within any flood plain areas, except at those disposal sites approved by the state water pollution control agency provided there will be no further encroachment on the floodway.

(d) WARNING SIGNS AND PUBLIC INFORMATION REGULATIONS

Local governmental regulations shall provide for adequate flood plain warning and public informational services as follows:

(1) In urban areas the limits of the areas which have been or would be inundated by the regional flood or by experienced floods of greater magnitude shall be delineated in the field at reasonable intervals by means of firmly placed markers of a sufficient size to be easily read from a distance of 20 feet.

(aa) The markers shall record the maximum known depth of flooding or height to the flood protection elevation, whichever is greater, as well as the zoned land use classification of the area involved.

(bb) The local government unit may prescribe the shape, size, lettering and installation instructions for flood plain markers.

(cc) The cost of preparing and installing flood plain markers in future subdivided areas should be borne by the subdivider and the markers shall be installed prior to the sale of lots and construction of any buildings or structures.

(dd) Provisions should be made to monument bench marks for vertical control data as provided in NR 86(c).

(2) To fulfill the intent of Minnesota Statutes 1969, § 104.03, every local governmental unit with flood hazard areas and a flood plain management program shall submit to the Commissioner by March 30 an annual report outlining and summarizing the previous year's activity and progress in flood plain management activities on a form to be provided by the Commissioner. The report shall include information as to:

(aa) Progress in the acquisition of technical flood plain information, including a summary of any flood crest elevations, cross sectional data and maps or illustrative material prepared by or for the local governmental unit.

(bb) Progress in flood plain management program administration, including a summary of zoning permits issued, subdivision plats approved, building permits issued, variances granted, enforcement action, etc.

(cc) Flood warning and information sources, including a summary of flood warning systems established or implemented, emergency plans pre-

pared and public informational reports and studies concerning various aspects of local flood plain management.

(e) MEASURES FOR FLOOD CONTROL

When local flood plain management plans provide for structural works for flood control, such as levees, floodwalls, channel improvements, and reservoirs, all structural works or land treatment practices shall be consistent with the following statewide standards and criteria for flood plain management practices.

(1) Any proposed work in the beds of public waters, as defined in Minnesota Statutes 1969, c. 105, which will change the course, current or cross-section of public waters of the state shall be subject to the provisions of Minnesota Statutes 1969, c. 105, and other applicable statutes.

(2) The minimum height and structural design of any dikes, levees, floodwalls or similar structural works in place, or proposed to be placed in the flood plain shall be based on the flood profile of the regional flood confined between the structures subject to the following:

(aa) For urban areas the minimum authorized height and design of proposed structural works shall be at least three feet above the elevation of the regional flood, as confined by the structures, or shall be at the elevation of the standard project flood, whichever provides the greater protection from flooding.

(bb) Increases in upstream flood stages which would result from construction of dikes, levees, floodwalls, or similar structures for protection of urban areas and for agricultural uses in rural areas shall not increase the stage of the regional flood in excess of amounts listed in NR 87(d)(1) and shall be reflected in the flood protection elevations for the upstream reach.

(cc) Modifications and additions to existing structural works shall be regulated to assure that the proposed work will provide a means of decreasing the flood damage potential in the area and will provide the most reasonable protection of properties in heavily populated flood plain areas consistent with these standards and criteria. Any existing structural work which potentially threatens public health or safety shall be modified or reconstructed in order to meet the standards contained herein within a reasonable period of time based on agreement between the local government unit and the Commissioner.

(3) Flood protection elevations and floodway limits which reflect proposed measures for flood control shall not be effective until such measures are constructed and operative unless the proposed measures will increase flood heights in a given reach.

(4) Flood plain development landward of any levee or floodwall shall provide for interior drainage including designation of ponding areas to protect against flooding from interior drainage.

NR 90 Regulation of Public Uses

In accordance with Minnesota Statutes 1969, §§ 104.03 and 104.05, all state agencies and local units of government, in the construction of buildings, structures, roads, bridges, or other facilities located within flood plain areas delineated by local ordinances shall comply with the standards set out in these administrative regulations.

NR 91 Variance from Standards

Local governmental units may permit variances to the provisions of their flood plain management ordinances where it appears that by reason of exceptional circumstances the strict enforcement of the local ordinance would cause undue hardship and strict conformity with the standards would be unreasonable, impractical and not feasible under the circumstances. Variances granted by local governmental units must be consistent with the general purpose of these standards and the intent of applicable state and national laws and programs. Although variances may be used to modify *permissible methods of flood protection*, no variance shall provide for a lesser degree of flood protection than stated in these standards.

NR 92 General Administration**(a) PROCEDURES**

Local governmental units shall provide for the administration and enforcement of their flood plain management ordinances. To aid the Commissioner in evaluating the effectiveness of local administration and enforcement, as provided in Minnesota Statutes 1969, § 104.03, the Zoning Administrator or other officer designated by the local governing body shall submit to the Commissioner a copy of any application for a variance or special permit use where a hearing is to be held to consider such application. The Commissioner shall receive at least ten (10) days notice of the hearing. Such notice shall specify the time, place and subject matter of the hearing and shall be accompanied by such supporting information as is necessary to indicate the nature and effect of the proposed use. A copy of all decisions granting a variance or special permit to the provisions of the local flood plain management ordinance shall be forwarded to the Commissioner within ten (10) days of such action.

(b) ASSISTANCE OF COMMISSIONER

The local governmental unit may request technical assistance from the Commissioner in evaluating requests for variances or special permits to the local flood plain management ordinance. Such assistance shall be provided by the Commissioner within the limits of available appropriations and personnel.

NR 93 Reserved for Future Use

6-1.0094
6 MCAR S 1.0094 Permits and leases, copper, nickel and associated minerals.

A. Purpose. The purpose of these rules and regulations is to promote and regulate prospecting for, mining and removing copper, nickel, and associated minerals, and the rules and regulations hereunder shall be construed to carry out that purpose.

B. Definitions.

1. For purposes of these rules and regulations, the following words shall have the meanings ascribed to them:

2. "Commissioner" means the Commissioner of Natural Resources of the State of Minnesota, or his designated representative.

3. "Ton" means 2,000 pounds avoirdupois after removal of all free moisture from the material weighed, by drying at 212 degrees Fahrenheit.

4. "Mining unit" means the land and water area designated as such by the commissioner, wherein the state owns an interest in the minerals and mineral rights.

C. Permits. The first two years of any lease issued pursuant to these regulations shall be deemed the prospecting permit, and no permit to prospect for copper, nickel, and associated minerals shall be issued separately or independently from such lease, provided that nothing in this section shall restrict such mining operations as may be authorized by the lease.

D. Leases. The commissioner, with the approval of the state executive council, shall adopt rules and regulations for the issuance of leases to prospect for, mine and remove copper, nickel, and associated minerals on lands wherein an interest in the minerals is owned by the state, including trust fund lands, land forfeited for nonpayment of taxes and held in trust by the state, the beds of public waters, and lands otherwise acquired that have been designated by the commissioner as mining units. Each such lease shall cover one mining unit. No such lease shall be issued for a term longer than fifty (50) years.

E. Public sale of leases.

1. Time, place, notice. Except as otherwise expressly provided by law, or as otherwise provided in F., leases to prospect for, mine and remove copper, nickel, and associated minerals owned by the state shall be issued only upon public sale authorized by the commissioner.

The public sale of leases shall be held at such times and places as may be designated by the commissioner. The

commissioner shall give public notice of each sale by publication for three (3) successive weeks in a legal newspaper printed and published in the county seats of the counties in which the mining units to be leased are located. The first publication shall be at least thirty (30) days before the date of sale. Like notice may be published in not to exceed two (2) additional newspapers and two (2) trade magazines as the commissioner may direct. Each notice shall contain the following information:

- a. Time and place of holding the sale.
- b. The place or places where the list of mining units to be offered for sale will be available for purchase or inspection, and where application and bid forms may be obtained.
- c. Such other information as the commissioner may direct.

2. Mining unit books. Those interested in bidding may obtain a Copper-Nickel Unit Book by making application to the commissioner, accompanied by a certified check, cashier's check, or bank money order, payable to the state treasurer, in the sum of twenty-five (25) dollars as a fee for such mining unit book. Unit books will be available for inspection at the Hibbing and Saint Paul offices of the Division of Lands and Minerals.

3. Lease application and bid. Each application and bid shall be submitted on a form obtained from the commissioner and shall cover only one mining unit, as designated in the mining unit book. The royalty rate offered in the bid shall be designated by inserting a figure in the blank space in the following clause of the bid form: "The royalty rates bid herein to be paid to the state per ton of crude ore for the copper, nickel, and associated metals and mineral products recovered from the ores mined from the mining unit shall be the base rate per ton of dried crude ore, plus an additional . . . percent of the value of the metals and mineral products recovered in the mill concentrate." The application and bid, together with a certified check, cashier's check, or bank money order, payable to the state treasurer in the sum of fifty (50) dollars, shall be submitted in a bid envelope obtained from the commissioner. Each sealed bid envelope shall be enclosed in another envelope and shall be delivered in person or by mail to the commissioner at Saint Paul, Minnesota. Bids may be submitted at any time prior to the time specified for the opening of the bids, and no bids submitted after that time shall be considered. Upon receipt, the commissioner shall endorse upon each sealed bid envelope the exact time of presentation and preserve the same, unopened in his office.

At the time specified, the commissioner, together with the state executive council, shall then publicly open the bids and announce the amount of each bid separately. Leases shall be awarded by the commissioner, with the approval of the state executive council, to the highest bidder for the respective

mining units, but no bids shall be accepted that do not equal or exceed the base royalty rates set forth in G. of these rules and regulations. The right is reserved to the state, through the executive council, to reject any or all bids. Upon the award of a lease, the certified check submitted with the bid shall be deposited with the state treasurer as a fee for the lease. All bids not accepted shall become void, and the checks accompanying the bids shall be returned to the respective bidders.

F. Negotiated leases. Whenever the commissioner shall find that it is impractical to hold a public sale on any mining unit because of its location or size or the extent of the state's interest in the minerals therein, and that the best interests of the state will be served thereby, the commissioner, with the approval of the executive council, may, without holding a public sale, issue a lease to any qualified applicant to prospect for, mine and remove copper, nickel, and associated minerals. Applications shall be in such form and shall contain such information as the commissioner may prescribe. The leases so issued shall be in the form set forth in G. hereof, with such additional terms and conditions not inconsistent therewith as may be agreed upon. The rental and royalty rates agreed upon shall be not less than those prescribed in said G.

No lease shall be issued under this section for the removal of copper, nickel, and associated minerals from any mining unit for which notice of public sale has been published, until such public sale has been held. No lease shall be issued under this section until at least one public sale has been held under E.

G. Form of lease. The form of lease for prospecting for, mining and removing copper, nickel, and associated minerals belonging to the state shall consist of the following provisions, with such insertions, changes, or additions as may be necessary to incorporate the royalty rates and other particulars applicable to each lease as may be authorized under these rules:

This indenture, made this _____ day of _____, 19____, by and between the State of Minnesota, hereinafter called the state, and _____, hereinafter called the lessee, WITNESSETH:

1. Term; description of mining unit. That the state, for and in consideration of the sum of 15 Dollars, to it in hand paid by the lessee, being the rental hereinafter provided for the unexpired portion of the current calendar year and for the next succeeding calendar year, the receipt whereof is hereby acknowledged, and in further consideration of the covenants and conditions hereof to be kept and performed by the lessee, does hereby lease and demise unto the lessee for a term of _____ () years beginning the _____ day of _____, 19____, the following-described mining unit, hereinafter called "said mining unit," situated in the county of _____, in the State of Minnesota, to-wit:

2. Definitions. For the purposes of this lease, the following words shall have the meanings ascribed to them:

a. "Commissioner" means the Commissioner of Natural Resources of the State of Minnesota, or his designated representative.

b. "Ton" means 2,000 pounds avoirdupois after removal of all free moisture from the material weighed, by drying at 212 degrees Fahrenheit.

3. Purpose of lease. The said mining unit is leased to the lessee for the purpose of prospecting for, and the mining and removal of ores containing copper, nickel, and associated minerals found on or in said mining unit, except the iron ore and taconite ore that is a part of the Biwabik iron formation.

The lessee shall have the right to construct or make such buildings, excavations, openings, ditches, drains, railroads, roads, and other improvements thereon as may be necessary or suitable for such purposes. The lessee shall have the right to mill and concentrate the ore so mined, either upon said mining unit or elsewhere in Minnesota, but such right to mill and concentrate shall not include the right to reduce or smelt ore upon said mining unit without an agreement between the lessee and the commissioner, authorizing such use of the surface of the land and providing for the necessary protection of life and property. The lessee may contract with others for doing any work authorized or required hereunder, or for the use of said mining unit or any part thereof for the purposes hereof, but no such contract shall relieve the lessee from any duty, obligation, or liability hereunder. No such contract providing for shipping, handling, or removal of ore-bearing material shall become effective for any purpose until three executed duplicates of such contract have been filed with the commissioner.

4. State's right to lease iron ore and taconite. The state reserves the right to lease or grant to other persons or corporations the right to explore for, mine, remove, and beneficiate iron ores, including taconite, that are a part of the Biwabik iron formation and located in said mining unit. The state agrees that any permit or lease granted by it to any person or corporation to explore for, develop, mine, or dispose of such iron ores, including taconite, shall contain a provision that the permittee or lessee thereof shall exercise such rights so as not to cause any unnecessary or unreasonable injury or hindrance to the operations of the lessee herein in the exploration for, or the development, mining, or removal of copper, nickel and minerals other than iron ores covered by such permit or lease. Lessee herein agrees that it will exercise the rights granted to it by this lease in such manner as not to cause any unnecessary or unreasonable injury or hindrance to the operations of any permittee or lessee of the state in the exploration for, or the development, mining, or removal of such iron ores, including taconite.

5. State's right to lease surface and sell timber. The state reserves the right to sell and dispose of all the timber upon said mining unit without let or hindrance from the lessee and pursuant to the law now or hereafter governing the sale of timber on state lands, and reserves to the state and to the purchaser of such timber, and their agents, the right at all times to enter thereon, and to cut and remove any such timber therefrom according to the terms of the purchaser's contract with the state, provided that such purchaser shall not unduly interfere with the prospecting or mining operations thereon. The state further reserves the right to grant leases, permits, or licenses to any portion of the surface of said mining unit to any person, partnership, corporation, or other association under the authority of Minnesota Statutes, section 92.50, or other applicable laws, after consultation with lessee, and provided that such leases, permits or licenses shall not unduly interfere with the prospecting or mining operations conducted thereon.

6. Annual rental. The lessee covenants and agrees to pay to the state rental for said mining unit at the rate of One Dollar (\$1.00) per acre of land and water area included in said mining unit, per calendar year, payable in advance, for the unexpired portion of the current calendar year from the effective date hereof and for the next succeeding calendar year; and payable quarterly for the four (4) succeeding calendar years; and thereafter at the rate of Five Dollars (\$5.00) per acre per calendar year, payable quarterly for the five (5) succeeding calendar years; and thereafter at the rate of Twenty-five Dollars (\$25.00) per acre per calendar year, payable quarterly for the remainder of the term hereof; provided that the rate shall not exceed Five Dollars (\$5.00) per acre per calendar year for any calendar year in which the lessee is actively engaged in mining ores containing copper, nickel, and associated minerals from any copper-nickel mine located within the government township in which said mining unit is situated, or from a mine within a government township that has at least one point in common along its boundary line with the government township in which said mining unit is located, and produces within such calendar year from such mine not less than 100,000 tons of such ores; provided further that unless the lessee is actively engaged in mining ores containing copper, nickel, and associated minerals from said mining unit leased hereunder, or from any copper-nickel mine located within the government township in which said mining unit is situated, or from a mine within a government township that has at least one point in common along its boundary line with the government township in which said mining unit is located, and has produced, within one calendar year, not less than 100,000 tons of such ores by the end of the twentieth full calendar year of this lease, then the state may, at its option during the twenty-first calendar year, cancel this lease in the manner hereinafter provided.

Said mining unit may include state-owned minerals under water, in trust fund lands, in acquired lands, and in lands forfeited for taxes. Any amount paid for rental, at the time of such payment, shall be allocated to the proper fund as

determined by the mineral ownership.

Any amount paid for rental accrued for any calendar year shall be credited on any royalty that may become due for ore removed hereunder during the same calendar year but no further, and only to the extent that such rental was paid or deposited into the particular fund to which the royalty for such ore is due, and any amount paid for royalty in excess of such credit during such year shall be credited on rental, if any, subsequently accruing for such year but no further, and only to the extent that such royalty was paid or deposited into the particular fund to which such rental is due; however, any amount paid for rental in excess of five dollars (\$5.00) per acre for any previous calendar year may be credited on any royalty that may become due for ore removed hereunder during the current calendar year in excess of any credits for current rental, but only to the extent that such rental was paid or deposited into the particular fund for which such royalty is due.

Rental payments shall be made on the 20th day of May, August, November and February for the previous calendar quarters. The first calendar quarter shall be the first three calendar months of the year, and so on.

Upon surrender of any part or parts of said mining unit by lessee pursuant to the provisions of this lease, the annual rental payment may be discontinued as to such part or parts for all subsequent calendar years; however, the rentals paid on the part or parts surrendered shall not be credited on any royalties due for ore removed from that part of the mining unit which remains under lease.

Where the state owns only a fractional undivided interest in the minerals in any portion of said mining unit, only that fractional part of the rentals and royalties established herein shall be paid for such portion.

If at any time during the term of this lease it is determined in a proper proceeding that the state does not own the minerals in a part of the area included in said mining unit, the commissioner shall delete from the description of said mining unit the part not owned by the state, and only if such determination is made prior to the fifth anniversary date of this lease shall the lessee be entitled to a refund, or in the case of tax forfeited minerals to receive credit on future payments due the same fund, for payments made to the state on said part prior to such determination. If the commissioner deems it necessary, additional time to make such determination may be granted.

7. Tonnage for royalty purposes. Royalty shall be computed on the dry weight of the crude ore. The dry weight of the crude ore shall be calculated from moisture samples taken at the time the crude ore is weighed.

8. Royalty rates.

a. The royalty rate to be paid to the state by the lessee for the copper, nickel, and associated metals and mineral products recovered from each ton of ore mined from said mining unit shall be the base rate described hereinafter, plus an additional ____ percent of the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore.

For ores mined by either underground or open pit methods during the unexpired portion of the calendar year in which the lease commences plus the first succeeding ten calendar-year period, the base rate shall be two percent of the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore, plus an additional two percent of that portion of the value of the metals and mineral products recovered in the mill concentrate that exceeds seventeen (17) dollars per ton of dried crude ore.

For ores mined by underground methods during the second ten calendar-year period, the base rate shall be 2-1/4 percent of the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore, plus an additional 2-1/4 percent of that portion of the value of the metals and mineral products recovered in the mill concentrate that exceeds seventeen (17) dollars per ton of dried crude ore; and for the third ten calendar-year period, the base rate shall be 2-1/2 percent of the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore, plus an additional 2-1/2 percent of that portion of the value of the metals and mineral products recovered in the mill concentrate that exceeds seventeen (17) dollars per ton of dried crude ore; and for the fourth ten calendar-year period, the base rate shall be 2-3/4 percent of the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore, plus an additional 2-3/4 percent of that portion of the value of the metals and mineral products recovered in the mill concentrate that exceeds seventeen (17) dollars per ton of dried crude ore; and for the remaining portion of the lease term thereafter, the base rate shall be three percent of the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore, plus an additional three percent of that portion of the value of the metals and mineral products recovered in the mill concentrate that exceeds seventeen (17) dollars per ton of dried crude ore.

For ores mined by open pit mining methods, after the first ten calendar-year period, the base rate shall be 33-1/3 percent greater than those shown above for underground ore.

b. If the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore exceeds the special royalty base, as hereafter defined, the lessee shall pay a special royalty in addition to the royalties specified in a. The amount of special royalty to be paid to the state shall be determined by multiplying the special royalty

rate by that portion of the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore that exceeds the special royalty base.

The special royalty rate shall be four hundredths of one percent (.04%) of that portion of the value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore that exceeds the special royalty base. The special royalty rate shall be subject to increase or decrease each calendar month by multiplying the special royalty rate by a fraction, the numerator of which shall be that month's base value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore, and the denominator of which shall be that month's value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore.

The special royalty base shall be \$50 per ton of dried crude ore, subject to increase or decrease each calendar month by multiplying the special royalty base by a fraction, the numerator of which shall be that month's value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore, and the denominator of which shall be that month's base value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore.

c. If the special royalty to be paid for any calendar month exceeds 20 percent of that month's value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore, the lessee may apply to the commissioner for a modification of the special royalty rate in regard to the amount exceeding 20 percent. Any modification of the lease agreed upon between the lessee and the commissioner must be approved by the state executive council.

9. Value of metal and mineral products. The value of metals and mineral products recovered in the mill concentrate from each ton of dried crude ore shall be determined monthly as follows: Multiply the total pounds respectively of copper, nickel, and each associated metal and mineral product recovered during the month in the mill concentrate from the mining unit, by the average market price per pound respectively for that month of each such fully refined metal and of each such mineral product. The total amount of copper and nickel recovered in any form in the mill concentrate shall be valued for royalty purposes as fully refined metal. For the purpose of this lease, associated mineral products shall mean the mineral products other than those that are principally valuable for their copper or nickel content. When less than 50 percent of any associated metal or mineral product recovered in the mill concentrate is sold or otherwise gainfully disposed of, then only the quantity of such associated metal or mineral product actually sold or otherwise gainfully disposed of shall be multiplied by the market price in determining the value of such metal or mineral product for royalty purposes. Add the values thus obtained for each such metal and each such mineral product for the month, and

divide the sum by the total number of tons of dried crude ore from the mining unit concentrated in the mill during the month, to obtain the value of the metals and mineral products recovered from each ton of dried crude ore.

The base value of the metals and mineral products recovered in the mill concentrate from each ton of dried crude ore shall be determined monthly in the same manner, except that the total pounds respectively of copper, nickel, and each associated metal and mineral product recovered during the month in the mill concentrate from the mining unit shall be multiplied by the respective average of the average market price per pound of each fully refined metal and of each mineral product for each of the 12 complete calendar months of 1981.

The average market price of copper per pound for each month shall be that quoted for domestic refinery electrolytic copper in carload lots, f.o.b. Atlantic Seaboard Refineries, as reported in the "Metals and Minerals Markets" section of the Engineering and Mining Journal. The average market price of nickel per pound for each month shall be that quoted for nickel cathodes, in carload lots, f.o.b. Port Colborne, Ontario, Canada, United States import duty (if any) included, as reported in said journal. The average market price of other metals and of mineral products per pound for each month shall be that quoted for their usual and customary shipping quantities, f.o.b. the usual and customary place of shipment, United States import duty (if any) included, as reported in said journal. If said journal or its successors ceases to furnish such quotations, or its quotations cease to be recognized in the trade, or a particular metal or mineral product is not listed, then the quotations of such other source as the parties may agree upon shall govern.

10. Commingled ores. The lessee shall have the right to commingle ore from said mining unit with other ore, either in the mine, in stockpile, or in the mill, provided, however, that the ores shall be kept entirely separate and distinct until their quantities and metal and mineral contents have been separately measured and determined.

11. Quarterly payment on ore removed. The lessee covenants and agrees to pay to the state, on or before the 20th day of May, August, November, and February in each year during the period this lease continues in force, royalty at the rates hereinbefore specified for all of the ore removed from said mining unit and milled during the previous calendar quarter.

The lessee shall be liable for payment of royalty when due on all ore removed from said mining unit for concentration elsewhere or for any other purpose, from the actual time of such removal; and if any of such ore is not concentrated, or if the royalty due thereon is not determined and accounted for as herein provided by the next royalty payment date, the commissioner may determine such royalty by such method as he deems appropriate and consistent with the royalty rates set

forth in this lease. Any amount paid for royalty shall be allocated to the proper fund as determined by the mineral ownership.

12. Lessee to transmit statement of ore removed and royalty due. The lessee shall transmit to the commissioner with each royalty payment an exact and truthful statement of the tonnage and royalty value of the ore mined and removed from said mining unit and milled during each of the three months for which such payment is made, and the amount of royalty due thereon, separated as to the various state fund ownerships. The lessee shall provide for all the operations required for such determinations except as otherwise specified.

13. Weighing. The method or methods of obtaining the weights used to determine tonnage for the calculation of royalty, or to determine other weights required by the state, shall be subject to the approval of the commissioner.

14. Sampling. Samples for royalty purposes shall be taken of the ores and mill products at places and intervals subject to the approval of the commissioner. A portion of each such sample or composite sample shall be delivered to the commissioner unless, by mutual agreement, it has been decided that certain of such portions are not needed by the state. Except as otherwise permitted by the commissioner, all ore mined from this mining unit shall be sampled and its weight determined before being commingled with any other ores.

Each royalty sample shall be analyzed at the expense of the lessee by competent chemists or assayers approved in writing by the commissioner. The elements in the royalty sample for which analytical determinations will be made, shall be subject to agreement between the commissioner and the lessee.

15. Monthly reports. Except as otherwise permitted by the commissioner, the lessee shall transmit within thirty (30) days after the end of each calendar month, statements for said calendar month in such form as the commissioner may require, covering the tonnages and analyses of the following: all material mined from said mining unit, all material milled from said mining unit, all material stockpiled from said mining unit, all concentrates produced from said mining unit, all material mined from any source and commingled with material from said mining unit, all commingled material concentrated, all commingled material stockpiled, all commingled concentrates produced during the said calendar month, and such other information as may reasonably be required by the commissioner for the purpose of verifying the amount of royalty due.

The weight of ore as set forth in said monthly statements shall prima facie be binding as between the parties, but the state shall have the right to sample the ore, check the analyses, and inspect, review and test the correctness of the methods, books, records and accounts of the lessee in sampling, analyzing, recording, and reporting such weights, and to

inspect, review, and test the correctness of the weights and scales and other equipment used in measuring the amount of ore, it being understood that any errors in these reports, when ascertained, shall be corrected.

16. Additional monthly and annual reports to be furnished by lessee; exploration; mine samples required. Except as otherwise permitted by the commissioner, in addition to other reports or statements required herein, the lessee shall furnish the following:

a. Copies of all exploration data, laboratory test data, geophysical survey data, and periodic mine maps, analyses maps, cross-sections, and development plans customarily prepared for permanent record of the operations on said mining unit. Material furnished to the commissioner under this sub-paragraph a. and sub-paragraph b. below shall be considered confidential during the life of this lease or any extension thereof.

b. At least a quarter-portion of all exploration samples, and when requested by the commissioner in writing, a quarter-portion of mine or mill samples. In the event that the lessee requires certain exploration samples in their entirety, the commissioner or his representative may waive the requirement for a quarter-portion of such exploration samples, provided that the lessee grants the state an opportunity to examine and classify such samples before they are crushed or processed.

c. A monthly report showing the estimated weights and analyses of all materials stockpiled, including lean ore, waste and tailings, and divided as to property of origin and deposition.

d. Copies of smelter statements or receipts from sales involving materials produced from this mining unit.

e. Not later than March 1st of each year during said term, a summary statement of the tonnage of all ore mined and all ore milled from the premises and all ore materials placed in or removed from stockpile during the previous calendar year, divided as to the property of origin and the disposition of such ore materials and showing such analyses of the same as the commissioner may require.

17. How remittances and reports are to be transmitted. All remittances by the lessee hereunder shall be made payable to the state treasurer, and all such remittances and all reports, notices and documents required hereunder shall be transmitted to the commissioner through the director of the division of waters, soils and minerals at Saint Paul, Minnesota.

18. State inspection; inspectors at plants and mines. The commissioner may at all reasonable times enter said mining unit and any other premises used or operated by the lessee in connection with the operation of said mining unit, inspect the operations conducted hereunder, and conduct such engineering and

sampling procedures and other investigations as the commissioner may require, not unreasonably hindering or interrupting the operations of the lessee.

The lessee shall provide, upon written request of the commissioner, a suitable room in the dry or wash house or in some other suitable place on said mining unit or elsewhere when necessary, with water, light and heat, all without cost to the state, for the use of state inspectors. Such room shall be at least equal in size and equipment to that customarily furnished for the use of the mine engineer or captain at comparable operations.

Whenever royalties or rentals due the state are required to be distributed to more than one fund, or when ore from said mining unit is commingled with other ore, or when ore from said mining unit is concentrated at the same plant as other ore, the commissioner may appoint such special inspectors as he deems necessary to insure proper accounting and protect the interests of the state, and the lessee shall reimburse the state monthly for the cost of all such inspection service upon notification by the commissioner.

19. Removal of ore for experimental purposes. Notwithstanding the provisions of paragraph 11. herein, upon written application of the lessee, the commissioner may authorize the removal of ore from said mining unit for experimental purposes without payment of royalty; and it is further understood that the removal of samples obtained by drilling, trenching, or testpitting, for the purposes of exploration, shall not be subject to the payment of royalty.

20. Stockpiled materials. All materials mined from said mining unit and not shipped to the concentrating mill, and all mill rejects derived from crude ore from said mining unit, shall remain the property of the state and shall be stockpiled only in such manner and on such sites as may be authorized by the commissioner in writing; provided, however, that when the commissioner agrees that substantially all minerals of value have been extracted from the mill tailings, such material may be used for stope filling on said mining unit or elsewhere, and the tailings material so used shall be deemed to be abandoned, and title to such material shall revert to the mineral owners of the property in which it is deposited.

21. Reversion of title on land conveyed to the state for stockpiling purposes. When the commissioner determines that it is necessary and that the interests of the state will be fully protected thereby, the lessee may convey land to the state upon the condition that it shall be used for the storage of ore or other materials having present or potential value belonging to the state, and that the state's interest in the land shall terminate and title shall revert to the lessee when the land is no longer needed or used for that purpose. No consideration shall be paid for such conveyance unless authorized by law.

22. Cross-mining rights. The lessee is hereby granted the right to mine and remove any ores from said mining unit through any shafts, openings, or pits that may be made upon adjoining and nearby premises controlled by the lessee; and the lessee may, if it so desires, use said mining unit and any shafts, openings, pits, made thereon for the mining or removal of any ores from any such adjoining or nearby premises, not, however, preventing or interfering with the mining or removal of ore from said mining unit; provided, however, that the ores taken from said mining unit shall at all times be kept entirely separate and distinct from any other ores until measured and sampled as herein provided so that the rights of the lessor shall be at all times preserved and protected; and the lessor agrees hereby to and does hereby recognize the rights and liens of the owners of any nearby or adjoining premises in any ores mined therefrom and transported through said mining unit.

23. Lessee's obligations under state and federal laws and regulations. The provisions of this lease are subject to all applicable state and federal statutes, orders, rules and regulations, and all operations under this lease shall be conducted in conformity therewith. No interference, diversion, use or appropriation of any waters over which the commissioner or any other state agency has jurisdiction, shall be undertaken unless authorized in writing by the commissioner or the said state agency.

24. Operations to be conducted in accordance with good mining and metallurgical engineering. The lessee shall advise the commissioner when exploration drilling, trenching, or testpitting on said mining unit is about to begin. The lessee shall open, use, and work the mine or mines on said mining unit and conduct metallurgical operations in such manner only as is usual and customary in skillful and proper copper-nickel mining and milling operations in accordance with the requirements, methods, and practices of good mining and metallurgical engineering, and in such manner as not to cause any unnecessary loss of minerals, or unusual permanent injury to said mining unit. Surface lands owned by the state in said mining unit are not to be cleared or used for construction or stockpiling purposes unless and until the plan for such use has been approved by the commissioner. The surface use of said mining unit shall be conducted in such manner as to prevent or reduce scarring and erosion of the land and pollution of air and water.

25. Lessee's obligation for damages. It is understood and agreed that in case any interest in the land or minerals covered by this lease is owned by anyone other than the state, this lease shall not be construed as authorizing any invasion of or trespass upon such other interest. The lessee is obligated to save the state harmless from all damages or losses caused directly or indirectly by operations under this lease, whether to land, timber, minerals, growing crops, or buildings, or to any person or other property, including damages suffered by such other owner of the surface or mineral rights, and the state shall not be liable therefor.

26. Lessee to pay all taxes. The lessee covenants and agrees to pay when due all taxes, general and specific, personal and real that may be assessed against said mining unit and the improvements made thereon, and the ore materials therein or mined therefrom, and any personal property thereon owned, used or controlled by the lessee. This covenant shall not apply to taxes assessed against any part of said mining unit as a result of any other lease granted by the state to other parties. The cancellation, termination, or expiration of this lease shall not relieve the lessee of the obligation to pay taxes assessed during the continuance of the lease, even though such taxes may be due or payable after such cancellation, termination, or expiration date.

27. State lien for unpaid sums due. The state reserves and shall at all times have a lien upon all ore mined from said mining unit, all ore concentrated therefrom, smelter returns due the lessee therefor, and all improvements made hereunder for any sums not paid when due.

28. Lessee's right to terminate lease. The lessee may at any time deliver to the commissioner written notice of intention to terminate this lease, and this lease shall terminate sixty (60) days after such delivery unless such notice is revoked by the lessee by further written notice delivered to the commissioner before the expiration of said sixty (60) days. On December thirty-first (31st) following the tenth anniversary date of this lease, and on any succeeding December thirty-first (31st), the lessee may surrender its rights and privileges herein granted on any governmental descriptions or on beds of public waters included in said mining unit, by giving the lessor written notice of its intention so to do at least sixty (60) days before the date of such surrender. All sums due to the state under this lease up to the effective date of such termination shall be paid by the lessee.

29. Lessor's right to cancel lease upon default. This lease is granted upon the express condition that, if any sum owing hereunder by the lessee for rental, royalty, or otherwise shall remain unpaid after the time when the same became due as herein provided, or if the lessee or any agent or servant thereof shall knowingly or willfully make any false statement in any report, account, or tabulation submitted to the state or to the commissioner, or any of his agents pertaining to any matter hereunder, or if the lessee shall fail to perform any of the covenants or conditions herein expressed to be performed by said lessee, the commissioner may cancel this lease by mailing or delivering to the lessee sixty (60) days' notice thereof in writing, specifying such nonpayment or other default as the case may be, and this lease shall terminate at the expiration of said sixty (60) days, and the lessee and all persons claiming under the lessee shall be wholly excluded from said mining unit except as hereinafter provided. Such termination shall not relieve the lessee from any liability for payment or other liability incurred hereunder. If the default consists of a nonperformance of an act required hereunder other than payment of royalty or

rental, the lessee may perform within said period of sixty (60) days and the lease shall continue in full force and effect, and if the correction of any such default requires more time than sixty (60) days after the notice has been received by the lessee, the commissioner, upon written request of the lessee and for good cause shown, may, at his discretion, grant an extension of such period of sixty (60) days. If the default consists of a nonpayment of royalty or rental and the lessee performs within fifteen (15) days from the mailing or delivery of notice of cancellation, the lease shall continue in full force and effect; and if the lessee performs at any time thereafter within said period of sixty (60) days, the commissioner, at his discretion, may continue the lease in full force and effect.

30. Rights of lessor and lessee during 180-day period following termination. Upon termination of this lease, whether by expiration of the term hereof or by act of either party, the lessee shall have one hundred eighty (180) days thereafter in which to remove all equipment, materials, railroad tracks, structures and other property placed or erected by the lessee upon said mining unit, and any such property not removed within said time shall become the property of the state. The lessee shall not remove or impair any supports placed in any mine or mines on said mining unit, or any timber or framework necessary to the use or maintenance of shafts or other approaches to such mine or mines or tramways within said mining unit, all of which shall become the property of the state. During said period of one hundred eighty (180) days, the lessee shall, at its own expense, properly and adequately fence all pits, level banks, and refill all test pits and cave-ins that may be deemed dangerous or are likely to cause damage to persons or property, and the lessee shall do all other work which the commissioner deems necessary to leave the premises in a safe and orderly condition to protect against injury or damage to persons or property, and shall restore the premises as nearly as the commissioner deems practicable to the natural conditions of the surrounding area. Subject to the foregoing, upon the termination of this lease, whether by expiration of the term hereof or otherwise, the lessee shall quietly and peaceably surrender possession of said mining unit to the state. During said period of one hundred eighty (180) days, the lessee shall not be relieved of any obligation or liability resulting from the occupancy of said mining unit unless the lessee has wholly vacated said mining unit prior to the expiration of said period and has notified the commissioner thereof in writing.

31. Mining of minerals other than copper, nickel, and associated minerals. If any minerals not covered by this lease are found on or in said mining unit, the terms and conditions upon which such minerals may be mined or products recovered therefrom shall be as may be agreed upon by the lessee and the commissioner and approved by the state executive council. This provision does not apply to iron ore and taconite ore that are a part of the Biwabik iron formation.

32. Agreements, assignments, or contracts. All

assignments, agreements, or contracts affecting this lease shall be made in writing and signed by all parties thereto, witnessed by two witnesses, properly acknowledged and shall contain the post office addresses of all parties thereto, and when so executed shall be presented in quadruplicate to the commissioner for record. No such instrument shall be valid until approved in writing by the commissioner and approved as to form and execution by the attorney general. No assignment or other agreement shall relieve the lessee of any obligation or liability imposed by this lease, and all assignees, sublessees, and subcontractors shall also be liable for all obligations or liabilities imposed by this lease.

33. Lease binding on assignees and successors. The covenants, terms, and conditions of this lease shall run with the land and shall extend to and bind all assignees and other successors in interest of the lessee.

34. Notices. For the purposes of this lease, the addresses of the parties shall be as follows, unless changed by written notice to all parties: For the state -- Commissioner of Natural Resources, State of Minnesota, Centennial Office Building, Saint Paul, Minnesota 55101; for the lessee --

DEPARTMENT OF NATURAL RESOURCES*

CHAPTER NINE:

PERMIT AND LEASE FORMS FOR THE MINING OF GOLD AND OTHER ORES UNDER PUBLIC WATERS IN MEANDERED LAKES AND RIVERS

TABLE OF CONTENTS

NR 99 Permits and Leases, Gold and Other Ores

- (a) Authority
- (b) Prospecting Permits
- (c) Inspection of Work
- (d) Breach of Covenants or Conditions—Cancellation
- (e) Terms to be Included in Permits and Leases
- (f) Amendments
- (g) Damage to Riparian Owners
- (h) Instruments affecting Title to Permits and Leases—Writing Requirement
- (i) Gold Prospecting Permit Form
- (j) Lease Form
- (k) Effective Date

NR 100-103 Reserved for Future Use

Index

CHAPTER NINE:

PERMIT AND LEASE FORMS FOR THE MINING OF GOLD AND OTHER ORES UNDER PUBLIC WATERS IN MEANDERED LAKES AND RIVERS

NR 99 Permits and Leases, Gold and Other Ores

[Note: All subrule headnotes enclosed in parentheses were not part of the rule as originally published]

(a) (Authority). The commissioner of natural resources, with the approval of the conservation commission and the executive council, may issue permits to prospect for gold, silver, copper, cobalt, coal, graphite, petroleum, sand, gravel, stone, natural gas, and all other minerals, excepting iron ore, under the waters of any meandered lake or stream in the State of Minnesota, including that portion of boundary lakes and streams within the boundary of the state, and issue leases for the mining and removing of such minerals upon such terms and conditions as shall be approved as above.

(b) (Prospecting Permits).

(1) No prospecting permit shall be for a longer period than one year and cover a larger area than 160 acres of contiguous land except where operating conditions may demand not to exceed an increase in acreage of 25% over 160 acres.

**(The Department of Conservation was renamed Department of Natural Resources by LAWS 1969, Chapter 1129, Article 3.)*

(2) There shall be attached to each permit a copy of the mining lease to be issued as hereinafter provided.

(3) The names and addresses of all parties to the permit and lease shall be shown on such permit or lease and shall be signed, witnessed and acknowledged.

(4) For each permit there shall be charged a fee of \$25.00.

(5) The permit holder shall have the exclusive right to prospect in any manner he may see fit for ore within the area designated in the permit for a term not exceeding one year from the date of such permit.

(6) At any time during the life of the permit the holder thereof may ask for and receive a lease in the form attached to such permit, provided he has kept and performed in a substantial manner its terms and covenants. Such lease shall cover the same tract of land as that set out in the permit, but the owner of the permit may choose a smaller acreage within such tract.

(7) No ore shall be removed from the land during the term of the permit except such as is reasonably needed for assay, analysis and record purposes.

(8) The work under such permit shall be begun in a substantial manner within 90 days from the date of the permit unless weather, water or ice conditions make such work hazardous or impracticable, and shall continue until the term of the permit expires, is surrendered or a lease asked for.

(9) The holder of the permit shall report in writing to the commissioner of natural resources, on the first business day of each April, July, October, and January following the issuance of a permit and during the time it remains in force, the progress of the work of prospecting, and shall accompany such reports with blueprints, maps and other information showing the character and extent of the work done, the nature of the materials encountered, the assays or analyses for gold and other mineral bearing formations encountered therein.

(10) The permit holder shall split all samples taken and furnish the commissioner or his representatives, from time to time as directed by the commissioner, with a portion of such samples, properly marked for identification.

(11) The permit holder shall cause, at his own cost and expense, all such samples to be assayed or analyzed by a competent assayer or chemist, and report the same to the commissioner as above set out.

(c) **Inspection of Work:** The commissioner or his representatives shall have the right at all reasonable times to inspect the work done under the permit or lease and carry on such engineering and sampling work as he may wish to do, not unnecessarily or unreasonably interfering with the work.

(d) **(Breach of Covenants or Conditions—Cancellation.)** In case the permit or leaseholder shall fail to perform any of the terms, covenants or conditions in the permit or lease contained, it shall be the duty of the commissioner to cancel such permit or lease, first having given the holder at least 30 days' notice in writing, specifying the particulars wherein the permit or lease terms have been breached, which notice shall be sent by registered mail to the holder of the permit or lease at the address given in

the permit or lease. The permit or leaseholder shall have 30 days to correct the conditions complained of. Upon failure to correct the matters complained of, the commissioner shall reenter and again possess said premises as fully as if no permit or lease had been given, and all persons claiming under such permit or lease shall be wholly excluded therefrom.

(e) (Terms to be Included in Permits and Leases).

(1) So far as practicable the general terms and conditions usually found in options, permits and leases for the mining and removal of gold, silver, copper, cobalt, coal, graphite, petroleum, sand, gravel, stone, natural gas, and other minerals, excepting iron ore, embracing good and efficient mining engineering shall be set out in such permits and leases.

(2) Royalties to be paid the state upon ore removed under any lease shall be upon a sliding scale dependent upon the mineral content of the ore. All permit fees, lease rentals and royalties shall go undiminished to the permanent school fund.

(3) Such lease shall also contain a provision for its cancellation as set out in Section (d) but with the addition that no reentry so made shall work a forfeiture of the rents, royalties, taxes or other sums then due.

(4) The lease shall provide that the lessee shall pay all taxes, general and special, ordinary and extraordinary, levied or assessed against the land, and the improvements thereon, made, used or controlled, and the ore product thereof, and any personal property, in all respects as if said land were owned in fee by the lessee.

(5) The lease shall provide for an annual rental of not less than \$25.00 to be paid annually in advance during the full term the lease remains in force, when the full amount of the royalty on ore removed from the premises during any calendar year does not equal or exceed that sum. Such sum shall be deemed rental and not advance royalty.

(6) The right of the state through its engineers and agents to enter upon said premises at all reasonable times to survey, inspect or sample the workings, mills, and other equipment, shall be reserved in all leases.

(7) So far as possible the terms and conditions of any lease issued under the authority of Chapter 42, Extra Session Laws of 1935, above referred to, shall conform to leases for mining similar ores under authority of Section 12, Chapter 389, Laws 1927.

(f) (Amendments). The regulations as adopted by the commissioner of natural resources with the approval of the conservation commission and the executive council shall not be altered or changed without the approval of each after a hearing on such change.

(g) (Damage to Riparian Owners). The grantee of such permit or lease, his or their assigns, representatives and successors in interest shall be required to secure riparian owners against damage from the use of such permit or lease.

(h) (Instruments Affecting Title to Permits and Leases—Writing Requirement). All provisions of Chapter 42, Extra Session Laws 1935, relating to the execution and recording of permits, leases and assignments thereof shall be strictly followed. All instruments by which the title to any permit or lease is affected must be in writing, signed by both parties, witnessed by witnesses and acknowledged, and presented to the commissioner of natural resources for approval.

(i) Gold Ore Prospecting Permit (Form)

PERMIT NO. _____

(Issued under authority of Chapter 42, Extra Session Laws of 1935.)

_____, whose post office address is _____, having applied to the undersigned, conformably with the provisions of Chapter 42, Extra Session Laws of 1935, for a gold ore prospecting permit on the following described lands:

containing _____, more or less, according to the government survey thereof, and said _____

_____, having duly paid to the State Treasurer the sum of Twenty-five Dollars (\$25.00), that being the full amount required by the regulations prescribed by me as Commissioner of Natural Resources of the State of Minnesota, to be paid as aforesaid for the purposes hereof:

NOW, THEREFORE, in consideration of the premises, the undersigned, as Commissioner of Natural Resources of the State of Minnesota, pursuant to the provisions of Chapter 42, Extra Session Laws of 1935, hereby grants unto the said _____ for a period of one year from date hereof, the right to enter upon said land for the purpose of prospecting and exploring hereon for gold or other ore in any manner the

said _____ may see fit upon condition that no ore shall be removed from said premises under this permit except such as reasonably necessary as samples for analyses, assays, and record purposes; that the work of prospecting under this permit shall begin in a substantial manner within ninety days from the date hereof and shall be continued until the permit expires, is surrendered, or a lease asked for; that the holder of this permit shall report in writing to the Commissioner of Natural Resources, on the first business day of April, July, October and January, following the issuance hereof and during the term this permit remains in force, the progress of the work of prospecting, and accompany such reports with blueprints, maps and other information showing the character and extent of the work done, the nature of materials encountered in such work, the analyses or assays for all gold and other mineral bearing formations encountered therein; that the permit holder shall split all samples taken and furnish the Commissioner of Natural Resources or his representatives, from time to time as the Commissioner of Natural Resources or his representatives shall direct, with a portion of such samples, properly marked for identification; that the permit holder shall cause at his own expense, all such samples to be assayed or analyzed by some competent chemist or assayer; that the Commissioner of Natural Resources or his representatives, shall have the right to inspect the work done under this permit at all reasonable times; that if the permit holder shall fail to perform any of the terms, covenants or conditions in this permit contained to be performed by him for a period of 30 days, then it shall be the duty of the Commissioner of Natural Resources, upon 30 days' notice to the holder of such permit by registered mail to the address of such holder as shown by the records of the State Auditor, to declare such permit forfeited. The work of exploration on said premises shall not unreasonably interfere with the public use of the waters covering such premises. All laws, rules and regulations regarding

navigation of such waters, both state and national, shall be observed; that the holder of this permit shall secure all riparian owners against damage from the use of this permit by the parties hereto; that any time prior to the expiration of this permit the said _____

or _____ assigns, shall have the right to receive from the Commissioner of Natural Resources a _____ ore mining lease in the form of that attached hereto and marked "Exhibit A", such lease to run for a term of twenty-five years from the date thereof, and to contain all the terms and provisions set forth in said attached form of lease; that as a condition precedent to the issuing of said _____ ore mining lease, the holder of the permit shall file a full and complete report, properly verified, of all work of exploration done under such permit with accompanying maps, analyses, assays, etc., or in the event that no exploration work has been done, an affidavit so stating; and shall pay to the state treasurer the amount of the first annual payment provided for in said attached form of lease.

This permit will expire at five (5) o'clock P.M. on the _____ day of _____, 19_____.

IN WITNESS WHEREOF, to this permit, executed in _____ I have set my hand and affixed my official seal this _____ day of _____, 19_____.

STATE OF MINNESOTA

By _____
Commissioner of Natural Resources

I, _____, hereby accept the above permit and agree to fulfill all the terms, covenants and conditions thereof, this _____ day of _____, 19_____.

STATE OF MINNESOTA }
COUNTY OF _____ } ss.

On this _____ day of _____, 19_____, before me, a Notary Public within and for said county and state, personally appeared _____, to me personally known, who, being duly sworn by me on oath, did say that he is the person who signed the foregoing instrument and acknowledged that he signed the same as his free act and deed for the uses and purposes therein set forth.

Notary Public, _____ County, Minn.
My Commission expires _____

precious metals found on, in or under said land, together with the right to construct, make and install such buildings, machinery, excavations, openings, ditches, drains, railroads, wagon-roads and other improvements upon said premises as may be necessary or suitable for such purposes.

The party of the second part agrees at his sole cost and expense to secure riparian owners against damage from the use of such lease by the parties hereto.

And the party of the first part agrees that the party of the second part shall have the right to contract with others for the workings of such mines, or any part thereof, or for the use of such land, or any part thereof, for the purpose of mining, milling and smelting gold ore and/or ores of other precious metals, with the same rights and privileges as are hereto granted to the party of the second part.

The party of the second part covenants and agrees with the party of the first part that the party of the second part will, except as to the first full annual rent on or before the first day of January of each year, pay to the treasurer of said state, a rental of _____ for each year in advance during the term this lease remains in force. It is understood and agreed that such annual payments shall be deemed and considered as ground rent and not advance royalty.

It is understood and agreed that the schedule of royalty to be paid by the party of the second part to the party of the first part shall be determined by the net returns and such net returns shall be construed to be the actual amount of money received by the party of the second part from the sale of gold or gold ore and/or concentrates mined, milled and sold from the said demised premises by the party of the second part less such charges as are hereinafter specified.

When gold bullion is sold the price paid for said gold bullion by the United States Government less shipping charges from mine to mint shall be considered as the net returns therefrom.

When gold ore is sold the market price paid therefor by the purchaser less shipping charges from mine to purchaser shall be considered as net returns therefrom.

When concentrates are sold the net smelter returns less shipping charges from mine to smelter shall be considered as the net returns therefrom.

It is provided further that after the net returns from the products of the said mine have been determined in the above manner that the sum total of such net returns received during the period covered by any quarterly report shall be divided by the total number of tons of ore milled, and the products of such milling sold during that period, the quotient shall be the value per ton upon which said royalty shall be computed. Whenever the quotient as aforesaid is Eight Dollars (\$8.00) or less per ton (2000 pounds), a royalty of three per cent (3%) shall be paid; when the quotient is more than Eight Dollars (\$8.00) to and including Fifteen Dollars (\$15.00) per ton (2000 pounds), a royalty of five per cent (5%) shall be paid; when the quotient is more than Fifteen Dollars (\$15.00) to and including Twenty-five Dollars (\$25.00) per ton (2000 pounds), a royalty of seven per cent (7%) shall be paid; when the quotient is more than Twenty-five Dollars (\$25.00) to and including Thirty-five Dollars (\$35.00) per ton (2000 pounds),

a royalty of ten per cent (10%) shall be paid; when the quotient is more than Thirty-five Dollars (\$35.00) to and including Forty-five Dollars (\$45.00) per ton (2000 pounds), a royalty of twelve per cent (12%) shall be paid; when the quotient is more than Forty-five Dollars (\$45.00) to and including Fifty Dollars (\$50.00) per ton (2000 pounds), a royalty of Fifteen per cent (15%) shall be paid, and when the quotient is more than Fifty Dollars (\$50.00) per ton (2000 pounds), a royalty of twenty per cent (20%) shall be paid.

The party of the second part covenants and agrees that it will keep in books to be kept and preserved by it for such purposes, an account of all minerals mined and milled, the kind, quality and weight thereof, to whom sold, and the unit price received therefor. A correct statement and report of the same for each quarter year shall be furnished the Commissioner of Natural Resources not later than twenty days after the first day of each April, July, October and January for the preceding quarter, together with a certificate from the purchaser or smelter showing the unit price paid for the mineral purchased and the amount of gold or gold ore and concentrates purchased during the quarter from said land.

It is further understood and agreed that in computing the rate of royalty to be paid, as hereinbefore provided, that the total market price of the gold, gold ore or concentrate removed during the period, covered by any quarterly report, shall be divided by the total number of tons of ore from the demised premises crushed and/or milled during that period and the quotient shall be the value per ton upon which such royalty shall be computed. In the event the lessee shall, by reason of sales of ore, concentrates or gold, to other persons or corporations representing the same or associated capital interests under such circumstances, that the Commissioner of Natural Resources believes the stated sales price does not fairly represent the market price of the gold, gold ore and/or concentrate, or if from other causes arising out of the methods of conducting the mining, milling, or refining operations of the lessee, it becomes, in the opinion of the Commissioner of Natural Resources, impossible to determine such gross sales price, or the value of such ore, concentrate or gold, said Commissioner of Natural Resources shall have the right and power to have the value of such ore, concentrate or gold determined by a competent and impartial appraiser or appraisers appointed by him, and the value so determined shall be used as the basis for calculating the gross sales price per ton of all gold or gold ore mined and sold from the demised premises within the meaning of the provisions of this lease. An audit of such books, accounts and records may be made at any time as directed by the Commissioner of Natural Resources by accountants of his selection.

The party of the second part hereby covenants and agrees with the party of the first part that the party of the second part will on or before the 20th day of each quarter during the term this lease continues in force, pay to the treasurer of the State of Minnesota for all gold, gold ore and/or concentrates mined, milled and/or sold from said premises during the quarter preceding the first day of the month in which such payment of royalty is to be made a royalty as hereinabove provided.

The party of the first part shall have the right to enter upon and into said premises at any time, and to inspect, sample and survey the same, and to measure the quantity of ore which shall have been mined or removed therefrom, and shall at all times have access to all parts of the stamp mills and/or other types of gold ore handling and treating plants for the purpose

of sampling the ore and concentrates passing through the same and of inspecting the efficiency of all scales and machinery used in weighing and treating such ore, not unreasonably hindering or interrupting the operations of the party of the second part.

The party of the second part further covenants and agrees to install and maintain in good working order standard scales of a type approved by the Division of Weights and Measures of the State Railroad and Warehouse Commission, and at the request of the Commissioner of Natural Resources to provide a suitable room in the office building, dry, or other suitable place with rent, water, light and heat free to the agents of the State, for their use in the work of inspection on said premises. Such room to be equal in size and equipment to that furnished for the use of the mining captain or superintendent at such mine.

The party of the second part further covenants and agrees as follows:

That during said term the party of the second part will pay all taxes, general and specific, ordinary and extraordinary, which may be levied or assessed against said land, the improvements thereon, the products thereof, and any personal property on the demised premises, in all respects, as if said land were owned in fee by such party of the second part.

That the party of the second part will open, use and work said mines and operate its mills in such manner only as is usual and customary in skillful and proper mining and milling operations of similar character when conducted by the proprietors on their land and in accordance with the requirements of good and economical mining engineering, and in such manner as not to cause any unnecessary or unusual permanent injury to the same, or inconvenience or hindrance in the subsequent operations of the same and will deposit all lean ore, earth, rock and other materials or rubbish at such places and in such manner as will not embarrass such subsequent operations, and that upon the termination of this lease, the party of the second part will quietly and peaceably surrender the possession of said land to the party of the first part, after safeguarding all pits and shafts by permanent coverings or fences.

All mineral shall be cleaned and/or prepared for market on said land, and no ore or crush stuff from other lands shall be brought to or cleaned and/or prepared for market on said land without the written consent of the Commissioner of Natural Resources; provided, however, that the party of the second part, with the written consent and approval of the Commissioner of Natural Resources shall have the privilege of removing ore and ore concentrates to other places for the purpose of completing the process of cleaning and refining the metal when such refining may not be done to advantage upon the premises; and provided further, that the second party with such written consent and approval, may hoist, crush, mill and deposit tailings and ore from other lands which in the proper course of mining shall come through the tunnels and shafts which are located upon these demised premises.

Provided, however, that when such written approval has been secured from the Commissioner of Natural Resources, and if he shall deem it advisable in order to protect the state's interest, he may provide that ore from other properties entering the mills or other ore treatment plants, shall be weighed and sampled by one or more competent and experienced mining engineers appointed by him with the consent to such appointment by the lessee hereof. It is further understood and agreed that the salary of such

engineer or engineers so appointed, while employed in weighing and sampling ore from other properties milled on the demised premises at the same time that mining and milling operations are being conducted on the demised premises, shall be paid to the state from time to time by the lessee.

The party of the second part shall keep a log or record of each hole drilled or shaft sunk by it on the demised premises showing the location thereof, the character and formation of the rock and other substances passed through and the per cent, grade or value of gold, silver and other mineral therein, and will furnish the Commissioner of Natural Resources or his representatives with copies of the same when requested in writing.

The party of the second part further agrees to keep at the mine office, clear, accurate and detailed maps of all the workings of each separate mine, on the said premises. Each map of the workings shall show the location of all openings connecting with the workings of any adjacent mine, the location of all entries, gangways, rooms, shafts, subs, winzes, raises, airways, appliances, and devices constructed or placed in the mine or any of the workings thereof. Copies of all such maps shall be furnished the Commissioner of Natural Resources upon his written request.

It is expressly understood and agreed that all tailings and mine refuse produced from said land during the term of this lease shall be the property of the party of the first part; provided, however, that the party of the second part may, subject to the written consent of the Commissioner of Natural Resources, contract for the sale or disposal of the same for other purposes than retreatment at not less than the market price, in which event he shall pay to the party of the first part ten per cent (10%) of the price received, provided that no contract for the sale or removal of said tailings or mine refuse shall extend beyond the term of this lease.

Provided, further, that the party of the second part shall have the right at any time to terminate this lease insofar as it requires the party of the second part to mine ore on said land, or to pay royalty therefor by delivering written notice of such intention to terminate to the Commissioner of Natural Resources, who shall in writing acknowledge receipt of such notice, and this lease shall terminate thirty (30) days thereafter, and all arrearages and sums which shall be due under this lease up to the time of such termination shall be paid upon settlement and adjustment thereof by the party of the second part.

Provided, further, and this lease is granted upon the express condition, that if any quarterly payment or any payment for royalties or any part of such payments or any tax or portion thereof, shall remain unpaid after the expiration of thirty (30) days from the time when the same was payable as herein provided, or in case the party of the second part shall fail to perform any of the covenants or conditions herein expressed to be performed by said party of the second part, then it shall be the duty of the Commissioner of Natural Resources to cancel this lease, first having given to the party of the second part at least thirty (30) days' notice in writing thereof, which notice shall set forth in detail the covenants and conditions which the party of the first part claims having been breached, which notice shall be sent to the party of the second part by registered mail at the post office address herein given unless such address shall have been changed and notice of such change received and acknowledged by the Commissioner of Natural Resources and within such period the lessee shall have the right to perform such conditions and thereby continue this lease and a substantial beginning of such performance, and a continuance thereof in good faith,

shall have the effect of extending such period while such performance continues. Upon the failure of the lessee to perform, as aforesaid, the party of the first part shall reenter and again possess said premises as fully as if no lease had been given to the party of the second part, and the party of the second part and all persons claiming under such parties shall be wholly excluded therefrom, but such reentry shall not work a forfeiture of the rents, royalties or taxes or other sums to be paid at the time of such reentry, provided, however, that the foregoing provision for the extension of the time for performance shall not apply to breach of condition with respect to the payment of money.

It is further understood and agreed that should valuable minerals other than gold or iron be discovered on the demised lands, the terms and conditions on which such may be mined, shall be agreed upon by the Commissioner of Natural Resources and the lessee.

It is mutually agreed that upon the termination of this lease, whether by act of either party or by limitation, the party of the second part shall have ninety (90) days in which to remove all engines, tools, machinery, railroad tracks, and structures placed or erected by the party of the second part upon said land, but the party of the second part shall not remove or impair any supports placed in said mine, or any timber or framework necessary to the use or maintenance of shafts or other approaches to the mines, or tramways within the mines. The party of the first part reserves and shall at all times have a lien upon all ore mined and upon all improvements made by the party of the second part upon the premises, for any unpaid balance due under this lease.

The covenants, terms and conditions of this lease shall run with the land and be in all respects binding upon all sub-lessees and grantees under the party of the second part.

IN TESTIMONY WHEREOF, the party of the first part, through and by the Commissioner of Natural Resources of Minnesota, with his official seal attached, has caused this instrument to be executed in _____, and the party of the second part, by and through its officers hereunto duly authorized, has hereunto set its name and seal, on the day and year first above written.

Signed, Sealed and Delivered
In Presence of:

STATE OF MINNESOTA

By _____
Commissioner of Natural Resources

(k) (Effective Date) (Rule NR 99 was adopted by the Conservation Commission on February 14, 1936 and approved by the State Executive Council on March 4, 1936, under authority of EXTRA session laws 1935, Chapter 42. Rule NR 99 was filed in the office of the Secretary of State on August 9, 1945, and in the office of the Commissioner of Administration on June 22, 1964.)

DEPARTMENT OF NATURAL RESOURCES*

CHAPTER TEN:

PERMITS AND LEASES ON STATE-OWNED MINERAL LANDS FOR ORES BEARING SOURCE MATERIAL

TABLE OF CONTENTS

NR 104 Permits and leases, Source Material

- (a) Purpose
- (b) Lands Subject to Permits and Leases
- (c) Application
- (d) Permit Holders-Rights, Duties
- (e) Conditions Requisite Prior to Lease
- (f) Forfeiture or Return of Security
- (g) Rentals
- (h) Royalty Schedule
- (i) United States Bonus
- (j) Assignments of Interest
- (k) Liability, Damages, Claims
- (l) United States Atomic Energy Law
- (m) Cancellation
- (n) Taxes
- (o) Termination
- (p) Reentry and Inspection
- (q) Remittance of Moneys Due
- (r) Lien Reserved to State
- (s) Termination-Removal of Property
- (t) Covenants Running with the Land
- (u) Effective Date

NR 105-108 Reserved for Future Use

Index

CHAPTER TEN:

PERMITS AND LEASES ON STATE-OWNED MINERAL LANDS FOR ORES BEARING SOURCE MATERIAL

NR 104 Permits and Leases, Source Material

[Note: All subrule headnotes enclosed in parentheses were not part of the rule as originally published]

(a) (Purpose). The purpose of issuing these rules and regulations is to encourage prospecting for radioactive ores, and the rules and regulations hereunder shall be liberally construed to carry out that purpose. As used herein, the term "source material" shall mean uranium, thorium, or any other material which is determined by the Atomic Energy Commission of the United States to be peculiarly essential to the production of fissionable materials. Ore, as used herein, shall refer only to ore that contains source material unless otherwise expressly stated.

**(The Department of Conservation was renamed Department of Natural Resources by LAWS 1969, Chapter 1129, Article 3.)*

(b) (Lands Subject to Permits and Leases). The commissioner of natural resources of the State of Minnesota may issue permits to prospect for ores bearing source material on lands where the minerals are owned by the state, including trust fund lands; lands forfeited for nonpayment of taxes, whether held in trust or otherwise; and lands otherwise acquired; provided, that such lands are not under mineral permit or lease and are not located in areas that have been designated as state monuments, parks, recreation reserves and waysides. The commissioner may refuse to issue permits on any lands being used at the time of the application for a permit for tree plantation, nursery, administrative purposes, or similar uses essential for the operation and maintenance of any state forest area or game refuge; or may impose such condition upon the issuance of any permit covering lands used for such purposes as he deems necessary; and provided further, that such lands are not located in areas described as follows:

COOK COUNTY:

- T. 62 N., R. 3 W., W½ Sec. 3, Secs. 4 to 9 incl.¹
 T. 62 N., R. 4 W., Secs. 1 to 6 incl., Secs. 8 to 15 incl.
 T. 62 N., R. 5 W., Secs. 1 to 24 incl.
 T. 63 N., R. 1 W., Secs. 4 to 9 incl., Secs. 16 to 21 incl.
 T. 63 N., R. 2 W., Secs. 1 to 16 incl., N½ Sec. 17, N½ Sec. 18, Secs. 21 to 24 incl.
 T. 63 N., R. 3 W., Secs. 1 to 12 incl., N½ Sec. 13, N½ Sec. 14, N½ and SW¼ Sec. 15, Secs. 16 to 21 incl., W½ Secs. 22 and 27, Secs. 28 to 33 incl., W½ Sec. 34.
 T. 63 N., Ranges 4 and 5 W.
 T. 64 N., R. 3 E., Sec. 7—That part lying south of Stump Lake.
 T. 64 N., R. 2 E., Secs. 1 to 12 incl.
 T. 64 N., R. 1 E., Secs. 1 to 4 incl., Lot 15 Sec. 5, Lots 6 to 11 incl. Sec. 7, Lots 4 to 10 incl. Sec. 8, Lots 1 to 14 incl. and NE¼ SE¼ Sec. 9, Secs. 10, 11, 12, 15, 16 and 17, E½ Sec. 18.
 T. 64 N., R. 1 W., Secs. 17 to 22 incl., Secs. 27 to 34 incl.
 T. 64 N., R. 2 W., S½ Secs. 3 to 6 incl., Secs. 7 to 11 incl., Secs. 13 to 36 incl.
 T. 64 N., R. 3 W., S½ Secs. 1' to 4 incl., Secs 5 to 36 incl.
 T. 64 N., Ranges 4 and 5 W.
 T. 65 N., R. 2 E.
 T. 65 N., R. 1 E., Secs. 19 to 30 incl., Secs. 33 to 36 incl.
 T. 65 N., R. 1 W., Secs. 19 to 30 incl.
 T. 65 N., R. 3 W., Sec. 18.
 T. 65 N., R. 4 W., Secs. 1, 2 and 3, Secs. 10 to 14 incl., S½ Sec. 6, Secs. 7, 18, 19, 30 and 31.
 T. 65 N., R. 5 W.
 T. 66 N., R. 4 W., Secs. 4 to 9 incl., Secs. 16 to 22 incl., Secs. 26 to 28 incl., Secs. 33 to 36 incl.
 T. 66 N., R. 5 W., All except E½ Sec. 36.
 T. 67 N., R. 4 W.

LAKE COUNTY:

- T. 60 N., R. 11 W.
 T. 61 N., R. 6 W., Secs. 4 to 9 incl.
 T. 61 N., R. 7 W., Secs. 1 to 12 incl.

¹Explanation of abbreviations:

T.—Township	Sec.—Section	N.—North	E.—East
R.—Range	Secs.—Sections	W.—West	incl.—inclusive

- T. 61 N., R. 8 W., Secs. 3 to 8 incl.
- T. 61 N., R. 9 W., Secs. 1 to 12 incl.
- T. 61 N., Ranges 10 and 11 W.
- T. 62 N., R. 6 W., Secs. 1 to 24 incl., Secs. 29, 30, 31 and 32.
- T. 62 N., Ranges 7 to 11 W. incl.
- T. 63 N., Ranges 6 to 11 W. incl.
- T. 64 N., Ranges 6 to 11 W. incl.
- T. 65 N., Ranges 6 to 11 W. incl.
- T. 66 N., Ranges 6 and 11 W.

SAINT LOUIS COUNTY:

- T. 49 N., Range 15W.
- T. 50 N., Ranges 15 and 16 W.
- T. 51 N., Ranges 15 and 16 W.
- T. 52 N., Ranges 15 and 16 W.
- T. 53 N., Ranges 14 and 15 W.
- T. 54 N., Ranges 14 and 15 W.
- T. 55 N., R. 14 W.
- T. 56 N., R. 14 W.
- T. 57 N., Ranges 14, 17, 18, 19, 20 and 21 W.
- T. 58 N., Ranges 13 to 21 W. incl.
- T. 58½ N., R. 17 W.
- T. 59 N., Ranges 12 to 19 W. incl.
- T. 60 N., Ranges 12, 13 and 14 W.
- T. 61 N., Ranges 12 to 16 W. incl.
- T. 62 N., Ranges 12 to 16 W. incl.
- T. 63 N., Ranges 12 to 16 W. incl.
- T. 64 N., R. 13 W., Secs. 5 to 8 incl., Secs. 14 to 23 incl., N½ NW¼ and SW¼ NW¼, Sec. 26, Secs. 27 to 32 incl.
- T. 64 N., R. 14 W., Secs. 6 to 36 incl.
- T. 64 N., R. 15 W., Secs. 1, 2 and 3, Secs. 10 to 36 incl.
- T. 64 N., R. 16 W., Secs. 22 to 27, incl., Secs. 34, 35 and 36.
- T. 65 N., R. 12 W., Secs. 1 to 30, incl., Secs. 32 to 36, incl.
- T. 65 N., R. 13 W., Secs. 1 to 14 incl., Secs. 16, 17 and 24.
- T. 65 N., R. 14 W., Secs. 1, 2, 3, 18, 19, 30 and 31.
- T. 65 N., R. 15 W., Secs. 13, 14, 23, 24, 25, 26, 35 and 36.
- T. 66 N., Ranges 12 and 13 W.
- T. 66 N., R. 14 W., Secs. 1 to 30 incl., Secs. 33, 34, 35 and 36.
- T. 66 N., R. 15 W., Secs. 1 to 30 incl.
- T. 66 N., R. 16 W., Secs. 1 to 5 incl., Secs. 9 to 13 incl., Secs. 24 and 25.
- T. 67 N., Ranges 13, 14 and 15 W.
- T. 67 N., R. 16 W., Secs. 8, 16, 17, 20, 21, 28, 29, 32, 33 and 34.
- T. 68 N., Ranges 13, 14 and 15 W.

ITASCA COUNTY:

- T. 54 N., Ranges 26 and 27 W.
- T. 55 N., Ranges 24, 25, 26 and 27 W.
- T. 56 N., Ranges 22, 23, 24 and 25 W.
- T. 57 N., Ranges 22 and 23 W.
- T. 58 N., R. 27 W.
- T. 59 N., R. 26 W.
- T. 60 N., Ranges 23 and 25 W.
- T. 61 N., Ranges 23, 24, 25 and 26 W.
- T. 62 N., Ranges 24 and 27 W.
- T. 145 N., Ranges 25 and 26 W.
- T. 146 N., R. 25 W.

T. 147 N., R. 25 W.
 T. 149 N., R. 29 W.
 T. 150 N., Ranges 25, 26, 27 and 28 W.

CASS COUNTY:

T. 142 N., R. 25 W.
 T. 143 N., R. 25 W.

AITKIN COUNTY:

T. 46 N., Ranges 25, 26 and 27 W.
 T. 47 N., Ranges 24, 25, 26 and 27 W.
 T. 48 N., Ranges 24, 25, 26 and 27 W.

CROW WING COUNTY:

T. 43 N., Ranges 30, 31 and 32 W.
 T. 44 N., Ranges 28, 29, 30, 31 and 32 W.
 T. 45 N., Ranges 28, 29, 30 and 31 W.
 T. 46 N., Ranges 28, 29 and 30 W.
 T. 47 N., Ranges 28, 29 and 30 W.
 T. 133 N., R. 28 W.
 T. 134 N., Ranges 27 and 28 W.
 T. 135 N., R. 27 W.
 T. 136 N., Ranges 25, 26 and 27 W.
 T. 137 N., Ranges 25, 26 and 27 W.
 T. 138 N., Ranges 25, 26 and 27 W.

MORRISON COUNTY:

T. 130 N., Ranges 29, 30 and 31 W.
 T. 131 N., Ranges 29, 30 and 31 W.
 T. 132 N., Ranges 29 and 30 W.

(The areas that are not open to application at the present time include the Caribou Roadless Area, Superior Roadless Area, Little Indian Sioux Roadless Area, and certain townships which are located in the vicinity of iron ore formations or prospective copper-nickel areas. Prospecting for source materials in these restricted areas may be permitted at a later date if it is determined that it is in the best interests of the public and the nation. Such determination shall be made in writing by the commissioner of conservation. Notice thereof shall be furnished to the county auditor of the county wherein such prospecting is so permitted. At any time the county board of any county in which restricted areas are located may request the commissioner of conservation to open restricted areas therein to source material prospecting.)

Such permits shall be issued for a period of one (1) year under the regulations prescribed herein.

(c) Application. A separate application for each prospecting permit shall be delivered in person or by registered mail to the commissioner of natural resources at Centennial Office Building, Saint Paul, Minnesota. Each application shall be accompanied by a certified check or a cashier's check on a national or state bank in Minnesota, payable to the state treasurer, in the sum of \$25 as the fee for the permit, together with a like check in the sum of \$50 as a guarantee that the applicant will carry out and perform in good faith all the covenants set out in the permit. The commissioner shall endorse the exact time of receipt upon each application during regular office hours and this shall establish the priority of the application. In the event two or more applications are received at the same time, covering the same land and conforming with the regulations prescribed herein, the

permit shall be awarded in undivided equal fractional interests to the parties thereto as tenants in common. The area of land described in the application shall consist of one quarter quarter section or one government lot according to the government survey thereof. No more than ten (10) such prospecting permits shall be held at any one time by the same permit holder or by any partnership, corporation, or other legal entity in which the permit holder has any interest, financial or otherwise.

No certified or cashier's check in payment of the fee for the permits shall be returned to the applicant after any valid application is filed in the event that the applicant determines to surrender his rights thereunder.

At the time that an application is submitted, or before a permit is issued, the applicant must furnish the following requirements:

- (1) If an individual, proof of citizenship or proof of declaration of his intention to become a citizen;
- (2) If a corporation, certified copies of incorporation papers showing authorization to do business in the State of Minnesota;
- (3) If a copartnership, a certified copy of the registration thereof, or a sworn statement signed by a member thereof, giving the names and addresses of all partners, together with proof of citizenship of each, or proof of his declaration of intention to become a citizen.

Failure of an applicant to produce this evidence shall be sufficient cause for refusal to issue a prospecting permit. An applicant who has submitted this evidence and has obtained a prospecting permit will not be required to again submit such evidence in the event the applicant later makes application for one or more additional permits.

(d) Permit Holders—Rights, Duties.

- (1) The holder of any prospecting permit shall have the right to prospect for source material in a reasonable manner on the land described in such permit for one (1) year from the date thereof and no longer, but no ore except exploration samples shall be removed therefrom until a lease has been executed. No permit for the same land shall be issued to the same permit holder nor to any partnership, corporation or other legal entity in which the permit holder has any interest, financial or otherwise, for two successive one (1) year periods. The work of prospecting under a permit shall begin in a substantial manner within six (6) months from the date thereof, and shall be continued until the permit expires, or an application is made for a lease, or the permittee elects to surrender his permit. If the permittee decides to make a radioactive survey, such survey must be completed and reported to the commissioner within eight (8) months from the date of the permit. Upon the completion of the radioactive survey, if the permittee does not request a lease or surrender his permit within two (2) months thereafter, he shall within such two-month period begin exploration by testpitting or drilling. The holder of any permit shall make an exact and truthful report in writing to the commissioner on the first day of each April, July, October and January, reporting the progress of the work of prospecting and shall accompany these reports with maps showing the character and extent of the work done, the nature of the materials encountered in the work, and the results of any chemical analysis made in conjunction therewith in such form and in such manner as the commissioner may require. The permit holder shall split all samples taken and

furnish the commissioner or his representative from time to time, as the commissioner or his representative shall direct, with a portion of the samples properly marked for identification.

(2) Any permit to prospect for ore shall be granted upon the condition that if the holder shall fail to perform any of the terms, covenants or conditions specified in such permit or in any lease issued pursuant thereto, to be performed by him, or fail to comply with any rules and regulations, or statutes governing the same, then the commissioner may cancel the permit or lease, first having mailed to the permit holder or lessee at least twenty (20) days' notice in writing thereof.

(3) Upon notice of cancellation of any permit or lease issued pursuant hereto for any cause or without cause, the permittee or lessee shall be allowed a hearing upon application therefor before the commissioner of natural resources, which application shall be made within twenty (20) days after the giving of such mailed notice to the permit or lease holder at his last known address, otherwise such cancellation shall be final. Such hearing shall be public and shall be conducted by the commissioner or a referee appointed by him. All affected persons shall have an opportunity to be heard. All testimony shall be taken under oath and the right of cross-examination shall be accorded. The commissioner shall provide a stenographer to take testimony and a record of the testimony in all proceedings at the hearing shall be taken and preserved.

(e) Conditions Requisite Prior to Lease.

(1) At any time prior to the expiration of any prospecting permit, if the commissioner of natural resources shall determine that all the terms and conditions of such permit and applicable provisions of law have been complied with by the permittee, the holder thereof shall have the right to lease the lands covered by such permit for the purpose of mining and removing therefrom any ore-bearing source material which may be found therein, which lease as prescribed herein shall bind the state and the lessee to the mutual observance of the obligations and conditions hereof. The term of such lease issued pursuant to any permit shall be for a period not to exceed twenty-five (25) years for which the leaseholder shall pay rental and royalties in accordance with the rental and royalty schedules hereinafter stated; and the lease shall be subject to all the terms, conditions and covenants set out in the permit and shall be subject to any rules and regulations now or hereafter promulgated by the commissioner of natural resources in accordance with the statutes applicable thereto.

(2) As a condition precedent to the issuance of such mining lease, the holder of the permit shall file with the commissioner of natural resources a full verified report of all work of exploration done under the permit in accordance with the terms and conditions thereof. If the application for a lease is made prior to the expiration of the six-month period referred to in paragraph (d) above, no exploration work is required. In this case if no exploration work was done, the permittee shall furnish an affidavit so stating. The permit holder shall pay as rental to the end of the first quarter under the lease, an amount commensurate with the unexpired portion of that quarter at the rate specified herein, provided that if an application for a lease is received by the commissioner within thirty (30) days of the end of a quarter, such advance rental shall also include payment for the next succeeding quarter. All remittances shall be made payable to the state treasurer and shall be transmitted to the commissioner of natural resources.

(f) **Forfeiture or Return of Security.** Upon the request for a mining lease pursuant hereto, or upon the surrender or expiration of a prospecting permit, if the commissioner shall determine that the terms and conditions of the permit have been fully complied with, the certified or cashier's check deposited as security for the performance of the covenants of the permit as provided herein, shall be returned to the holder or his assigns. Otherwise, such check shall be deemed forfeited to the State of Minnesota for the failure of performance of the covenants and conditions of the permit. Any request for a lease by any permit holder shall be denied if the permit is in default.

(g) **Rentals.** The annual minimum rental payable to the state under a lease issued pursuant hereto shall be at the rate of 50 cents (50¢) per acre per calendar year payable quarterly in advance for that part of the first calendar year remaining after the effective date of the lease and for the four succeeding calendar years, and the rate for the next succeeding ten (10) years of the term hereof shall be ten dollars (\$10) per acre for each calendar year payable quarterly in advance, and the rate for the remainder of the term hereof shall be twenty dollars (\$20) per acre for each calendar year payable quarterly in advance.

Any amount paid for rental accrued during any calendar year shall be credited on any royalty that may become due as herein provided for ore removed during the same calendar year and shall be limited to the same calendar and current year, and any amount paid for such royalty in excess of such credit during such year shall be credited as rental, if any, subsequently accruing during such year but no further.

(h) **Royalty Schedule.**

(1) The royalty rate payable to the state under a lease issued hereunder for any source material removed from the premises or for any such ore concentrated or smelted on the premises, shall be based on the value at the mine, as hereinafter defined, of the crude mined ore. Such royalty rates shall be as follows: On a ton of underground ore, having a value of \$10 or less, the royalty rate shall be 5% of the value of such ore. The royalty rate shall be 5.4% of the value of such ore having a value greater than \$10 per ton and not greater than \$11 per ton; and so forth, increasing the royalty rate by 4/10th of 1% for each \$1 increase in the value of such ore, up to a maximum of 15% of the value of such ore having a value of \$35 or more per ton.

In computing any royalty rates hereunder any fraction of a cent less than one-half cent shall be disregarded and any fraction amounting to one-half cent or more shall be counted as one cent.

(2) Underground ore shall be understood to mean all ore mined by underground methods and not classified as open pit ore.

(3) Open pit ore shall be understood to mean all ore lying beneath the final stripped area of the particular mine in which it is situated and lying within reasonably safe mining slopes therein.

(4) The royalty rates payable to the state on open pit ore shall be computed by increasing as follows the rates specified in paragraph (h)(1) above for underground ore:

Add 50 cents per ton to the rates specified for underground ore having a value of \$10 or less.

Add \$1 per ton to the rates specified for underground ore having a value greater than \$10 per ton and not greater than \$20 per ton.

Add \$1.50 per ton to the rates specified for underground ore having a value greater than \$20 per ton and not greater than \$30 per ton.

Add \$2 per ton to the rates specified for underground ore having a value in excess of \$30 per ton.

(5) The word "ton" as used herein shall mean a short ton of 2,000 pounds, avoirdupois.

(6) If source material that is removed from the premises hereunder is shipped by rail, each shipment shall be sampled in accordance with standard practice so as to show the true grade of the ore contained therein, taking specimens from each carload to make up a sample for analysis, provided that with the approval of the commissioner of natural resources, a sample may consist of specimens from more than one carload. The ore in each sample shall be crushed to such size at which it can be properly split, thoroughly mingled, and then properly and fairly split into two portions, both of which shall be properly marked for identification. One portion shall be delivered to the commissioner, or his authorized agent, and the other retained by the lessee. Each sample shall be analyzed as may be required by the commissioner, or his agent, at the expense of the lessee, by a competent chemist approved in writing by the commissioner. The ore so taken and shipped shall be weighed by the railroad carrier, and weight bills or certificates, signed by the weigher, shall be transmitted to the commissioner at the close of each day when ore is weighed. Railroad weights of such mined ore shall be obtained where reasonably practicable. Where not practicable, a different method of obtaining the weights and analyses of the crude ore that is removed from the premises, or the crude ore that is concentrated or smelted on the premises, will be permissible, provided the lessee makes written application therefor to the commissioner of natural resources, and receives written approval from the commissioner.

(7) The value of the source material contained in such mined ore shall be based on the existing published price, or the price supported by the United States Atomic Energy Commission, or the bona fide sale price, whichever is the greatest, but such value shall not include any part of the bonus payments provided by the United States Government for initial shipments of limited tonnages of certain grades of ore. All fees and expenses in connection with the evaluation of the mined ore shall be borne by lessee.

(8) Any materials mined and not shipped shall be placed in stockpiles on sites approved by the commissioner of natural resources in writing.

(i) United States Bonus. The State of Minnesota shall make no claim to any part of any reward or bonus offered by any governmental agency to encourage the search for ores bearing source material and collected by the lessee operating under a lease issued for the exploration for and mining of ores bearing such source material, except for the basic tonnage royalty specified in paragraph (h).

(j) Assignments of Interest. All assignments, agreements or contracts, underlying, overriding or operating agreements affecting any permit, or lease issued pursuant hereto, shall be made in writing and signed by both parties thereto, witnessed by two witnesses, properly acknowledged and contain the post-office addresses of all parties having an interest therein,

and when so executed, shall be presented in quadruplicate to the commissioner of natural resources for record. Any such instrument will be valid only after having received the written approval of the commissioner of natural resources and approval of the attorney general as to form and execution.

(k) Liability, Damages, Claims.

(1) The permittee or lessee of state mineral rights, his assigns, representatives, or successors in interest, are obligated to pay all damages or losses caused directly or indirectly by operations under any permit or lease issued pursuant hereto whether to timber, minerals, growing crops, buildings, or to any person or property or for damages suffered by the owner of the surface rights through the loss of the surface of his lands and the state shall not incur or be subject to any liability therefor.

(2) The state reserves the exclusive right to sell and dispose of, under the provisions of law now or hereafter governing the sale of timber on state lands, all the timber on the land under any source material permit or lease, and reserves to the purchaser of such timber, his agents and servants, the right at all times to enter thereon, and to cut and remove any and all such timber therefrom, according to the terms of the purchaser's contract with the state, and without hindrance from any permittee or lessee; but such purchaser shall not unnecessarily or materially interfere with the operations carried on by the permit or lease holder. The State of Minnesota further reserves the exclusive right to grant leases, permits or licenses, to any portion of the surface of the demised premises to any person, partnership, corporation or association under authority of M.S.A. Section 92.50 or other applicable laws without let or hindrance from the permit or lease holder; but such leases, permits or licenses shall not unnecessarily or materially interfere with the prospecting or mining operations carried on thereon.

(l) United States Atomic Energy Law.

(1) These rules and regulations and any amendments or supplements thereto, together with any permit or lease issued pursuant thereto, shall be subject to the provisions of Public Law No. 585 of the 79th Congress of the United States, commonly known as the Atomic Energy Act of 1946, and any amendments or supplements thereto.

(2) Where there is any inconsistency or conflict between these rules and regulations or any amendments thereto, or such permit or lease and said federal law, the provisions of the Atomic Energy Act of 1946 and amendments thereto shall govern, insofar as the Laws of the State of Minnesota, these rules and regulations, and such permit and lease referred to heretofore are subordinate to the powers of the United States Government to legislate in this field. These rules and regulations and amendments thereto, together with any permit or lease issued in accordance therewith shall be subject to any requirements that the United States may impose as to loyalty investigations for the purpose of maintaining national security.

(m) Cancellation. Failure of any permit holder or lessee to comply with any rules and regulations imposed by the United States Government or failure to contract with the United States for the securing of a proper license for the disposal of the output of the mining of source material within six (6) months of the date of the discovery of a mineable body of ore or within such other time prescribed by the United States Government shall constitute grounds for the cancellation of the permit or lease.

(n) (Taxes). Every lease shall provide that the leaseholder pay when due all taxes, general and specific, personal and real which may be assessed against land leased thereunder and the improvements made thereon, or used or controlled by said leaseholder and the source material thereof and any personal property thereat owned, used or controlled by the leaseholder.

(o) (Termination by Lessee). The leaseholder shall have the right at any time to terminate the lease by delivering written notice of such intention to terminate to the commissioner of natural resources, who shall acknowledge receipt of such notice, and the lease shall terminate sixty (60) days after such delivery, unless such notice is revoked by the leaseholder by further written notice delivered to the commissioner before expiration of said sixty (60) days, and all arrearages and sums which shall be due the state under the lease up to the date of such termination shall be paid upon settlement and adjustment thereof, by the leaseholder.

(p) (Reentry and Inspection). The commissioner or his representatives shall have the right at all reasonable times to enter the permit or lease area and appurtenant premises used by the permittee or lessee and to inspect the work done under the permit or lease and the operations thereunder, and to carry on such engineering and sampling work and other investigations pertaining to the project as the commissioner may desire, not unnecessarily or unreasonably interfering with the work of the permittee or lessee.

(q) (Remittance of Moneys Due). All permit fees, lease rentals, royalties and other moneys paid to the state hereunder shall be by remittance, payable to the State Treasurer and shall be transmitted to the commissioner of natural resources, and shall be credited to the proper state fund.

(r) (Lien Reserved to State). The state shall reserve and shall at all times have a lien upon all source material mined and upon all improvements made upon the premises leased for any unpaid sums due under any lease.

(s) (Termination—Removal of Property). Upon termination of any lease, whether by expiration of the term thereof or by act of any party, the lessee shall have ninety (90) days thereafter in which to remove all equipment, materials, railroad tracks, structures, and other property, placed or erected upon any land covered by any lease, and any such property not removed within said time shall become the property of the lessors. During said ninety (90) day period, the lessee shall at its own expense properly and adequately fence all pits, level all banks, and refill all test pits and cave-ins that may be deemed dangerous or are likely to cause damage to persons or property and the lessee shall do all other work which the commissioner of natural resources or his representatives deem necessary to leave the premises in a safe and orderly condition to protect against injury or damage to persons or property. The lessee, upon termination of any lease in any lawful manner, shall quietly and peaceably surrender possession of any land covered thereby to the lessor.

(t) (Covenants Running with the Land). The covenants, terms and conditions of any permit or lease issued hereunder shall run with the land and shall extend to and bind all assignees and other successors in interest thereto.

(u) (Effective Date). These rules and regulations shall become effective thirty (30) days after filing of same with the Secretary of State in accordance with M.S.A. Sections 15.041 to 15.044, and shall remain in full force and effect until modified, amended or revoked.

DEPARTMENT OF NATURAL RESOURCES*

CHAPTER ELEVEN:

PERMITS TO PROSPECT FOR AND LEASES TO MINE MARL

TABLE OF CONTENTS

NR 109 Permits and Leases, Marl

- (a) Authority and Purpose
- (b) Permit, Duration and Area
- (c) Issuance of Permit
- (d) Fees
- (e) Permits, Public Waters Affected
- (f) Permit Holders — Rights, Duties
- (g) Leases
- (h) Rentals, Royalties and Other Payments Due
- (i) Rights Reserved to the State
- (j) Assignments or other Agreements Affecting Permits and Leases
- (k) Termination, Cancellation or Surrender of Leases and Permits
- (l) Covenants Running with the Land
- (m) Effective Date

NR 110-113 Reserved for Future Use

Index

CHAPTER ELEVEN:

PERMITS TO PROSPECT FOR AND LEASES TO MINE MARL

NR 109 Permits and Leases, Marl

[Note: All subrule headnotes enclosed in parentheses were not part of the rules as originally published]

(a) (Authority and Purpose.)

(1) Pursuant to authority vested in me by law, I, George A. Selke, Commissioner of Conservation, do hereby prescribe the following rules and regulations covering the issuance hereafter of all permits and leases to prospect for, mine, or remove marl under the waters of public lakes or streams, or on state-owned lands.

(2) The purpose of issuing these rules and regulations is to encourage prospecting for marl and the development of a cement industry and construction of processing plants in the State of Minnesota. These rules and regulations shall be liberally construed to carry out that purpose.

(b) (Permit, Duration and Area). Each prospecting permit shall be issued for a period not to exceed one (1) year and may cover four contiguous government quarter quarter sections or government lots comprising normally 160 acres, which 160 acres shall constitute one unit, except that in the case of lakes or river beds, or state lands adjacent thereto, the size of

**(The Department of Conservation was renamed Department of Natural Resources by LAWS 1969, Chapter 1129, Article 3.)*

the unit shall be designated by the commissioner of natural resources. The land area covered by any permit or lease issued pursuant thereto shall be in accordance with the government survey thereof.

(c) (Issuance of Permit).

(1) A separate application for each prospecting permit shall be made to the commissioner of natural resources in writing and delivered in person or by registered mail to the commissioner at Room 301 Centennial Building, Saint Paul, Minnesota 55101, and shall be signed by all parties in interest. Such application shall be accompanied by a plat showing the boundaries of the area applied for, together with an adequate legal description thereof. The commissioner shall endorse upon each application the exact time of receipt during regular office hours and this shall establish the priority of the application. The first applicant for a permit whose application, with accompanying fees, is filed with the commissioner in accordance herewith shall be entitled to receive a permit hereunder. In the event two or more applications are received at the same time, covering the same land and conforming with the regulations prescribed herein, the permit shall be awarded in undivided equal fractional interests to the parties thereto as tenants in common.

(2) The commissioner may issue permits to prospect for marl on lands where the minerals are owned by the state, including trust fund lands, lands forfeited for nonpayment of taxes whether held in trust or otherwise, and lands otherwise acquired, provided such lands are not under mineral permit or lease and provided further that such lands are not located in areas that have been designated as state monuments, parks, recreation reserves and waysides.

(3) The commissioner may refuse to issue permits on any lands being used at the time of the application for a permit for a tree plantation, nursery, administrative purposes, a game refuge, or a state forest, or may impose such conditions upon the issuance of any permit covering lands used for such purposes as he deems necessary. No permit for the same land shall be issued to the same permit holder nor to any partnership, corporation or other legal entity in which the permit holder has any interest, financial or otherwise, for two successive one (1) year periods.

(d) (Fees).

(1) The fee for each permit hereunder shall be \$50 per unit. Each application shall be accompanied by a certified or cashier's check on a national or state bank in Minnesota, payable to the state treasurer in the sum of \$50 as the fee for the permit, together with a like check in the sum of \$200 as a guarantee that the applicant will carry out and perform in good faith all the covenants set out in the permit.

(2) No certified or cashier's check in payment of the fee for the permit shall be returned to the applicant after any valid application is filed in the event that the applicant determines to surrender his rights thereunder.

(e) (Permits, Public Waters Affected). No prospecting permit or mining lease shall be issued hereunder unless and until a permit to change or diminish the course, current or cross-section of any public water has been issued for all operations incident to the project which affect public waters. Such permit shall be issued pursuant to M.S.A. Chapter 105, and shall be deemed to be a part of the prospecting permit or lease issued hereunder. No operations shall be conducted in violation thereof.

(f) (Permit Holders — Rights, Duties.)

(1) The permit holder shall have the right to prospect in a reasonable manner for marl in the area designated in the permit, subject to the conditions thereof and subject to these rules and regulations and all statutes applicable thereto.

(2) The work of prospecting under any permit issued hereunder shall begin in a substantial manner within six (6) months from the date of the permit. This work shall be continued in such manner until the permit expires, is surrendered, or a lease is requested, unless and except an extension of time for commencement or a suspension of the work is permitted upon written authority of the commissioner of natural resources or his duly authorized representative. It is a condition of the issuance of any permit or lease issued hereunder that the permit or lease holder shall begin construction in this state of a cement processing plant in a substantial manner within one (1) year after the issuance of the mining lease, which plant shall be completed to produce and shall produce at least one-half million barrels of cement per year within three (3) years after the issuance of the lease and shall continue to so produce for and during the length of any lease issued, unless otherwise agreed upon by the commissioner of natural resources, with the approval of the executive council.

(3) No marl shall be removed from the permit area during the term of the permit except such as is reasonably needed for exploratory or assaying purposes.

(4) Upon request of the commissioner, the permit holder shall separate samples of material taken and furnish the commissioner or his representative with a portion of each sample properly marked for identification.

(5) The permit holder shall make an exact and truthful report in writing to the commissioner of natural resources on the first business day of April, July, October and January, respectively, following the issuance of the permit, and during the time it remains in force, reporting the progress of the work of prospecting, and shall accompany such reports with prints, maps and other information showing the character and extent of the work done, the nature of the materials encountered, and all assays or analyses made of marl and other mineral bearing materials encountered.

(6) The commissioner or his representatives shall have the right at all reasonable times to enter the permit or lease area and appurtenant premises used by the permit or lease holder and the plant where the marl removed is processed, and to inspect the work done under the permit or lease and the operation of such plant, and to carry on such engineering and sampling work and other investigations pertaining to the project as he may desire, not unnecessarily or unreasonably interfering with the work of the permit or lease holder or with such plant operation.

(g) (Leases).

(1) At any time prior to the expiration of any prospecting permit, the permit holder shall have the exclusive right to receive from the commissioner of natural resources a mining lease, provided he has kept and performed in a substantial manner the terms and covenants of the permit. Such lease shall be subject to all the terms, conditions and covenants set out in the permit and shall be subject to any rules and regulations now existing or hereafter promulgated by the commissioner of natural resources in accord-

ance with the statutes applicable thereto. Such lease shall cover the same area as that set out in the permit, unless the holder of the permit, with the approval of the commissioner, chooses to omit one or more of the quarter quarter sections or government lots set out in the permit; and in the case of an underwater area, the holder with the approval of the commissioner may select a smaller acreage within the area set out in the permit, furnishing a metes and bounds description thereof or other adequate legal description. Upon any such selection a plat shall be furnished covering the same.

(2) As a condition precedent to the issuance of such mining lease, the holder of the permit shall file with the commissioner of natural resources a full verified report of all work of exploration done under the permit in accordance with the terms and conditions thereof. If the application for a lease is made prior to the expiration of the six-month period referred to in the preceding paragraph (f) (2) hereof, no exploration work is required. In such case if no exploration work was done, the permit holder shall furnish an affidavit so stating. The permit holder shall pay as rental to the end of the first quarter under the lease, an amount commensurate with the unexpired portion of that quarter at the rate specified herein. All remittances shall be made payable to the state treasurer and shall be transmitted to the commissioner of conservation.

(3) Any lease issued pursuant hereto shall be for a term not to exceed fifty (50) years and may be issued for any lesser period in the discretion of the commissioner of natural resources.

(h) (Rentals, Royalties and Other Payments, Leases.)

(1) Subject to the further provisions hereof, the royalty to be paid to the state on any marl mined under any lease issued hereunder and processed into cement shall be one percent (1%) of the bona fide gross sales value per barrel f.o.b. at the mill which processes the marl removed under such lease, which royalty shall in no event be less than four cents (4¢) per barrel. Such royalty shall be payable on or before the twentieth day of April, July, October or January of each year for the cement so produced during the preceding quarter.

(2) In case any marl suitable for cement production is removed under such lease from the demised premises, but not processed within one (1) year after removal, the leaseholder shall pay royalty thereon at the rate aforesaid on the basis of written estimates made by the commissioner or his authorized representative as to the quantity of cement which could have been made from such marl; payment in such case to be made within thirty (30) days after mailing or delivery of such estimates to the leaseholder. All marl, that is placed in stockpiles, shall be stockpiled on the demised premises in such place or places as shall not unnecessarily hinder or embarrass the future operations thereon, or on other state-owned lands conveniently located for that purpose, or may be otherwise stockpiled in such manner as the commissioner of natural resources may approve.

(3) The leaseholder shall pay rental to the state under a lease issued pursuant hereto at the rate of \$1 per acre per calendar year, payable in advance for that part of the quarter remaining after the effective date of the lease, and thereafter the payment for any following quarter shall be payable quarterly on the 20th day of April, July, October and January, respectively, each year during the term thereof. Each quarterly payment shall cover the rental at the rates hereinbefore specified for the respective calendar quarter or fraction thereof. The rental for any fraction of a

quarter shall be computed at the applicable rate. Any amount payable for rental accrued during any calendar year shall be credited on any royalty that may become due for marl removed hereunder during the same calendar year but no further and any amount paid for such royalty in excess of such credit during such year shall be credited on rental, if any, subsequently accruing during such year but no further.

(4) All marl taken under any lease shall be used only for the purpose of making cement in a plant to be constructed and operated within the State of Minnesota, unless otherwise specifically authorized in writing by the commissioner of natural resources under such terms and conditions as he may prescribe.

(5) Every lease shall provide that the leaseholder be required to transmit to the commissioner of natural resources on or before the fifteenth day of each month a sworn statement of the number of barrels of cement produced and processed during the preceding month from state-owned property, together with a certified statement of the bona fide gross sales value per barrel f.o.b. at the mill.

(6) All permit fees, lease rentals, royalties and other moneys paid to the state hereunder shall be by remittance, payable to the state treasurer and shall be transmitted to the commissioner of natural resources, and shall be credited to the proper state fund.

(7) Every lease shall provide that the leaseholder pay when due all taxes, general and specific, personal and real, which may be assessed against land leased thereunder and the improvements made thereon, or used or controlled by said leaseholder and the marl products thereof and any personal property thereat owned, used or controlled by the leaseholder.

(8) The permittee or lessee of state mineral rights, his or their assigns, representatives, or successors in interest, are obligated to pay all damages or losses caused directly or indirectly by operations under any permit or lease issued pursuant hereto whether to timber, minerals, growing crops, buildings, or to any person or property or for damages suffered by the owner of the surface rights through the loss of the surface of his lands and the state shall not incur or be subject to any liability therefor. With respect to any operation in public waters, each permittee or lessee, his or their assigns, representatives or successors in interest shall secure from the riparian owners all rights necessary for such operation, and shall hold the state harmless against any cost or liability on account thereof.

(i) (Rights Reserved to the State.) The state reserves the exclusive right to sell and dispose of, under the provisions of law now or hereafter governing the sale of timber on state lands, all the timber on land under any marl permit or lease, and reserves to the purchaser of such timber, his agents and servants, the right at all times to enter thereon, and to cut and remove any and all such timber therefrom, according to the terms of the purchaser's contract with the state, and without hindrance from any permit or lease holder; but such purchaser shall not unnecessarily or materially interfere with the operations carried on by the marl permit or lease holder. The State of Minnesota further reserves the exclusive right to grant leases, permits or licenses to any portion of the surface of the demised premises to any person, partnership, association or corporation under authority of M.S.A. Section 92.50 or other applicable laws without let or hindrance from the permit or lease holder, but such leases, permits or licenses shall not unnecessarily or materially interfere with the prospecting or mining operations carried on thereon.

(j) (Assignments or Other Agreements Affecting Permits and Leases). All assignments, agreements or contracts, underlying, overriding or operating agreements affecting any permit or lease issued pursuant hereto shall be made in writing and signed by both parties thereto, witnessed by two witnesses, properly acknowledged and contain the post-office addresses of all parties having an interest therein, and when so executed, shall be presented in quadruplicate to the commissioner of natural resources for record. Any such instrument shall be valid only after having received the written approval of the commissioner of natural resources and approval of the attorney general as to form and execution, and when so approved shall be duly recorded.

(k) (Termination, Cancellation or Surrender of Leases and Permits).

(1) Any permit to prospect for marl or lease to mine the same shall be granted upon the condition that if the holder shall fail to perform any of the terms, covenants or conditions specified in such permit, or in any lease issued pursuant thereto, to be performed by him, or should he fail to comply with any laws applicable thereto, together with all rules and regulations, and should any such default continue for a period of thirty (30) days, then the commissioner may cancel the permit or lease, first having mailed or delivered to the permit or lease holder at least thirty (30) days' notice in writing thereof, by registered mail to the address of such holder. Thereupon the permit or lease shall terminate at the expiration of the said thirty (30) days and the state shall reenter and again possess the premises as fully as if no permit or lease had been given, and the permit or lease holder and all persons claiming under him shall be wholly excluded therefrom except as hereinafter provided, but such expiration and reentries shall not relieve the permit or lease holder from any payment or other liability thereupon or theretofore incurred thereunder; provided nevertheless, that upon such notice of cancellation to any permit or lease holder given pursuant hereto for any cause or without cause the permit or lease holder shall be allowed a hearing upon application therefor before the commissioner of natural resources. Such application shall be made in writing, containing the reasons therefor, within thirty (30) days after the giving of mailed notice of cancellation, otherwise such cancellation shall be final.

(2) Such hearing shall be public and shall be conducted by the commissioner or a referee appointed by him. All affected parties shall have an opportunity to be heard. All testimony shall be taken under oath and the right of cross-examination shall be accorded. The commissioner shall provide a stenographer to take testimony and a record of the testimony and all proceedings at the hearing shall be taken and preserved. Thereafter, the commissioner shall either order the lease or permit reinstated or the same shall be terminated in accordance with the notice of cancellation originally given.

(3) The leaseholder shall have the right at any time to terminate the lease by delivering written notice of such intention to terminate to the commissioner of natural resources, who shall acknowledge receipt of such notice, and the lease shall terminate sixty (60) days after such delivery, unless such notice is revoked by the leaseholder by further written notice delivered to the commissioner before expiration of said sixty (60) days, and all arrearages and sums which shall be due the state under the lease up to the date of such termination shall be paid upon settlement and adjustment thereof, by the leaseholder.

(4) The state shall reserve and shall at all times have a lien upon all

marl mined and upon all improvements made upon the premises leased for any unpaid sums due under any lease.

(5) Upon the request for a mining lease pursuant hereto, or upon the surrender or expiration of a prospecting permit, if the commissioner shall determine that the terms and conditions of the permit have been fully complied with, the certified or cashier's check deposited as security for the performance of the covenants of the permit as provided herein, shall be returned to the holder or his assigns. Otherwise, such check shall be deemed forfeited to the State of Minnesota for the failure of performance of the covenants and conditions of the permit. Any request for a lease by any permittee shall be denied if the permit is in default.

(6) Upon termination of any lease, whether by expiration of the term thereof or by act of any party, the leaseholder shall have ninety (90) days thereafter in which to remove all equipment, materials, railroad tracks, structures, and other property, placed or erected upon any land covered by any lease, and any such property not removed within said time shall become the property of the lessor. During the ninety (90) days period, the leaseholder shall at its own expense properly and adequately fence all pits, level all banks, and refill all test pits and cave-ins that may be deemed dangerous or are likely to cause damage to persons or property; and the leaseholder shall do all other work which the commissioner of natural resources or his representatives deem necessary to leave the premises in a safe and orderly condition to protect against injury or damage to persons or property. The leaseholder, upon termination of any lease in any lawful manner, shall quietly and peaceably surrender possession of any land covered thereby to the lessor.

(1) (Covenants Running with the Land.) The covenants, terms and conditions of any permit or lease issued hereunder shall run with the land and shall extend to and bind all assignees and other successors in interest thereto.

(m) (Effective Date.) These rules and regulations shall become effective thirty (30) days after filing of same with the Secretary of State in accordance with M.S.A. Sections 15.041 to 15.044, and shall remain in full force and effect until modified, amended or revoked.

(Rule NR 109 was promulgated by the Commissioner of Conservation on December 12, 1956, under authority of Minnesota Statutes 93.08 to 93.12, inclusive, and sec. 93.25. Rule NR 109 was filed in the office of the Secretary of State on January 17, 1957, and in the office of the Commissioner of Administration on June 22, 1964.)

DEPARTMENT OF NATURAL RESOURCES*

CHAPTER TWELVE:

PERMITS TO PROSPECT FOR AND LEASES TO MINE SAND AND GRAVEL UNDER THE WATERS OF PUBLIC LAKES OR STREAMS

TABLE OF CONTENTS

NR 114 Permits and Leases, Sand and Gravel

- (a) Authority
- (b) Application and Fees
- (c) Hearings on Applications; Bonds
- (d) Liability for Damages
- (e) Right of Permit Holder to Lease
- (f) Removal of Materials Under Permit
- (g) Prospecting
- (h) Termination or Cancellation of Permits and Leases
- (i) Records of Materials Removed and Sold
- (j) Rentals, Royalties and Taxes
- (k) Observance of Navigation Laws
- (l) Assignments and Other Agreements Affecting Permits and Leases
- (m) Additional Permits Required
- (n) Effective Date

NR 115-118 Reserved for Future Use

Index

CHAPTER TWELVE:

PERMITS TO PROSPECT FOR AND LEASES TO MINE SAND AND GRAVEL UNDER THE WATERS OF PUBLIC LAKES OR STREAMS

NR 114 Permits and Leases, Sand and Gravel

[Note: All subrule headnotes enclosed in parentheses were not part of the rule as originally published]

(a) (Authority). Pursuant to authority vested in me by law, I, Chester S. Wilson, Commissioner of Conservation, do hereby prescribe the following rules and regulations for the issuance of permits to prospect for sand and gravel under the waters of public lakes or streams, and for the issuance of leases for the mining and removal thereof.

(b) (Application and Fees).

(1) The fee for each prospecting permit shall be Twenty-five Dollars (\$25.00). No permit shall be issued for a period to exceed one (1) year, nor cover an area larger than forty (40) acres of contiguous under-water area, except where operating conditions shall be found by the director of the division of waters, soils and minerals to require an increase in acreage, in which event twenty-five (25) per cent in additional acreage may be granted. Each permit shall authorize prospecting only within the area designated therein.

**(The Department of Conservation was renamed Department of Natural Resources by LAWS 1969, Chapter 1129, Article 3.)*

(2) All applications for prospecting permits shall be accompanied by plats in quadruplicate, showing the definite location of the area applied for, together with a metes and bounds description thereof, and shall be signed and acknowledged by all the parties interested therein.

(3) All applications shall be accompanied by quadruplicate signed statements reciting that the mining and removal of the materials for which it is proposed to prospect will not in their opinion violate the rules of or the statutes relating to the administration of the functions and duties of the following state agencies:

Department of Natural Resources
Board of Health
Livestock Sanitary Board.

Such statements shall be signed by the head or the acting head of these agencies.

(4) Applications for permits and leases shall describe the means and methods of operation proposed to be used for the removal or recovery of the material covered by such permits and leases, and such proposed means and methods of operation shall be incorporated in and become a part of the terms and conditions of the permits and leases.

(c) (Hearings on Applications; Bonds).

(1) No permit or lease shall be granted hereunder until after a public hearing on the application therefor. Notice of such hearing shall be given and such hearing shall be conducted as provided by Minnesota Statutes 1949, Section 105.44. Notice of such hearing shall also be mailed by the applicant at least two weeks before the hearing to all persons listed on the last tax assessment records in the office of the county treasurer as owners of land riparian to the waters affected, or any interest therein, within such area as the commissioner may designate by order, which area shall be described in the notice. Except as otherwise hereinafter provided, prior to the issuance of any permit, the applicant shall obtain and file with the commissioner of natural resources an appropriate instrument, approved by the attorney general, from each owner of land, or any interest therein, within the area designated by the commissioner as hereinbefore provided, other than land owned or controlled by the applicant for the purposes of such operations, by which instrument the owner shall waive any and all claims for damages which may result from such operations, and shall release the applicant and the State of Minnesota and all officers, agents, and employees of the state from any and all such claims. In lieu of obtaining and filing such waiver and release of claims for damages, the commissioner may, in his discretion, permit the applicant to furnish a bond to the State of Minnesota in such amount as he may determine, to secure the state, its officers, agents, and employees, and all property owners affected within the area designated by the commissioner as hereinbefore provided, against any damages or loss which may result from such operations, and with such other terms and conditions as the commissioner may prescribe; provided, that the furnishing of such bond in lieu of a waiver or release shall not be permitted in any case where the commissioner finds upon the evidence produced at the hearing that there is reason to believe that the property affected will be substantially damaged by the proposed operations, unless the owner of such property shall agree in writing to the furnishing of a bond as hereinbefore provided.

(2) Such bond shall be subject to approval by the commissioner and as to form and execution by the attorney general, and shall be filed with the commissioner. The commissioner may require an additional bond at any time under the foregoing provisions if he deems it necessary for protection of the interests of the state or any property owner affected, upon thirty (30) days' written notice to the permittee or lessee. Any person entitled to the protection of any bond furnished hereunder may bring action thereon in like manner and under like conditions and with like effect as provided by law in the case of a bond furnished by a contractor with the state; provided, that neither the state nor the commissioner of natural resources nor any other officer, agent, or employee of the state shall incur or be subject to any liability by reason of failure to require a bond in any case as herein provided.

(d) (Liability for Damages). The permittee or lessee shall be liable for any loss, damage, or injury to person or property of others resulting from any operations under such permit or lease, and shall hold the state and its officers, agents, and employees harmless against any and all claims on account thereof. Nothing in any permit or lease issued or bond furnished hereunder shall impair or abridge any right of action of any owner of property affected by the operations under the permit or lease.

(e) (Right of Permit Holder to Lease). At any time prior to the expiration of any such prospecting permit, the holder thereof shall have the right to a lease giving him the exclusive right to mine and remove sand and gravel within the area specified therein provided the permittee has kept and performed in a substantial manner all the terms and covenants of the permit, a copy of which lease shall be attached to each permit. Such lease shall cover the same area of lake and stream bed as that described in the permit, unless the holder of the permit selects a smaller acreage within such area, in which case a lease for such smaller area may be issued in the discretion of the commissioner. No lease shall be made for a longer term than twenty-five (25) years and may be made for any period less than that, in the discretion of the commissioner.

(f) (Removal of Materials Under Permit). None of the materials for which the permit to prospect is issued may be removed from the land until the formal execution of a lease therefor, except such as may be reasonably needed for assay, analysis and record purposes.

(g) (Prospecting).

(1) The work of prospecting shall be commenced in a substantial manner within ninety (90) days from the date upon which the permit is executed, unless, in the opinion of the commissioner, either water, ice, or other conditions beyond control of permittee make such work hazardous or impracticable, and shall continue until the term of the permit expires, is surrendered, or a lease demanded. No prospecting work as herein required shall be postponed or suspended, except upon written authority of the commissioner or his duly authorized representative.

(2) The commissioner or his representative shall have the right at all reasonable times to inspect the work done under the permit or the lease issued pursuant thereto, and carry on such engineering and sampling work as he may wish to do, not unnecessarily or unreasonably interfering with the work of the permittee or lessee.

(h) (Termination or Cancellation of Permits or Leases).

(1) In the event the holder of such permit or lease shall fail to comply with all the provisions contained therein, or the laws and regulations governing the same to be by him performed and observed, and such default shall continue for thirty (30) days, the commissioner, upon thirty (30) days' notice to the holder of such permit or lease by registered mail to the address of such holder as shown by the records of the commissioner, may declare such permit or lease and all the rights acquired thereunder forfeited. The commissioner may when he deems it necessary to the best interest of the public, cancel such lease or permit at any time by ninety (90) days' notice in writing mailed as hereinabove provided. Upon the filing of the order of forfeiture with the commissioner of natural resources, all rights under such lease or permit shall cease.

(2) The lessee may cancel a lease issued hereunder by thirty (30) days' notice in writing mailed to the commissioner by registered mail, provided that no such cancellation shall become effective until all sums due to the state are paid in full.

(3) Upon cancellation of such lease for any cause, the lessee shall quietly and peaceably yield possession of the leased premises, and no such cancellation shall work a forfeiture on any rents, royalties, taxes, or other moneys due thereunder.

(i) (Records of Materials Removed and Sold). The lessee shall keep records of all sand and gravel removed and the sales thereof, which records shall be open for inspection by the agents of the commissioner of natural resources at all reasonable times. The lessee shall, on or before the 15th day of each month, make a report in writing to the commissioner, verified under oath, on forms provided by the commissioner, covering all usable or salable material removed or recovered during the preceding month, showing the quantity thereof in cubic yards, the royalty computed to be due thereon, and such other information pertaining thereto as the commissioner may require.

(j) (Rentals, Royalties and Taxes).

(1) Royalties to be paid to the state on all sand and gravel leases issued hereunder shall be based on cubic yards of usable materials removed and shall be ten cents (10¢) per cubic yard, and shall be paid on or before the 15th day of each month for the sand and gravel removed during the preceding month.

(2) Every lease shall provide for a minimum annual rental of \$150.00 per calendar year, or fraction thereof, payable in advance. Such rental shall be payable annually on or before the 20th day of January each year during the term thereof. Any amount paid for rental accrued during any calendar year shall be credited on any royalty that may become due for sand and gravel removed under said lease during the same calendar year but no further.

(3) All usable or salable sand and gravel taken from the demised premises shall be measured by the lessee as it is removed or stockpiled, which measurements shall be recorded daily. Such sand and gravel when stockpiled shall be kept separate and not mixed with materials from other sources until measured as hereinabove provided. All operations shall be conducted in accordance with acceptable mining practices and so as not to cause any unnecessary or unusual permanent injury to the lands or to inconvenience or hinder subsequent operations in the same area. All waste

materials shall be disposed of and all water returned to the stream or body of water. They shall be treated as directed by the commissioner or his agents in charge of such operations.

(4) All permit fees and all rents and royalties paid under leases shall be paid to the state treasurer, and shall be credited to the permanent school funds of the state.

(5) All leases shall provide that the lessee shall pay, when due, all taxes levied against the premises, the personal property and improvements thereon during the continuance of the lease.

(k) (Observance of Navigation Laws). Lessee shall observe all federal, state, and municipal laws, rules, regulations, and ordinances regarding navigation on the waters from which sand or gravel is removed.

(l) (Assignments and other Agreements Affecting Permits and Leases). No assignment, sublease or any other instrument affecting any permit or lease issued hereunder shall be valid unless made in writing with the written approval of the commissioner endorsed thereon.

(m) (Additional Permits Required). Before any prospecting permit or lease shall be issued by the commissioner for the removal of sand or gravel hereunder, the applicant shall first secure a permit from the commissioner pursuant to Minnesota Statutes 1949, Chapter 105, and acts amendatory thereof, which permit shall be deemed to be a part of the prospecting permit or lease issued hereunder, and no operations shall be conducted in violation thereof.

(n) (Effective Date). These rules and regulations shall supersede the rules and regulations for the purposes aforesaid heretofore prescribed, shall become effective thirty (30) days after filing of same with the secretary of state in accordance with Minnesota Statutes 1949, Section 15.041 to Section 15.044, and shall remain in full force and effect until modified, amended or revoked.

(Rule NR 114 was adopted by the Commissioner of Conservation on June 23, 1952, and approved by the State Executive Council on June 25, 1952, under the authority of Minnesota Statutes 93.08 to 93.12 inclusive, superseding the rules and regulations heretofore prescribed. Rule NR 114 was filed in the office of the Secretary of State on August 2, 1952, and in the office of the Commissioner of Administration on June 22, 1964.)

CHAPTER THIRTEEN: NR 200-219
BOAT AND WATER SAFETY RULES AND REGULATIONS

NR 200 Licensing of watercraft.

(a) Application for license. Application for watercraft license shall be made to the Commissioner of Natural Resources or his authorized agents on a form he shall provide. A watercraft license number and certificate shall be issued by the Commissioner upon receipt of the fee prescribed by law.

(b) Display of license certificate. No person shall operate or use a watercraft, except a non-motorized canoe, kayak, sailboat, sailboard or rowing shell required to be licensed unless the license certificate for such watercraft is on board and available for inspection by authorized enforcement officers. Owners of non-motorized canoes, kayaks, sailboats, sailboards, or rowing shells shall produce the license certificate for such watercraft within a reasonable time upon request of authorized enforcement officers. The owner of rental watercraft may keep the license certificate available for inspection on the premises from which the watercraft is rented, provided that the owner's business is legibly printed on the rear half and on both sides of the watercraft in the same size and manner as required for the license number in NR 200, Section (c).

(c) Display of license number and validation decal on motorized watercraft. The license number, on all watercraft, except non-motorized canoes, kayaks, sailboats, sailboards and rowing shells shall be securely affixed on each side of the forward half of the watercraft for which it was issued in such a position as to provide clear and legible identification. The letters and numerals must be of a color that contrasts with the background and may be reflectorized decals or metal or may be painted. The letters and numerals shall read from left to right and shall not be less than 3 inches in height, of block type, of a stroke not less than 1/2 inch or more than 3/4 inch in width, not including a border. The license number shall be maintained so that it is clearly visible and legible, and the letter groups must be separated from the numeral groups by a space of not less than 3 inches nor more than 4 inches. Adjacent letters and numerals within each group must be spaced not less than 1/2 inch nor more than 3/4 inch apart. A state validation decal for the current license period must be affixed toward the stern of the boat and not more than 4 inches from the first or last letter of the license number on each side of the boat.

(d) Marking of non-motorized canoes, kayaks, and rowing shells. All non-motorized canoes, kayaks, and rowing shells shall display decals furnished by the Department of Natural Resources for such watercraft. These decals shall be securely affixed on each side of the forward half of the watercraft for which the decal was issued, in such a position as to provide clear and legible identification.

(e) Marking of non-motorized sailboats and sailboards. All non-motorized

sailboats and sailboards shall display the decals furnished by the Department of Natural Resources for such watercraft. These decals shall be securely affixed on each side of the forward half of the watercraft for which it was issued, in such a position as to provide clear and legible identification. If it is impossible to display such decals on the forward half of such watercraft so as to provide clear and legible identification both decals must then be affixed to the stern of such watercraft.

(f) Expired validation decal. All expired or otherwise invalid state validation decals shall be removed from the watercraft for which they were issued or completely covered by placement of the current decal so that only the current decal is visible.

(g) Other insignia. No person shall operate any watercraft, except a non-motorized canoe, kayak, rowing shell, sailboard or sailboat, which has any number, letter, design or insignia displayed on either side thereof which is closer than 24 inches to any part of the watercraft license number of validation decal.

(h) Dealer license numbers. The last two characters of all dealers' license numbers shall be the letters DD. No other license number shall include both such letters. Dealers' license numbers shall be displayed in accordance with NR 200, Section (c), except that such numbers may be so affixed as to be readily detachable and must be attached to any watercraft owned by the dealer when such watercraft is being used for demonstration purposes or any other purpose incident to the usual and customary conduct of the business of manufacturing, selling or trading of watercraft. A dealer may use as many detachable sets of numbers as is necessary in the conduct of his business.

(i) State license numbers. The last two characters of all license numbers issued for watercraft owned by the State of Minnesota or a political subdivision thereof shall be the letters XX. No other license number shall include both such letters. Application for such licenses shall be made directly to the Commissioner of Natural Resources.

(j) Enforcement pennant. The pennant required under Minn. Stat. § 361.215 shall be triangular in shape and of the following dimensions: Four (4) inches in depth at the staff and one foot in length. The pennant shall be of a blue background and bear a three (3) inch replica of the Minnesota State Seal.

NR 201 Rental of watercraft.

(a) Condition and equipment of rental watercraft.

(1) No watercraft which is in a broken, rotten or otherwise hazardous

condition shall be rented or offered for rent. No watercraft shall be rented or offered for rent unless all oars, oarlocks, and paddles rented or made available for use with the watercraft, are free of cracks, splits and breaks.

(2) No watercraft shall be rented or offered for rent unless its rear transoms are strongly constructed and capable of standing the strains imposed by fully reversing the motors attached or to be attached.

(3) No metal or fiberglass watercraft shall be rented or offered for rent unless it is equipped with air chambers or other buoyancy devices and is capable of sustaining complete buoyancy for capacity load in the event the craft is capsized.

(4) No watercraft shall be rented or offered for rent unless it is free of spilled gasoline and oil.

(5) No watercraft which has been rented shall be permitted to depart from the premises at which it was rented if it is loaded beyond its safe carrying capacity or powered beyond its safe power capacity.

(6) No other number, letter, design or insignia shall be displayed on either side of any such watercraft which is closer than 24 inches to any part of the watercraft license number or validation decal.

(7) No watercraft shall be rented or offered for rent unless it is equipped with a pair of oars and oarlocks, or with a paddle, or with a pole, in serviceable condition.

(8) The owner of a business which rents, leases, or hires out watercraft shall provide for each person on board the watercraft a lifesaving device required by law or these rules, as well as all other required safety equipment for each watercraft.

(b) Persons to whom watercraft may be rented. No watercraft shall be knowingly rented or offered for rent to any person who is under the influence of alcohol or a controlled substance.

NR 202 Navigation of watercraft on the waters of the state; safety equipment.

(a) General rules of the road.

(1) When watercraft are running in the same direction, the watercraft being overtaken has right-of-way and must hold course and speed. The watercraft which is astern shall pass only when there is sufficient distance so the maneuver can be done safely and only at such speed that its wash or wake will not endanger the watercraft being passed or its occupants. No person operating a watercraft shall abruptly change its course without first determining that it can be safely done without risk of collision.

(2) When watercraft are approaching each other head on, or nearly so, each shall turn to the right a sufficient distance so that they will safely pass. When the course of an approaching craft is so far to the right as not to be considered as meeting head on, each shall maintain its course and pass clear.

(3) When watercraft are crossing courses, or approaching each other obliquely or at right angles, so as to involve risk of collision, the craft which has the other on its own right shall yield right-of-way.

(4) A non-motorized watercraft has right-of-way over a motor-powered watercraft except when it is the overtaking watercraft. Non-motorized watercraft should not insist on this right-of-way when approaching large commercial vessels. Motor-powered watercraft should always keep clear and pass astern of non-motorized watercraft.

(5) All watercraft shall yield the right-of-way to enforcement or other authorized emergency watercraft displaying a red or blue flashing light.

(b) General mode of operation of watercraft.

(1) No person shall operate a watercraft in such a manner that its wash or wake will endanger, harass or unnecessarily interfere with any other person or property.

(2) No person shall operate a watercraft in any manner as to intentionally obstruct or interfere with the take-off, landing, or taxiing of any aircraft.

(3) No person shall operate a watercraft within 150 feet of a diver's warning flag (described in Minn. Stat. § 361.085).

(4) The operator of any watercraft, when signaled to do so by a conservation officer, sheriff or sheriff's deputy shall bring the watercraft to a stop or maneuver it in a manner which will allow the officer to come alongside.

(c) Personal flotation (lifesaving) devices.

(1) Every person on board a watercraft shall wear or have readily accessible a U.S. Coast Guard approved Type I, II, III or IV personal flotation device.

(2) A Coast Guard approved Type V personal flotation device may be carried in lieu of the Type I, II, III or IV personal flotation device required in this regulation, if the Type V personal flotation device is approved for the activity in which the watercraft is being used.

(3) Persons being towed by a watercraft on water skis, or other devices shall be considered to be on board the towing watercraft, for the

purpose of personal flotation device requirements. A U.S. Coast Guard approved personal flotation device must be either carried in the towing watercraft or worn by the person being towed.

(4) All personal flotation devices required by these rules shall be:

(aa) Approved by the United States Coast Guard.

(bb) Legibly marked with the approval number issued by the United States Coast Guard.

(cc) In serviceable condition.

(dd) Either readily accessible or worn.

(ee) Of the appropriate size for the intended wearer, if the device is designed to be worn.

(d) Sound producing devices.

(1) All motorboats 16 feet or more in overall length shall carry a power, hand or mouth-operated horn or whistle capable of producing a sound for at least two seconds which is audible for at least one-half mile.

(2) All motorboats 26 feet but less than 40 feet in overall length shall be equipped with a hand or power-operated horn or whistle capable of producing a sound for at least two seconds which is audible for at least one mile.

(3) All motorboats 40 feet or more in length shall be equipped with a power-operated horn or whistle capable of producing a sound for at least two seconds which is audible for at least one mile.

(e) Fire extinguishers.

(1) All motorboats less than 26 feet in length with construction permitting the entrapment of explosive or flammable gases or vapors must have at least one B-I type hand portable U.S. Coast Guard approved fire extinguisher fully-charged and in serviceable condition on board and readily accessible.

(2) All motorboats 26 feet to less than 40 feet in length must have at least two B-I U.S. Coast Guard approved hand portable fire extinguishers, or at least one B-II type U.S. Coast Guard approved hand portable fire extinguisher on board in serviceable condition, fully-charged and readily accessible.

(3) All motorboats 40 feet to not more than 65 feet in length must have at least three B-I type U.S. Coast Guard approved fire extinguishers; or at least one B-I type plus one B-II type approved hand portable fire extinguisher on board. These fire extinguishers must be fully-charged, in serviceable condition and readily accessible.

(4) All motorboats over 65 feet in length must have at least three B-II type U.S. Coast Guard approved fire extinguishers on board. These fire extinguishers must be fully-charged, in serviceable condition and readily accessible.

(5) When a motorboat is equipped with a U.S. Coast Guard approved fixed fire extinguishing system installed in the engine compartment, one less B-I extinguisher is required. The fixed system must be in serviceable condition and fully-charged.

(f) Ventilation equipment.

(1) All motor-powered watercraft, except open watercraft, on which construction or decking-over is commenced after January 1, 1972, and which use fuel having a flash point of 110°F. or less, shall have at least two ventilator ducts, filled with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least one intake duct installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness so as to prevent displaced fumes from being recirculated.

(2) As used in this section, the term "open watercraft" means those motor-powered watercraft with all engine and fuel tank compartments, and other spaces to which explosive or flammable gases and vapors from these compartments may flow, open to the atmosphere and so arranged as to prevent the entrapment of such gases and vapors within the watercraft.

(3) Alterations necessary to make existing motor-powered watercraft comply with these requirements shall be accomplished as soon as practicable but in any case shall be completed by July 1, 1972.

(g) Lighting equipment.

(1) All motorized watercraft will be classified for lighting requirements in the following manner:

- Class A—Under 16 feet in length.
- Class 1—16 feet to less than 26 feet.
- Class 2—26 feet to less than 40 feet.
- Class 3—40 feet to 65 feet.

(2) All motorized watercraft must display the correct lights for their class from sunset to sunrise when underway or at anchor.

The system of lighting may be chosen from either the International Rules Light Requirements found in Subdivision 4, or the Inland Rules Light Requirements found in Subdivisions 5 and 6.

(3) Definitions. The following terms are defined for the purpose of these rules and regulations.

(aa) Aft—To the rear of the midlength measured from end to end of the hull over the deck excluding sheer.

(bb) Combined Lantern—A single fixture showing green to starboard and red to port from dead ahead to two points abaft the-beam on their respective sides.

(cc) Forward—Forward of the midlength measured from end to end of the hull over the deck excluding sheer.

(dd) Higher than or Lower than—A higher level or lower level, respectively, than another light under any normal conditions of trim under way or stopped in smooth water.

(ee) Point—One point of the compass ($11\frac{1}{4}$ degrees) when specifying the arc of visibility of a light.

(ff) Side Lights—Separate fixtures, the one on the starboard side showing green and the one on the port side showing red from dead ahead to two points abaft the beam on their respective sides.

(gg) At the Stem and at the Stern—As nearly as practicable at the stem and at the stern, respectively.

(hh) Visible—When applied to lights, means visible on a dark night with clear atmosphere. The prescribed visibility means minimum visibility, and does not restrict greater distance of visibility, provided that the navigation lights are primarily intended for navigation purposes and will not be confused with other lights.

(4) International rules light requirements for motorized watercraft:

(aa) Separate 10-point red (port or left) and green (starboard or right) side lights showing from dead ahead to 2 points abaft the beam, or a 20-point combination of red-green light showing red from ahead to 2 points abaft the port beam and green from ahead to 2 points abaft the starboard beam. The red and green lights shall be visible at a distance of at least one mile.

(bb) A 20-point white light forward, showing 10 points on each side, placed at least 3 feet above the red-green lights and visible at a distance of at least three miles. On vessels 40 feet to less than 65 feet long the 20-point white light must also be at least 9 feet above the gunwale.

(cc) A 12-point white light aft, showing 6 points on each side and visible at a distance of at least two miles. Motor-powered watercraft of Class A or 1 may carry this light off the center line.

(dd) When at anchor, a 32-point white light, visible at a distance of at least one mile all around the horizon.

(5) Inland rules light requirements for Classes A and 1:

(aa) A 20-point combination red-green bow light as described in Subdivision (4).

(bb) A 32-point bright white light aft to show all around the horizon located above the red-green combination lights and visible at a distance of at least two miles.

(cc) The 32-point white light aft may be located off center line.

(dd) When at anchor, a 32-point white light, visible at a distance of at least one mile all around the horizon.

(6) Inland rules light requirements for Classes 2 and 3:

(aa) Separate 10-point red and green side lights showing from dead ahead to 2 points abaft the beam and visible at a distance of at least one mile.

(bb) A 20-point white light as near the stem as possible showing 10 points on each side and visible at a distance of at least two miles.

(cc) A 32-point bright white light aft to show all around the horizon, visible at a distance of at least two miles and located higher than the 20-point white light forward.

(dd) When at anchor, a 32-point white light, visible at a distance of at least one mile all around the horizon.

(7) All watercraft over 65 feet in length must display the lights required by NR 202 (g)(4).

(8) All non-motorized watercraft when under way or anchored, between sunset and sunrise, shall carry aboard but not necessarily fixed to any part of the watercraft a minimum of one lantern or flashlight capable of showing a white light visible all around the horizon at a distance of two miles or more. Such light or lantern shall be displayed in sufficient time to avoid collision with another watercraft.

(9) When a watercraft is moored to a buoy authorized by a permit issued under NR 207 it shall not be required to display the 32-point anchor light required in NR 202 (g)(4) through (8).

NR 203 Capacity plate information requirements.

(a) For watercraft constructed from January 1, 1972 through July 31, 1980:

(1) Information required. The manufacturer's capacity plate required by law shall contain the following information:

- (aa) Safe maximum horsepower;
- (bb) Maximum number of persons at 150 pounds per person;
- (cc) Properly located maximum weight in pounds of persons, motor and gear.

(2) Formula for determining maximum weight. The formula for determining the maximum weight for watercraft manufactured for sale in Minnesota, 19 feet and under, except canoes, kayaks, and sailboats, shall be the recommended practices for watercraft load capacity Project H-5 (adopted) or Project H-5a (proposed) contained in the American Boat and Yacht Council Incorporated publication "Safety Standards for Small Craft 1971-72".

(3) Formula for determining maximum horsepower. The formula for determining the maximum horsepower for watercraft manufactured for sale in Minnesota, 19 feet and under, shall be the "recommended Practices and Standards Covering Safe Powering of Small Craft" Project P-11 (proposed) contained in the American Boat and Yacht Council, Incorporated publication "Safety Standards for Small Craft 1971-72".

(b) For watercraft constructed on or after August 1, 1980:

(1) Information required. The manufacturer's capacity plate required by law shall contain the following information:

(aa) For outboard boats:

Maximum persons capacity in pounds or persons
 Maximum weight capacity (persons, motor and gear) in pounds
 Maximum motor horsepower or maximum horsepower with and without remote steering

(bb) For inboard, inboard/outdrive and boats without mechanical propulsion:

Maximum persons capacity in pounds or persons
 Maximum weight capacity (persons and gear) in pounds

(2) The method used for determining capacity information shall comply with the U.S. Coast Guard Safe Loading and Powering Standards as set forth in 33 CFR Part 183.

(c) The terms "safe power capacity" and "safe carrying capacity" used in Minn. Stat. § 361.05 (4) shall be that capacity displayed on the manufac-

turer's capacity plate. If no such plate exists, the method referred to in either NR 203 (a)(2) and (3) or NR 203 (b)(2) shall be used to determine the capacity.

NR 204 Waterway markers.

(a) Generally. Except as hereinafter provided, or as otherwise provided by law, all waterway markers placed in or upon the waters of the state by public authority or under a permit issued by the sheriff of any county for the purposes hereinafter set forth shall have the form, size, lighting, reflectorization and coloration prescribed therefor.

(b) Channel marker buoys.

(1) Every channel marker buoy shall have the external form of a cylinder having a circular transverse cross-section not less than 9 inches in diameter. All such markers must extend at least 36 inches above the water.

(2) Where channel marker buoys are placed to indicate the location of a well-defined boating channel, an all black buoy and an all red buoy shall be placed in opposition to each other to indicate the course of the channel is located between them. In flowing water, the red buoy shall be situated on the right side of the channel when facing upstream. A green flashing light shall be used in conjunction with a black buoy if it is to be lighted. When reflectorization is used with a black buoy, it shall be green in color and no less than a 4-inch wide strip shall completely surround the buoy and shall be located at the top of the buoy. Number designations shall be odd. A red flashing light shall be used in conjunction with a red buoy if it is to be lighted. When reflectorization is used with a red buoy, it shall be red in color and no less than a 4-inch wide strip shall completely surround the buoy and shall be located at the top of the buoy. Number designations shall be even.

(3) To indicate a watercraft should pass to south or west, where there is no well-defined channel, a buoy shall have the top surface and upper 5 inches colored red and the remainder colored white. If the buoy is reflectorized, it shall be done with a white strip, no less than 4 inches in width, that completely encircles the buoy and it shall be placed directly under the red top. A white quick-flashing light shall be used if the buoy is lighted.

(4) To indicate a watercraft should pass to the north or east, where there is no well-defined channel, a buoy shall have the top surface and the upper 5 inches colored black and the remainder colored white. If the buoy is reflectorized, it shall be done with a white strip no less than 4 inches in width that completely encircles the buoy and it shall be placed directly under the black top. A white quick-flashing light shall be used if the buoy is lighted.

(c) Other navigational buoys. A buoy indicating that a watercraft should not pass between it and the nearest shore shall have a circular transverse cross-section measuring not less than 9 inches in diameter and shall extend at least 36 inches above the surface of the water. Each such buoy shall be marked

with alternating vertical red and white stripes. White reflectorization may be used on a minimum of the upper four inches of the white vertical stripe. Red reflectorization may be used on a minimum of the upper four inches of the red vertical stripes. A white quick-flashing light shall be used if the buoy is lighted.

(d) Mooring buoys. Every buoy placed in the waters of the state for use in anchoring or mooring watercraft may be of any practicable size or shape, but must have at least 8 inches extending above the waterline. No anchoring buoy may have a diameter of over 24 inches if circular or a width of more than 24 inches if some other shape. No mooring or anchor buoy may be placed in any public water if it obstructs access to any public or private property or creates a navigational hazard. No mooring or anchor buoy may be placed in or upon the water of the State except by public authority or under a permit issued by the sheriff of the county. Every such buoy shall be colored white and shall be encircled by a visible blue band at least one inch wide. Mooring buoys must have a minimum total of 16 square inches of white reflectorization, part of which must be visible from any direction. Mooring buoys, if lighted, shall show a flashing white light.

(e) Regulatory and information signs and buoys.

(1) No regulatory or informational signs or buoys may be placed in or upon the waters of this state, except by public authority or under a permit issued by the sheriff of the county. All such signs and buoys shall be colored white except as hereinafter provided.

When a buoy is used as a regulatory or informational marker (except in private swimming areas), it shall have two orange-colored horizontal bands completely around the buoy's circumference, one such band at the top, and the other just above the waterline. The appropriate geometric shape(s) indicating the buoy's purpose and any lettering or numerals shall be placed between these horizontal bands. The buoy itself shall have a circular transverse cross-section of at least 9 inches and shall extend at least 36 inches above the surface of the water.

(2) Every sign or buoy giving information for the convenience of watercraft operators shall bear a two-inch wide orange-colored band forming an upright rectangle measuring at least 14 inches in height outside dimensions.

(3) Signs or buoys indicating danger to watercraft shall bear an orange-colored band of two-inch width forming an upright diamond at least 14 inches in outside height, and such signs shall bear a printed statement of the source of danger.

(4) Signs or buoys indicating controlled water areas in which boating, fishing, waterskiing, skin diving, or other water activities are restricted, limited or otherwise subjected to special rules or regulations shall bear a two-inch wide band forming a circle at least 12 inches in outside diameter. The

limitation, restriction, prohibition or regulation effective within a controlled area shall be printed inside of the orange-colored circle when possible.

Signs or buoys designating State Game Refuges, Wildlife Management Areas or spawning areas shall not be subject to the provisions of this order.

(5) Signs or buoys directing all watercraft to keep out of a specific water area shall bear a two-inch orange-colored band forming an upright diamond at least 14 inches in outside height, dissected vertically and horizontally by an orange-colored strip two inches wide.

Signs or buoys designating State Game Refuges, Wildlife Management Areas or spawning areas shall not be subject to the provisions of this order.

(6) Signs indicating winter ice dangers to persons, motor vehicles snowmobiles, all-terrain vehicles, ice boats, or any other conveyance used to transport persons over the ice on public waters of the state shall bear a two-inch wide orange-colored band forming an upright diamond at least 14 inches in outside height and such signs shall bear a printed statement of the source of danger.

Where used, except for the marking of aeration systems operating under a permit from the Commissioner of Natural Resources, these signs shall completely line the perimeter of the ice hazard at intervals not exceeding 75 feet and shall be at least 48 inches above the ice. When a permit is issued for an aeration system, the commissioner shall specify the marking requirements for each system as a part of the permit.

(7) No person shall operate any motor vehicle, snowmobile, all-terrain vehicle, ice boat, or any other conveyance used to transport persons over the ice on public waters of the state within 150 feet of a diver's warning flag described in Minn. Stat. § 361.085.

(8) Written material on any waterway marker sign or buoy shall be printed with black letters at least 2 inches in height, on a white background.

(9) Every waterway marker driven into the bottom of a lake or stream, or attached to a post so driven, shall extend at least 30 inches above the surface of the water. The surface of the water shall be considered to be the normal high water-mark during the local boating season.

(10) Any sign may be reflectorized or fluorescent provided that the entire displayed surface thereof is uniformly reflectorized or fluorescent.

(11) The reflectorized material required by all sections of these rules shall retain 80% of its dry weather reflective signal strength when submerged in water.

(12) Whenever an emergency situation requires that immediate warning be given of any hazardous condition on any waters of the state, any

available object or apparatus may be utilized as a temporary waterway marker to give such warning until the emergency ceases to exist or until a marker complying with these regulations can be substituted therefor.

(f) Buoys, markers, and regulatory signs not conforming to these rules and presently in place in the waters of the state may be used until replacement is needed or until January 1, 1977. When such buoys, markers, and regulatory signs are replaced, the replacements must conform to the requirements of these rules. All such buoys, markers, and regulatory signs must conform to the requirements of these rules by no later than January 1, 1977.

NR 205 Marking of legally designated swimming areas.

(a) Individual private areas.

(1) The owner or lessee of shoreline property may place white markers defining a swimming area adjacent to his property for his personal use. This area shall not exceed 2,500 square feet in area and shall not extend more than 50 linear feet along the lake frontage of the owner or lessee. These markers must have no less than 6 inches but no more than 14 inches showing above the waterline. Markers in the form of a cylinder must have a diameter of at least 5 inches and not larger than 9 inches. Markers with a shape other than a cylinder may not have a length or width greater than 14 inches. Each such marker shall bear on opposite sides, a 1/2-inch wide band of international orange color forming an upright diamond at least 5 inches in outside width, dissected vertically and horizontally by a 1/2-inch wide strip of international orange color. The border of the diamond and cross outline shall not be less than 1/2-inch in width. These markers may not be spaced more than 15 feet apart and must outline all of the swimming area.

(2) No swimming marker may obstruct watercraft traffic or unduly interfere with public use of the water. If in the opinion of the local sheriff, his water patrolman, or conservation officer, such conditions exist, they may direct the landowner or lessee to change the boundaries of the swimming area or have the markers removed. The landowner or lessee may appeal such a directive to the Commissioner of Natural Resources.

(b) Other areas. Swimming areas in public waters maintained or designated by governmental subdivisions, private corporations, private clubs, non-profit organizations, or businesses offering public swimming facilities. In any body of water where operation of motor-powered watercraft is not prohibited shall be marked in the following manner:

(1) The entire perimeter of the water area shall be marked with white marking buoys no less than 9 inches in diameter and extending no less than 36 inches above the surface of the water. Each marking buoy must contain two horizontal bands of orange, one such band at the top, and the other just above the waterline. Each marking buoy must also contain two diamond shapes with crosses which means "boats keep out." These diamond shapes must have a vertical diagonal of not less than 14 inches. The borders of the

diamond and cross outline shall not be less than 2 inches in width. The color of these borders shall be orange. The diamonds shall be placed midway between the horizontal bands. The words "swim area" should also appear on each marker in no less than two-inch letters.

(2) Marking buoys must not be spaced more than 75 feet apart and in no case may less than three markers be used to establish a boundary line.

(3) Smaller markers may be used to add definition to the area boundaries. These smaller markers must be all white in color.

(c) All new or replacement markers must meet the preceding requirements. All existing non-conforming swimming area markers may be used until July 1, 1973.

NR 206 Water skiers. Length of ski tow ropes. No person being towed on water skis, aquaplane, saucer or other device shall be towed with a rope, wire, cable or other towing device extending more than 150 feet from the towing watercraft without obtaining a permit from the local sheriff.

NR 207 Placement of temporary structures and buoys in the waters of the state.

(a) Generally. No person shall leave any temporary structure not extending from shore, or any buoy or sign in the waters of this state between the hours of sunset and sunrise without first obtaining a permit in writing therefor from the sheriff of the county. Mooring buoys must be placed as provided in NR 204(d). Swimming area markers must be placed as provided in NR 205.

(b) Permit for temporary structure or buoy.

(1) The sheriff of any county may issue a permit for the placement of any such structure or buoy whenever, in his opinion, the structure or buoy will not constitute an undue hazard to or illegal obstruction of navigation.

(2) Each structure or navigational buoy placed pursuant to such permit shall have the permit number painted thereon and shall have attached either a light visible in all directions, or sufficient reflectorized material so as to reflect light from all directions, which material shall retain 80% of its dry weather reflective signal strength when submerged in water.

(3) Nothing in this rule shall be construed to affect the provisions of Minn. Stat. 1969, § 105.42, or the requirements for permits from the Commissioner of Natural Resources thereunder, nor shall this rule be construed to affect the construction of blinds built in accordance with the provisions of Minn. Stat. 1969, § 100.29 (17).

NR 208 Reports to the commissioner. Each county sheriff shall report to the Commissioner of Natural Resources promptly, on forms provided by the

commissioner, each accident involving a watercraft, and every drowning, in order to properly evaluate the water safety program. In the event of death, the report shall be made within 48 hours; in event of serious injury which incapacitates the victim for more than 72 hours or involves property damage of over \$100.00 report must be made within five days. Each charge of a violation of law made against a watercraft operator and each written warning thereof shall be reported. Each watercraft for hire which does not comply with the standards of safety for such watercraft shall also be reported.

NR 209 Boat and water funds.

(a) Separate accounts. Each county shall maintain a separate account wherein allocations to the county are deposited and from which disbursed.

(b) Audits. Such accounts shall be subject to audit by the Department of Natural Resources.

(c) Expenditures. Such funds shall be used only for direct expenses in connection with enforcement of the Boat and Water Safety Act.

NR 210 Reimbursement of county sheriffs for search and rescue operations.

(a) Generally. Payments for annual appropriations for search and rescue operations shall be made pursuant to the provisions hereof in order of presentation until expended.

(1) A search and rescue operation resulting from or related to outdoor recreational activities will qualify for reimbursement if the incident necessitating the operation is of an unusual and nonrecurring nature.

(2) Reimbursable items of expense are those which are over and above the sheriff's regular operating budget, and include rental of private equipment and employment of personnel hired expressly for the search and rescue operation.

(3) Payment by the state is limited to 50% of the reimbursable items of expense, subject to maximum state payment of \$2,500.00 for each search and rescue operation.

(b) Reimbursement by state. A sheriff claiming reimbursement shall submit in duplicate an itemized invoice, verified by the county auditor, together with a statement showing that the operation qualified for reimbursement to the Department of Natural Resources. All claims will be subject to audit by the state.

NR 211 Penalties. Any person who shall violate any of the provisions of these regulations shall be guilty of a misdemeanor.

NR 212 Previous orders. These rules and regulations supersede all previous orders of the Commissioner of Natural Resources relating to boat and water safety.

Department of Natural Resources
Water Surface Use Management

6 MCAR § 1.0220 General.

A. Policy. It is the policy of this state to promote full use and enjoyment of waters of the state, to promote safety for persons and property in connection with such use, and to promote uniformity of laws relating to such use.

B. Scope. As part of implementing that policy, Minn. Stat. §§ 378.32 and 459.20 authorize counties, cities, and towns to regulate by ordinance the use of surface waters by watercraft, upon approval of any such ordinance by the commissioner. Minn. Stat. § 361.26, subd. 2a authorizes the commissioner to regulate such use by rule, upon request of a county, city, or town, and after the rule is approved by the majority of the counties affected. These rules, however, shall not apply to units of government other than counties, cities and towns, or to counties, cities or towns adopting ordinances identical to and on the same body of water as a lake conservation district ordinance.

C. Goal. The goal of water surface use management shall be to enhance the recreational use, safety, and enjoyment of the water surface of Minnesota and to preserve these water resources in a way that reflects the state's paramount concern for the protection of its natural resources. In pursuit of that goal, an ordinance or rule shall:

1. Where practical and feasible accommodate all compatible recreational uses.
2. Minimize adverse impact on natural resources.
3. Minimize conflicts between users in a way that provides for maximum use, safety and enjoyment.
4. Conform to the standards set in 6 MCAR § 1.0222.

D. Authority. These rules are required by Minn. Stat. § 361.25. They provide procedures for the development and approval of rules and ordinances for resolving water surface use conflict by regulating:

1. Type and size of watercraft.
2. Type and horsepower of motors.
3. Speed of watercraft.
4. Time of use.
5. Area of use.

6. The conduct of other activities on the water body where necessary to secure the safety of the public and the most general public use.

E. Jurisdiction.

1. The commissioner shall exercise his discretion under Minn. Stat. § 361.26, subd. 2 to regulate a water body when so requested by a county, city, or town only when the water body

a. is traversed by a state or international boundary; or

b. is within the jurisdiction of two or more counties which cannot agree on the content of ordinances; and

c. regulation is necessary to achieve the goals in 6 MCAR § 1.0220

C.

2. In all other cases, water surface use regulation shall be by county, city, or town ordinance as specified in Minn. Stat. §§ 378.32 and 459.20. If a body of water is located within the jurisdiction of two or more cities or towns which cannot agree on the content of ordinances, any such city or town may petition the county in which they are located to adopt an ordinance.

F. Existing ordinances and rules. All existing ordinances and rules adopted on or after January 1, 1975 affecting water surface use shall be brought into compliance with these rules within a reasonable time period after promulgation of these rules.

6 MCAR § 1.0221 Assessment of conditions.

A. Factors to consider. The commissioner or any governmental unit formulating, amending or deleting controls for surface water shall acquire and consider the following information, noting factors that are not relevant:

1. Physical characteristics.

a. Size—normal surface acreage, if available, or the basin acreage listed in the Division of Waters Bulletin No. 25, "An Inventory of Minnesota Lakes."

b. Crowding potential—expressed as a ratio of water surface area to length of shoreline.

c. Bottom topography and water depth.

d. Shore soils and bottom sediments.

e. Aquatic flora and fauna.

f. Water circulation—for lakes, the existence and locations of strong currents, inlets, and large water level fluctuations; for rivers and streams, velocity and water level fluctuations.

g. Natural and artificial obstructions or hazards to navigation, including but not limited to points, bars, rocks, stumps, weed beds, docks, piers, dams, diving platforms, and buoys.

h. Regional relationship—the locations and the level of recreational use of other water bodies in the area.

2. Existing development.

a. Private—to include number, location, and occupancy characteristics of permanent homes, seasonal homes, apartments, planned unit developments, resorts, marinas, campgrounds, and other residential, commercial, and industrial uses.

b. Public—to include type, location, size, facilities, and parking capacity of parks, beaches, and watercraft launching facilities.

3. Ownership of shoreland—to include the location and managing governmental unit of shoreline in federal, state, county, or city ownership as well as private, semi-public, or corporate lands.

4. Public regulations and management—to include federal, state or local regulations and management plans and activities having direct effects on watercraft use of surface waters.

5. History of accidents which have occurred on the surface waters.

6. Watercraft use—to include information obtained in the morning, afternoon, and evening on at least one weekday and one weekend day, concerning the number and types of watercraft in each of the following categories.

a. Kept or used by riparians.

b. Rented by or gaining access through resorts or marinas.

c. Using each public watercraft launching facility.

d. In use on the waterbody.

7. Conflict perception and control preferences—to include opinions gained by surveys or through public meetings or hearings of riparians, transients, local residents, and the public at large.

B. Written statement. Any governmental unit formulating, amending or deleting controls for surface waters shall submit to the commissioner the following:

1. The information requested in 6 MCAR § 1.0221 A., portrayed on a map to the extent reasonable.

2. A statement evaluating whether the information reveals significant conflicts and explaining why the particular controls proposed were selected.

3. The proposed ordinance.

4. A description of public hearings held concerning the proposed controls, including an account of the statement of each person testifying.

C. Commissioner review and approval.

1. The commissioner shall require the ordinance proposer to provide additional information of the kind described in 6 MCAR § 1.0221 A., when needed in order to make an informed decision. The commissioner shall approve the ordinance if it conforms with these rules.

6 MCAR § 1.0222 Water surface management standards. To promote uniformity of ordinances or rules on the use of watercraft on surface waters of this state, to encourage compliance and to ease enforcement, the commissioner and any government unit formulating such ordinances or rules shall follow these standards. When formulating an ordinance or rule, it is not required that all the standards listed below be incorporated into every ordinance or rule. Rather, the commissioner or governmental unit shall select from the standards listed below such standard(s) as are needed to regulate the surface use of waters.

A. Watercraft type and size. Controls may be formulated concerning the type and/or size of watercraft permissible for use on surface water body(ies) or portions thereof.

B. Motor type and size. Controls, if any, concerning the maximum total horsepower of motor(s) powering watercraft on surface waters shall utilize one or more of the following horsepower cutoffs or motor types.

1. 25 H.P.

2. 10 H.P.

3. Electric motors

4. No motors

C. Direction of travel. Directional controls, if used, shall mandate watercraft to follow a counter-clockwise path of travel.

D. Speed limits. Controls, if any, concerning the maximum speeds allowable for watercraft on surface waters shall utilize one or more of the following miles-per-hour cutoffs:

1. **Slow-No Wake.** "Slow-No Wake" means operation of a watercraft at the slowest possible speed necessary to maintain steerage and in no case greater than 5 mph.

2. 15 mph.

3. 40 mph.

E. Effective time.

1. Controls must use one or more of the following time periods.

a. Sunrise-sunset or sunset-sunrise the following day.

b. 9:00 a.m.-6:00 p.m. or 6:00 p.m.-9:00 a.m. the following day.

c. Noon-6:00 p.m. or 6:00 p.m.-noon the following day.

d. All 24 hrs. of the day.

2. Controls must be in effect during one of the following calendar divisions:

a. All year.

b. Memorial Day weekend through Labor Day weekend.

c. On all weekends and legal holidays occurring within period b.

3. Controls governing the use of watercraft may be adopted which are placed into effect based upon specific water elevations.

F. Area zoning.

1. Controls shall clearly specify which portion of the water body is affected by such controls.

2. Area controls may be formulated concerning any of the subject matter covered in the water surface management standards A-H.

3. Controls concerning a "Slow-No Wake" shall be established for the entire water body or portion thereof according to the following criteria:

a. Within 100 ft. or 150 ft. from the shore; or

b. Where watercraft speed or wake constitutes a hazard to persons, property or the natural resources; or

c. Where it has been determined that such control(s) would enhance the recreational use and enjoyment of the majority of users.

G. Conduct of other activities on a body of water. Controls formulated by a governmental unit which restricts other activities (such as swimming, or SCUBA diving) shall conform to 6 MCAR § 1.0220 C.

H. Emergencies. In situations of local emergency, temporary special controls may be enacted by a county, city or town for a period of not more than five days without the commissioner's approval. The commissioner shall be notified, however, as soon as practicable during this five day period.

I. A government unit may submit additional evidence if it feels that variance from the afore stated standards is necessary to best address a particular problem. The commissioner will review such evidence and shall grant a variance if there are circumstances peculiar to the body or bodies of water in question of such magnitude as to overshadow the goal of uniformity.

6 MCAR § 1.0223 Administrative provisions.

A. Enforcement and penalties.

1. Any government unit adopting ordinances pursuant to Minn. Stat. §§ 378.32 and 459.20 shall provide for their enforcement and prescribe penalties for non-compliance. Rules established pursuant to Minn. Stat. § 361.26 shall be enforced by conservation officers of the Department of Natural Resources and the sheriff of each county.

2. Rules or ordinances shall contain a provision exempting authorized resource management, emergency and enforcement personnel when acting in the performance of their assigned duties. They may also provide for temporary exemptions from controls through the use of permits issued by the unit of government adopting the ordinance or rule.

B. Commissioner's approval.

1. Any governmental unit formulating ordinances or desiring amendments and deletions to existing ordinances shall submit the written statement required by these rules with the proposed ordinance to the commissioner pursuant to Minn. Stat. § 378.32 for his approval or disapproval. Determination of approval or disapproval shall be based upon the written statement and the compatibility of the ordinance with these rules. If the proposed ordinance is disapproved by the commissioner and a satisfactory compromise cannot be established, the governmental unit may initiate a contested case hearing to settle the matter.

2. The commissioner shall notify the governmental unit in writing of his approval or disapproval of proposed ordinances within 120 days after receiving them pursuant to Minn. Stat. § 378.32. Failure to so notify shall be considered approval.

C. Notification.

1. Any governmental unit adopting ordinances shall provide for adequate notification of the public, which shall include placement of a sign at each public watercraft launching facility outlining essential elements of such ordinances, as well as the placement of necessary buoys and signs. All such signs and buoys shall meet requirements specified in Minn. Stat. § 361 and NR § 204-207.

2. The commissioner shall publish and update at his discretion a listing of watercraft use rules and ordinances on surface waters of the state for distribution to the public.

§ 1.0250 Watercraft operation on Square Lake, Washington county.

A. Application. These regulations shall apply to the waters of Square Lake (82-46) T. 31N., R. 20W, S. 23 & 26, in Washington County, Minnesota.

B. Restricted speed zone.

1. There shall be a restricted speed zone between the shoreline and a line approximately following the forty (40) foot depth contour which shall be clearly marked by the placement of informational buoys, as shown on the attached map.

2. No motorized watercraft shall at any time be operated at a speed in excess of five (5) miles per hour in the restricted speed zone.

C. Open speed zone.

1. There shall be an open speed zone which shall consist of all that portion of the lake surface not included in the restricted speed zone defined in 6 MCAR § 1.0250 B.1. as shown on the attached map.

2. Within the open speed zone, there shall be no speed limit on motorized watercraft during the open speed periods set forth in 6 MCAR § 1.0250 C.4., but during such periods, all motorized watercraft shall travel in a counterclockwise direction around the lake.

3. Within the open speed zone, no motorized watercraft shall be operated at a speed in excess of five (5) miles per hour during times other than the open speed periods set forth in 6 MCAR § 1.0250 C.4.

4. The open speed periods, during which there is no restriction on the speed of motorized watercraft operating in the open speed zone, are as follows:

Monday through Friday 12:00 noon to 6:00 p.m.
Saturday, Sunday, and Holidays. 12:00 noon to 4:00 p.m.

D. Penalties. Any person who shall violate any of the provisions of these regulations shall be guilty of a misdemeanor and be punished by a fine of not more than \$300, or by imprisonment for not more than 90 days, or both.

These rules amend and replace 6 MCAR § 1.0250 which expire on 2 May 1974.

§ 1.0251 Watercraft operation on Tanners Lake, Washington county.

A. Application. These regulations shall apply to the waters of Tanners Lake (82-115) T. 29N., R. 21W., S. 31., in Washington County, Minnesota.

B. Speed restriction. No motorized watercraft shall at any time be operated at a speed in excess of ten (10) miles per hour on the waters of this lake.

C. Penalties. Any person who shall violate any of the provisions of these regulations shall be guilty of a misdemeanor and be punished by a fine of not more than \$300.00, or by imprisonment for not more than 90 days, or both.

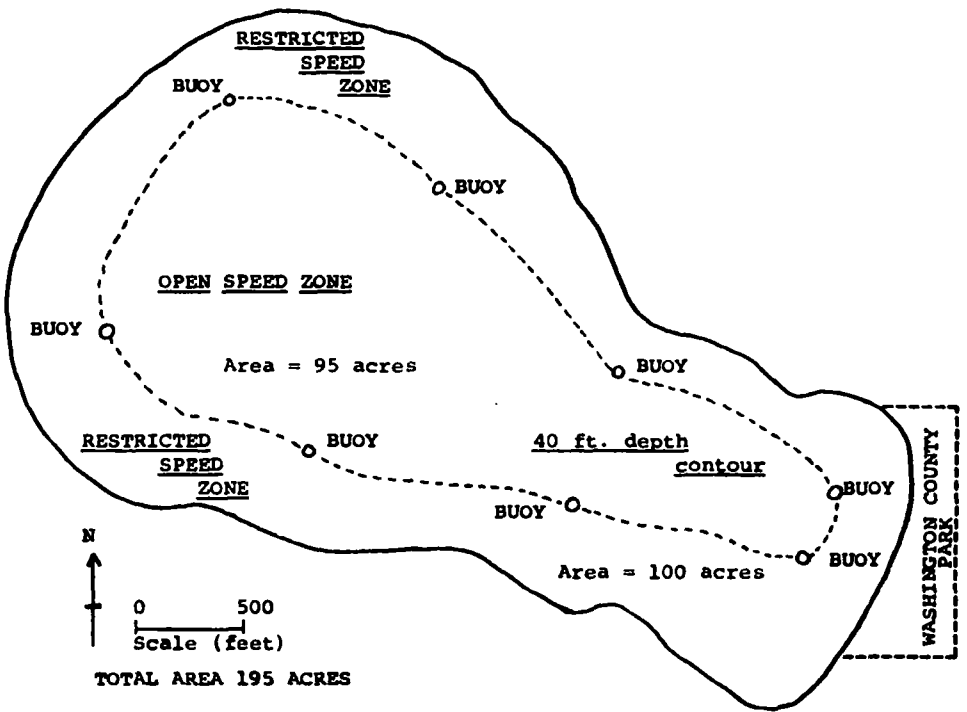
§ 1.0252 Watercraft operation on Brown Lake, Mille Lacs county.

A. Application. These regulations shall apply to the waters of Brown Lake (48-15) T. 43N., R. 27W., S. 7., in Mille Lacs County, Minnesota.

B. Motorized watercraft restriction. No watercraft propelled in any respect by machinery, except those watercraft temporarily equipped with a detachable electric motor of less than one-half horsepower rating, shall at any time be operated on the waters of this lake.

C. Penalties. Any person who shall violate any of the provisions of these regulations shall be guilty of a misdemeanor and be punished by a fine of not more than \$300.00, or by imprisonment for not more than 90 days, or both.

SQUARE LAKE (82-46)
T31N, R20W, SEC 23&24
Washington County



Department of Natural Resources Rules

CHAPTER FOURTEEN: NATURAL RESOURCES 300-319 SCIENTIFIC AND NATURAL AREA RULES AND REGULATIONS

NR 300 Scientific and Natural Areas

(a) Statement of Policy and Purposes

(1) The legislature has provided for creation and establishment of Scientific and Natural Areas for the purpose of preserving, protecting and managing lands or waters possessing inherent natural values, including soils, waters or sediments, sites of scientific value, habitats of rare or endangered species of plants and animals, places of historic or prehistoric interest and scenic beauty, and areas uniquely suitable for teaching natural history and conservation.

(2) The purpose of these rules is to provide for the use and protection of Scientific and Natural Areas for educational and research purposes in such manner and by such means as will leave them conserved for future generations.

(3) The following rules and regulations notwithstanding, the Commissioner of Natural Resources, his agents and employees, those persons operating under contract with the Department of Natural Resources, and law enforcement officers, may take such steps as may be necessary to enforce these rules and regulations, and to establish, maintain, manage, and operate Scientific and Natural Areas. The following rules and regulations notwithstanding, the Commissioner of Natural Resources also may suspend any one or more of such rules and regulations by written permit to a specific applicant or applicants for scientific or educational purposes.

(b) Definitions

For the purposes of these rules, unless a different meaning is manifest from the context, the terms defined in this section have the following meanings:

(1) "Commissioner" means the commissioner of the Department of Natural Resources.

(2) "Controlled substance" means a drug, substance, or immediate precursor found in Schedules I through V of Minnesota Statutes, Section 152.02.

(3) "Intoxicating liquor" for the purposes of these rules means liquors which are intoxicating pursuant to Minnesota Statutes, Section 340.07, and malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2% alcohol by weight.

(4) "Marijuana" means the substance marijuana as it is defined in Minnesota Statutes, Section 152.01.

(5) "Motor Vehicle" means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle including, but not be limited to, automobiles, trucks, dunebuggies, minibikes, motorcycles, trail bikes, all terrain vehicles (ATV'S), and snowmobiles.

(6) "Person" means any individual, partnership, corporation, or association.

(7) "Scientific and Natural Area" means any area so designated by the Commissioner of Natural Resources under the authority of Minnesota Statutes, Section 84.033.

(8) "Watercraft" means any contrivance used or designed for navigation or travel on or under water, except a seaplane.

(9) "Wildlife" means all living creatures, not human, wild by nature, endowed with sensation and power of voluntary motion, and includes quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.

NR 301 Use of Scientific and Natural Areas

(a) Scientific and Natural Area Visitation

Each Scientific and Natural Area is open to the public under such restrictions or limitations as the commissioner may impose for the area for the purpose of protecting and preserving the area. These restrictions or limitations may include but are not limited to the following: (1) restrictions on travel within an area; (2) restrictions on hours of visitation, and (3) limitations on numbers of persons within the area at any given time, through issuance of permits or other methods determined necessary by the commissioner. The commissioner may provide exceptions to the general rules in a specific Scientific and Natural Area as may be necessary to the following: (1) establishment, maintenance, management, or operation of the area; or (2) authorize activities which are not inconsistent with the purpose for which an area is established. The commissioner shall impose such restrictions, limitations, or exceptions by Commissioner's Order, filed with the Secretary of State and posted in conspicuous places at the Scientific and Natural Area.

(b) Environmental Protection

(1) It is unlawful for any person to destroy, injure, damage, molest, or remove any natural resources within Scientific and Natural Areas, including but not limited to, trees, vegetation, ruins, relics, birds, fish, animals, other wildlife, or geological formations.

(2) It is unlawful for any person, excepting state agents acting in their official capacity, to destroy, damage, deface or remove any public property, or private property belonging to another, including but not limited to, signs, and research, testing or monitoring equipment, within Scientific and Natural Areas.

NR 302 Restricted Uses and Acts

(a) Camping and Picnicking

Camping and picnicking are not permitted in Scientific and Natural Areas.

(b) Fires and Refuse

(1) Fires are not permitted in Scientific and Natural Areas.

(2) It is unlawful for any person to burn or otherwise dispose of garbage, refuse, sewage, or trash of any kind, within a Scientific and Natural Area except in designated receptacles or facilities.

(c) Boating, Fishing, Other Water Uses

(1) It is unlawful to operate or use any watercraft within any Scientific and Natural Area.

(2) It is unlawful for any person to fish or swim in any waters within any Scientific and Natural Area.

(d) Motor Vehicle Operation

It is unlawful to operate any motor vehicle within any Scientific and Natural Area.

(e) Aircraft

It is unlawful for any person to land any aircraft on lands or waters or fly over at disturbing levels within the boundaries of any Scientific and Natural Area.

(f) Pets and Horses

It is unlawful to bring or allow horses or other pet animals into any Scientific and Natural Area.

(g) Personal Behavior

It is unlawful for any person to engage in any violent, immoral, abusive, loud, obscene, or other conduct creating or tending to create a breach of the peace or to disturb the educational or research values and resources of Scientific and Natural Area lands and waters.

(h) Intoxicating Liquors

(1) It is unlawful for any person to consume intoxicating liquors within a Scientific and Natural Area.

(2) It is unlawful for any person under the influence of intoxicating liquors to be within a Scientific and Natural Area.

(i) Drugs

It is unlawful for any person to use, be in possession of, or be under the influence of marijuana or any controlled substance within a Scientific and Natural Area, unless such use, possession, or influence is pursuant to and in compliance with a prescription from a licensed physician.

(j) Hunting, Firearms, Public Safety

(1) It is unlawful for any person to display or have in his possession within a Scientific and Natural Area, a firearm or air gun unless unloaded in both barrels and magazine and cased.

(2) It is unlawful for any person to have in his possession within a Scientific and Natural Area explosives of any kind.

(3) It is unlawful for any person to use or display within a Scientific and Natural Area any other type of weapon, including but not limited to, slingshots, switch blade knives, bow and arrows, and traps.

(k) Protection from Peddling and Soliciting

(1) It is unlawful for any person to engage in or solicit business of any nature whatsoever from persons in a Scientific and Natural Area.

(2) It is unlawful for any person to advertise in any manner within a Scientific and Natural Area any private activity or function.

NR 303 Penalties

Any person who shall violate any of the provisions of these regulations shall be guilty of a misdemeanor and be punished by a fine of not more than \$300, or by imprisonment for not more than 90 days, or both.

Filed with the Secretary of State and Commissioner of Administration August 15, 1973.

V31
6 MCAR S 1.0401 General provisions.

A. Purpose and policy.

1. The purpose of these rules is to implement Minnesota Statutes, sections 93.44 to 93.51 in order to control possible adverse environmental effects of mining, to preserve the natural resources and to encourage the planning of future land utilization, while at the same time promoting the orderly development of mining, the encouragement of good mining practices, and the recognition and identification of the beneficial aspects of mining.

B. Definitions.

1. "Acceptable research" means research that is site related, is reasonably designed for the purpose of demonstrating that the goals contained in 6 MCAR S 1.0402 D.1. can be achieved, is no larger than necessary to adequately demonstrate the proposed measures, and includes, for comparison, the standards specified in 6 MCAR S 1.0402 D.2.d.(1), e., g.(1), and i.(1) which the proposed measures are intended to replace.

2. "Auxiliary facilities" means all permittee-owned stationary physical property used in a mining operation, including: power plants and associated facilities; transmission lines; pipelines; roads; railroads; docks and associated facilities; borrow areas and leased borrow areas and associated facilities; blasting agent and fuel production or preparation facilities; and parking areas, shops, offices, buildings, structures, and storage facilities located within the area where mining is conducted. This does not include common carrier transportation facilities.

3. "Beneficiating plants" means all metallic mineral processing plants, such as crushers, mills, concentrators, agglomerating and sintering facilities, smelters, refineries and other metal-making facilities.

4. "Commissioner" means the commissioner of natural resources, or any duly authorized representative.

5. "Deactivation" means the process of finally terminating and reclaiming any specific portion of a mining operation. Deactivation begins when, as prescribed in the permit to mine, all mining activities and uses have ceased and there will be no renewed use or activity by the permittee.

6. "Hereafter" means after the effective date of these rules.

7. "Mine waste" means any material, such as surface overburden, rock, lean ore, or tailings which in the process of mining and beneficiation has been removed from the earth and stored elsewhere on the surface.

8. "Mining" means the process of removing, stockpiling, processing, storing, transporting (excluding use of common carriers and public transportation systems) and reclaiming any material in connection with the commercial production of metallic minerals. This includes exploration activities such as the taking of large bulk samples.

9. "Mining area" or "area subjected to mining" means any area of land from which material is hereafter removed in connection with the production or extraction of metallic minerals: the lands upon which material from such mining is hereafter deposited, the lands upon which beneficiation plants and auxiliary facilities are hereafter located: lands upon which the water reservoirs used in the mining process are hereafter located: and auxiliary lands which are hereafter used or intended to be used in a particular mining operation.

10. "Mining operation" means all of a mining project without regard to political, administrative or ownership boundaries, which includes all of the facilities used in "mining" as defined in 6 MCAR S 1.0401 B.8.

11. "Natural resources" means all mineral, animal, plant, air, water, land, timber, soil, quietude, recreational, historical, scenic, and aesthetic resources.

12. "Operator" means any owner or lessee of mineral rights engaged in or preparing to engage in a mining operation.

13. "Permit to mine" means legal approval given by the commissioner to conduct a mining operation or a scam mining operation.

14. "Reclamation" means the successful accomplishment of the goals in 6 MCAR S 1.0402.

15. "Reference area" means a vegetated land unit which is designated for comparatively measuring reclamation vegetation success.

16. "Scram mining operation" means a mining operation which produces natural iron ore or natural iron ore concentrates as defined by Minnesota Statutes, section 93.20, subdivisions 12 to 17, from previously developed stockpiles, tailings basins, underground mine workings, or open pits, which involves no more than 80 acres of land not previously affected by mining. Greater areas shall be allowed if the operator can demonstrate that impacts would be substantially the same as other scam operations. Lands not previously affected by mining means lands upon which mine wastes have not been deposited and lands from which materials have not been removed in connection with the production or extraction of metallic minerals.

17. "Stockpile" means an accumulation of mine waste. It does not include tailings basins, fossil fuel, finished product, or surge piles.

C. Scope and application.

1. Any person engaged in metallic mining shall apply for a mining permit or a scam mining permit within 180 days of the effective date of these rules.

2. Any person hereafter intending to conduct a new mining operation or reactivate an inactive mining operation shall obtain a mining permit or a scam mining permit prior to commencing operations.

3. The term of a mining permit shall be the period determined necessary by the commissioner for the completion of the proposed mining operation, based on information provided pursuant to 6 MCAR S 1.0403 B.

4. The term of a scam mining permit shall not exceed five years.

5. These rules apply to metallic mining operations from which iron is the predominant metal extracted:

a. all portions of any mining operation initiated hereafter, including both new operations and reactivated inactive operations; and

b. the following portions of existing mining operations.

(1) Any portion of such operation which is hereafter created or used, provided that the siting requirements shall not apply to that portion already constructed;

(2) All of any existing tailings basin, settling pond or water reservoir (including dams, dikes, deltas, beaches, seepage control structures and water control devices) where any portion thereof is hereafter used for the deposition of tailings or sediment or for water storage; provided that the siting requirements shall not apply; and

(3) All existing permittee-owned power plants and associated facilities, transmission lines, pipelines, docks and associated facilities, and railroads shall comply only with the deactivation, reporting, and procedural requirements of 6 MCAR S 1.0402 1., 6 MCAR S 1.0403, and 6 MCAR S 1.0404 G.

6. When part of any mining area is included in the mining and reclamation plans of two or more persons who are not co-permittees, that portion of the reclamation requirements which is the responsibility of the persons who first performs the mining may be waived by the commissioner provided:

a. Subsequent disturbance by another operator is scheduled, according to such operator's permit to mine;

b. The operator who will perform subsequent mining

presents plans, and accepts responsibility for the performance of any necessary reclamation which may be incurred as a result of the previous mining operation and;

c. No significant environmental damage is likely to occur as a result of the waiver.

7. Nothing in these rules waives the requirements of any other applicable rules of the Department of Natural Resources or any other agency or governmental unit or of any other applicable statute or ordinance.

8. Where these rules conflict with other applicable statutes, rules and ordinances, the most restrictive provision shall apply.

9. Subject to Minnesota Statutes, section 93.47, subdivision 3 these rules shall be subject to any rights existing pursuant to any permit, license, lease, or other valid existing authorization issued by the commissioner, the Pollution Control Agency or any other governmental entity or their predecessors office.

D. Severability. If any provision of these rules is held invalid, such invalidity shall not affect any other provision of the rules which can be given effect without the invalid provision, and to this end the provisions of these rules are declared to be severable.

V31
6 MCAR S 1.0402 Taconite and iron ore reclamation standards.

A. Siting.

1. Goals. Mining shall be conducted on sites that minimize adverse impacts on the environment and the public. Separations shall be maintained between mining areas and adjacent conflicting land uses. All sites shall incorporate setbacks or separations which are needed to comply with air, water, and noise pollution standards; local land use regulations; and requirements of other appropriate authorities.

2. Requirements.

a. General criteria for site selections. Portions of a mining operation for which there is flexibility in site selections such as: stockpiles, tailings basins, water reservoirs, processing plants, offices inter-connecting roadways and auxiliary facilities, shall be sited so that:

(1) Impacts on the public due to wind erosion, noise and air emissions are minimized.

(2) Potential injury to life, property, and natural resources due to dam or slope failure is minimized.

(3) Major modifications of watersheds, including diversions of surface water and alterations of groundwater levels are minimized.

(4) Runoff and seepage can be managed to minimize environmental effects.

(5) Spilled material resulting from pipeline rupture or emergency release can be contained and controlled.

(6) Former mining areas are used in preference to areas undisturbed by mining; and

(7) Conflicts with natural resource sites identified by the commissioner such as those listed in V 21 Natural Resources Sites. "Minesite Data Manual," Minnesota Department of Natural Resources are minimized.

b. Exclusion areas for mining. No mining shall be conducted within any of the following areas unless the commissioner determines that a state or national emergency exists which would require the exploitation of the mineral resources within such areas:

(1) On and within 1/4 mile of the Boundary Waters Canoe Area, as defined in NR 1000 (6 MCAR S 1.1000), state or national wilderness areas, state or national parks and national monuments, except where such areas are established as a result of their association with mining.

(2) Within a national, wild, scenic, or recreational river district or within 1/4 mile of a national wild, scenic, or recreational river (whichever is greater): and within a designated state land use district or within 1/4 mile of any state wild, scenic, or recreational river (whichever is greater) however, underground mining may be permitted to the extent consistent with the governing Wild and Scenic Rivers Act and the rules promulgated thereunder.

(3) On sites designated in the state Registry of Historic Sites or National Register of Historic places, except where such areas are established as a result of their association with mining, and on designated state scientific or natural areas.

(4) Within 300 feet of any state designated trout stream, any river listed in Minnesota Statutes, section 85.32, subdivision 1, and the Redwood, Yellow Medicine, Chippewa, Bois de Sioux, Red River of the North, Roseau, Rainy, Vermillion, Kawishiwi, and Pigeon rivers.

(5) Within 400 feet of any natural watercourse located within the area defined by the Federal Shipsted-Newton-Nolan Act (16 United States Code, sections 577-577b).

(6) Within any lake greater than 80 acres in size and any stream trout lake designated by the commissioner.

(7) Within that area adjacent to the North Shore of Lake Superior classified as the "Lake Orientation Zone" in the DNR report "North Shore Characterization Study." However, within this zone existing processing and by-product disposal shall be allowed at Silver Bay. The storage and transshipment of product and fuel, add docks and associated facilities shall be allowed at Duluth, Two Harbors, Silver Bay, and Taconite Harbor. The removal of ore by underground mining within this zone may be permitted subject to conditions prescribed by the commissioner when such mining can be conducted in a manner consistent with these rules.

(8) Within the following setback areas containing dwellings, buildings, roads or facilities which are in existence prior to the issuance of a permit to mine:

(a) 500 feet of any occupied dwelling, public school, church, public institution, county or municipal park or cemetery unless allowed by the owner and

(b) 100 feet of the outside right-of-way line of any public roadway, except where mine access or haul roads cross such right-of-way line.

(9) Within any area except federal areas added to the categories listed in 6 MCAR S 1.0402 A.2.b. which is designated hereafter but prior to the issuance of a permit to mine involving such area provided that such designation is made by a process which includes a public hearing.

(c) Avoidance areas for mining. When there is a feasible and prudent alternative, no mining shall be conducted within the following areas.

(1) Within any national wildlife refuge or waterfowl production area. State wildlife management area or on lands designated as national natural landmarks or national trails or any state designated trail listed in Minnesota Statutes, section 85.015.

(2) Within any shorelands defined in Minnesota Statutes, section 105.485, subdivision 2 which county or municipal shoreland management ordinances have been established in compliance with Minnesota Statutes, section 105.485, Cons. 70-77, and NR 82-84.

(3) Within that area near the North Shore of Lake Superior classified as the "Transition Zone" in the DNR report "North Shore Characterization Study."

(4) Within any area added to the categories listed in 6 MCAR S 1.0402 A.2.c. which is designated hereafter but prior to the issuance of a permit to mine involving such

area.

B. In-mine disposal.

1. Goals. Mining shall be conducted to maximize use of past, present, and future mining areas so as to minimize the amount of land disturbed by mining and reduce the loss of nonmineral resources.

2. Requirements.

a. The commissioner may require in-mine disposal of mine waste.

b. Mining methods and schedules shall be used which provide areas for waste disposal at the earliest opportunity.

c. The commissioner will consider factors such as the following to determine the extent to which in-mine disposal shall be required.

- (1) The ease of reclamation;
- (2) Pollution potential;
- (3) Public safety and welfare;
- (4) Natural resource preservation;
- (5) Land use demands;
- (6) Ownership of the minerals;
- (7) Mineral resource values; and
- (8) Physical and economic feasibility.

d. Mine waste which is placed within an open pit mine below the ultimate pit water elevation shall be exempted from the requirements of 6 MCAR S 1.0402 D. and E. These shall be designed and constructed to prevent adverse environmental effects.

C. Buffers and barriers.

1. Goals. A mining operation shall be designed, constructed, and maintained so that the operation is compatible with surrounding non-mining uses.

2. Requirements.

a. Naturally existing terrain and vegetation, or vegetated mine waste which appear similar to natural terrain shall be used to minimize problems such as: noise, dust and chemical air pollutants, view, mine traffic, access, and erosion.

b. Buffering shall be implemented prior to beginning operations in a portion of a mining area that needs buffering.

c. Buffers may be constructed within the setback areas described in 6 MCAR S 1.0402 A.2.b.(8) provided their primary purpose fulfills 6 MCAR S 1.0402 C.

D. Sloping and landform design.

1. Goals. Landforms shall be designed and constructed to complement nearby natural terrain, minimize adverse water quality and quantity effects on receiving waters, enhance the survival and propagation of vegetation, be structurally sound, control erosion, promote early completion and progressive reclamation, and encourage the prompt conversion from mining to an approved subsequent use.

2. Requirements.

a. All stockpiles shall be designed and constructed according to the following standards:

(1) Existing stockpiles shall be incorporated or extended to the extent possible;

(2) Water shall be drained away from the top of any stockpile in a manner which will not adversely affect the structural stability of the stockpile and will minimize erosion;

(3) All runoff and drainage control measures shall be designed to withstand a 100 year frequency, 24 hour duration storm as developed using good hydraulic and hydrologic practices;

(4) If runoff from stockpiles has caused or is likely to cause violations of water quality standards, the runoff shall be collected and held in a settling basin until it meets, or is treated to meet, effluent limitations;

(5) Runoff or drainage controls shall be designed by a qualified person proficient in hydrologic analysis and water channel design;

(6) When a water quality problem has occurred or is likely to result from leaching of stockpiled material, the commissioner shall require one or more of the following based on the type of material and the nature and location of the problem:

(a) The design of a monitoring system and the monitoring of water quality;

(b) The construction of an impermeable base pad to isolate the stockpile from the groundwater;

(c) The construction of a permeable base pad containing soil material capable of absorbing and holding the toxic materials in the leachates;

- (d) The diversion of surface waters around and away from the stockpile;
- (e) Covering of stockpiles to minimize the infiltration of precipitation;
- (f) The use of internal layers of soil or other material to hold the toxic materials in the leachate;
- (g) The use of material which controls pH of the leachate and
- (h) The collection and treatment of leachate.

b. Mining areas shall be managed so that watershed modifications are minimized. Runoff from these areas shall be discharged without injury to life, property and natural resources. Upon deactivation, any runoff from drainage areas altered by mining shall be discharged into receiving waters within the same watershed as existed before mining. When conditions do not allow discharge into the pre-mining watershed, runoff shall be discharged at locations, and in volumes and rates which can be accepted by the receiving waters without injury to life, property, and natural resources.

c. When mine waste is deposited on areas with unstable foundations such as peat, muskeg, bedded lacustrine deposits, fault zones, and areas above underground mine workings, an engineer shall examine the foundation and design the landforms to be stable.

d. Rock, lean ore, and coarse tailings stockpiles, unless they are an integral part of a tailings impoundment, shall be designed and constructed according to either of the following standards:

- (1) The final exterior slopes shall consist of benches and lifts as follows:
 - (a) No lift shall exceed 30 feet in height;
 - (b) No bench width shall be less than 30 feet wide, measured from the crest of the lower lift to the toe of the next lift;
 - (c) The sloped area between benches shall be no steeper than the angle of repose; and
 - (d) Benches shall be designed and constructed to control runoff;
 - (e) When vegetation is required pursuant to 6 MCAR S 1.0402 E.2.b.(4), the sloped areas between benches shall be prepared to support vegetation; and
 - (f) When the sloped area between benches is

covered with surface overburden and vegetated, lifts may be raised to a maximum of 40 feet.

(2) Based upon acceptable research the commissioner shall approve other measures which satisfy 6 MCAR S 1.0402 D.

e. A minimum of two feet of surface overburden shall be placed upon the completed portions of each bench and top of any rock, lean ore, or coarse tailing stockpile and upon other portions of such stockpiles for which vegetation has been required or approved. Based upon acceptable research the commissioner shall approve other measures which satisfy 6 MCAR S 1.0402 D.1.

f. Rock, lean ore, or coarse tailings stockpiles consisting of rapidly decomposable material which is susceptible to wind or water erosion or highly erodable soils shall receive treatment such as:

- (1) Covering with less erodable material;
- (2) Shortening or flattening the slopes; and
- (3) Vegetating the slopes.

g. Surface overburden stockpiles shall be designed and constructed according to either of the following standards:

(1) The final exterior slopes shall consist of benches and lifts as follows:

- (a) No lift shall exceed 40 feet in height;
- (b) No bench width shall be less than 30 feet wide, measured from the crest of the lower lift to the toe of the next lift;
- (c) The sloped area between benches shall be no steeper than 2.5:1;
- (d) Benches shall be sloped toward the interior to control runoff. They shall be large enough to handle runoff water until it can be infiltrated into the stockpile, or a drainage control system shall be constructed to remove water consistent with 6 MCAR S 1.0402 D.2.a.(2) and (3);

(e) Rock, lean ore, or coarse tailings shall not be used to cover surface overburden stockpiles in order to avoid compliance with sloping and vegetation requirements. This shall not preclude the abutting of rock, lean ore, or coarse tailings stockpiles with surface overburden stockpiles, or the placement of rock, lean ore, or coarse tailing lifts atop surface overburden pads or lifts.

(2) Based upon acceptable research the commissioner shall approve other measures which satisfy 6 MCAR S 1.0402 D.1.

h. Iron formation and Duluth complex formation materials of varying grades and types shall be segregated within the same stockpile or placed in separate stockpiles. Materials which require different means of beneficiation shall not be commingled.

i. Surface overburden portions of pitwalls shall be designed and constructed to either of the following standards.

(1) The final exterior slopes shall consist of benches and lifts as follows:

(a) The toe of the surface overburden portion shall be set back at least 20 feet from the crest of the rock portion of the pitwall:

(b) Lift heights shall range from 40 to 60 feet and shall be selected based on:

(i) The need to protect public safety;

(ii) The location of the pitwall in relation to the surrounding land uses;

(iii) The soil types and their erosion characteristics;

(iv) The variability of overburden thickness; and

(v) The potential uses of the pit following mining;

(c) The sloped area between benches shall be no steeper than 2.5:1; and

(d) Benches shall be sloped into the overburden to control runoff. They shall be large enough to handle runoff water until it can infiltrate into the slope, or a drainage control system shall be constructed to remove water consistent with 6 MCAR S 1.0402 D.2.a.(2) and (3);

(2) Based upon acceptable research the commissioner shall approve other measures which satisfy 6 MCAR S 1.0402 D.1.

j. Tailings basins shall be designed, constructed, and operated according to the following:

(1) The storage of tailings within an approved site shall be maximized while meeting 6 MCAR S 1.0402 D.1.;

(2) A means of draining the pond area and managing runoff shall be provided consistent with 6 MCAR S 1.0402 D.2.b.;

(3) During the mining operation dust generation shall be minimized by maximizing the area of permanently

reclaimed tailings. The remaining active tailings areas shall be covered with water to the maximum extent possible and beach areas shall be temporarily stabilized consistent with 6 MCAR S 1.0402 F.; and

(4) Tailings basins shall be designed, by registered professional engineers proficient in geotechnical and other aspects of design, construction, operation, and maintenance of tailings basins. The construction, operation, and maintenance of basins shall be periodically reviewed by such engineers to ensure compliance with the design.

E. Vegetation.

1. Goals. Vegetation shall be established to control erosion, prevent and control leaching of toxic substances, screen mining areas from noncompatible uses and provide wildlife habitat or other uses such as pasture or timber land.

2. Requirements.

a. Vegetation shall be established on the following:

- (1) Surface overburden stockpiles;
- (2) Exposed soils along diversion channels and roads;
- (3) Cuts, pits, trenches, and other areas disturbed during the process of obtaining borrow materials or bulk samples, except those entirely included in larger mining landforms;
- (4) Benches and tops of rock and lean ore stockpiles;
- (5) Tailings basins;
- (6) Dikes and dams;
- (7) Exposed soils adjacent to water reservoirs;
- (8) Areas exposed or disturbed during deactivation procedures such as building sites, parking lots, pipeline routes, storage areas, transmission routes, and roads not used for subsequent access;
- (9) Surface overburden portions of pitwalls;
- (10) Buffers and barriers; and
- (11) Subsided areas not permanently covered by water.

b. Other vegetative measures shall be undertaken, as necessary, to:

- (1) Control access to pits and other hazardous areas, for safety purposes;

(2) Control wind erosion, provide buffering and enhance the establishment of approved specific subsequent uses, through the development plant communities with specific density and composition;

(3) Control dust on temporarily inactive tailings basins to which the nonvegetative methods prescribed pursuant to 6 MCAR S 1.0402 F are not being applied;

(4) Provide aesthetic and compatible areas on rock, lean ore, and coarse tailings stockpile slopes, within 1/4 mile of residential and designated public use areas, except designated trails; and

(5) Control the quality of water which would otherwise contact rapidly decomposable material or material subject to leaching.

c. The establishment of vegetation shall be initiated during the first normal planting period following the point when according to the permit to mine, a surface, structure, facility, or element is no longer scheduled to be disturbed or used in a manner that would interfere with the establishment and maintenance of vegetation, or after it has otherwise been required, using techniques such as:

- (1) grading;
- (2) disking or chisel plowing to reduce compaction;
- (3) seeding or planting;
- (4) fertilizing;
- (5) mulching; and
- (6) irrigating.

d. The following standards apply to the areas listed in 6 MCAR S 1.0402 E.2.a.

(1) After three growing seasons following the point when according to the permit to mine, a surface, structure, facility, or element is no longer scheduled to be disturbed or used in a manner that would interfere with establishment and maintenance of vegetation, a 90 percent ground cover, consisting of living vegetation and its litter, shall exist on all areas, except slopes which primarily face south and west. Such sloped areas shall attain the 90 percent ground cover requirement within five growing seasons following the point when initiation of vegetation is required. Where this standard is not met, or where unvegetated rills or gullies more than nine inches deep form and erosion is occurring, the surface shall be repaired and replanted during the next normal planting period.

(2) Within ten growing seasons after the point when

according to the permit to mine, a surface, structure, facility, or element is no longer scheduled to be disturbed or used in a manner that would interfere with the establishment and maintenance of vegetation, an area shall have a vegetative community with characteristics similar to those in an approved reference area. The vegetation on a reference area may be either planted or naturally occurring. For the purpose of controlling erosion, it shall be self-sustaining, regenerating, or a stage in a recognized vegetation succession which provides wildlife habitat or other uses such as pasture or timber land. Reference areas must be representative of the site conditions and possible uses which might exist on mining landforms. No release pursuant to 6 MCAR S 1.0404 G.) shall be granted until the areas has such characteristics.

F. Air Pollution.

1. Goal. Mining shall be managed to control avoidable dust.

2. Requirement. Avoidable dust shall be controlled by techniques such as:

- a. Water spray;
- b. Chemical binders;
- c. Anchored mulches;
- d. Vegetation; and
- e. Enclosure and containment.

G. Blasting.

1. Goal. Effects of air overpressure and ground vibrations from production blasts shall be kept at levels which will not be injurious to human health or welfare and property outside mining areas.

2. Requirements.

- a. Air overpressure standards.

(1) Air overpressure on lands not owned or controlled by the permittee shall not exceed 130 decibels as measured on a linear peak scale, sensitive to a frequency band ranging from six cycles per second to 200 cycles per second.

(2) All open pit blasts shall be monitored by the operator. Monitoring stations shall be located adjacent to the nearest structure located on lands not owned or controlled by the permittee, and where the commissioner deems necessary to investigate complaints. Scram operators are not required to conduct air overpressure monitoring except as required for complaint investigation.

(3) All open pit mining operators shall keep a blaster's log of production blasts for a period of at least six years containing the following:

- (a) Date and time of blast:
- (b) Type of explosive used:
- (c) Ignition layout with locations of blast holes and time intervals of delay:
- (d) Pounds of explosives per each delay of eight milliseconds or more:
- (e) Total pounds of explosives:
- (f) Type of material blasted:
- (g) Monitoring locations and results of monitoring when conducted:
- (h) Meteorological conditions, including temperature inversions, wind speed and directions as can be determined from the U. S. Weather Bureau, and ground-based observations:
- (i) Directional orientation of free faces of bench to be blasted; and
- (j) Other information which the commissioner finds necessary to determine if the standards of 6 MCAR S 1.0402 G. are achieved.

(4) If a focusing condition is detected which could cause the blast to adversely affect populated areas, blasting shall be postponed until the condition is no longer present.

(5) Blasting shall take place only during daylight hours unless a hazardous condition requires blasting at another time.

b. Ground vibration control.

(1) The maximum peak particle velocity from blasting shall not exceed one inch per second at the location of any structure located on lands not owned or controlled by the permittee.

(2) The permittee shall either:

(a) Monitor production blasts for peak particle velocity using a seismograph capable of measuring three mutually perpendicular peak particle velocities, with the peak particle velocity being the largest of these measurements; or

(b) Utilize the scale distance formula $w = (d/60)^2$,

where: W = the charge weight per delay (eight milliseconds or more), and d = the distance (in feet) from the blast to the nearest structure located on lands not owned or controlled by the permittee to determine the weight of allowable explosive per decay.

(c) When the monitoring is chosen, or complaints are received, seismic measurements shall be conducted adjacent to the nearest structure located on lands not owned or controlled by the permittee and where the commissioner deems necessary to investigate complaints.

(3) In the event of a complaint or when ground vibrations have or are likely to exceed the one inch per second standard, the commissioner shall require permittees using underground mining methods to maintain a blaster's log for the purpose of assessing ground vibration control.

c. All monitoring data collected shall be saved for a period of six years and made available to the commissioner upon request.

H. Subsidence and other surface displacement.

1. Goal. Mining operations shall be conducted in a manner which will prevent or mitigate hazardous conditions which result from slumping, heaving, and subsidence.

2. Requirement.

a. Techniques shall be employed which prevent slumping and heaving.

b. In the event of actual or likely subsidence the permittee shall establish ground control survey locations and conduct surveys to document the extent of ground movement.

c. After subsidence has ceased, affected areas shall be contoured or filled to remove hazards and where necessary to protect public health and safety or natural resources, a drainage system shall be established in a manner consistent with 6 MCAR S 1.0402 D.2.b.

I. Deactivation and release.

1. Goal. The mining area shall be deactivated so that is nonpolluting, is stable, is free of hazards, minimizes the need for fencing, has current land use and future land use potential which recognizes the needs of the surrounding area, and is maintenance free to the maximum extent possible.

2. Requirements.

a. At least two years prior to deactivation of any portion of the mining area, proposed subsequent uses shall be presented to the commissioner for approval, pursuant to 6 MCAR S

1.0404 C. The proposed uses shall be selected based on:

- (1) Compatibility of adjacent uses;
- (2) The needs of the area;
- (3) The productivity of the site;
- (4) Projected land use trends;
- (5) Public health and safety;
- (6) Pollution of air and water; and
- (7) Compatibility with local land use plans and plans of the surface owners.

b. The mining area shall be managed during deactivation to achieve the approved subsequent uses.

c. Within one year after deactivation begins, or within such longer period which may reasonably be necessary to accomplish these activities, debris and mobile equipment which will not be used for reclamation shall be removed from the area being deactivated.

d. Within three years after deactivation begins, or within a such longer period which may reasonably be necessary to accomplish these activities the following shall be accomplished.

(1) Removal of roads, parking areas, and storage pads except those the commissioner deems necessary for access;

(2) Permittee-owned power plants and associated facilities (except public utilities), transmission lines, pipelines, docks and associated facilities, and railroads (except common carrier transportation facilities) shall be removed or provisions made for continued subsequent use in accordance with an approved deactivation plan pursuant to 6 MCAR S 1.0404 G.; and

(3) All other equipment, facilities, and structures shall be removed and foundations razed and covered with a minimum of two feet of soil.

e. Exposed underground mine workings shall be promptly sealed as approved by the commissioner and the county mine inspector.

f. Within three years after deactivation of an open pit begins, the following shall be accomplished:

(1) Establishment of at least one safe access to the bottom of the pit;

(2) Construction of fences for safety where required

by the commissioner or the county mine inspector; and

(3) Where open pits contain materials which may become a water quality problem due to leaching, the commissioner shall require one or more of the following:

- (a) Monitoring pit water quality;
 - (b) Removing or covering leachable material;
 - (c) Grouting leachable areas;
 - (d) Rapid filling of the pit with water;
 - (e) Using material to control pH or other toxic materials in the pit water;
 - (f) Treating the water discharged from the pit;
- and
- (g) Continuing maintenance after deactivation.

g. Within three years after deactivation of a tailings or settling basin begins, or within such longer period which may reasonably be necessary for the accomplishment of these activities, the permittee shall in a manner consistent with 6 MCAR S 1.0402 D.2.b.:

(1) Drain surface water from the basin, unless the commissioner permits or requires the retention of water in specific areas within the basin for water storage, wildlife habitat, or other purposes;

(2) Shape and contour the surface to ensure permanent drainage away from the interior of the basin in a manner which will not result in erosion or adversely affect structural stability, and to maximize topographic relief; and

(3) Make provisions for the continued maintenance of all dams and overflow or seepage control structures.

h. Within three years after the commencement of deactivation of a reservoir, or within such longer period which may reasonably be necessary to accomplish these activities, the permittee shall in a manner consistent with 6 MCAR S 1.0402 D.2.b.:

(1) Drain the reservoir and reintegrate the area into the natural watershed, pursuant to 6 MCAR S 1.0402 I.2.g.; or

(2) Make provisions for the continued maintenance of all dams and overflow or seepage control structures.

i. When continued maintenance is necessary after deactivation, pursuant to 6 MCAR S 1.0402, and as a condition

for release pursuant to 6 MCAR S 1.0403 F., operating plans, schedules and funding arrangements for providing the maintenance shall be submitted to the commissioner.

v31
6 MCAR S 1.0403 The permit to mine and requirements of permittees.

A. Requirements.

1. No person shall carry out a mining operation for metallic minerals in this state without first obtaining a permit to mine from the commissioner. Where two or more persons are or will be engaged in a mining operation, all such persons shall join in the application and the permit to mine shall be issued on a joint basis. Where a person is or will be engaged in only a portion of the operation, that person need only be a joint permittee in the portion in which that person is participating.

2. A person conducting a mining operation on the effective date of these rules, who applied for a permit to mine within 180 days, after that date, may continue to conduct such operation during the pendency of the application.

3. Applications shall include, pursuant to 6 MCAR S 1.0403 B.:

- a. Documents;
- b. Organizational data;
- c. Environmental setting maps;
- d. Environmental setting analysis;
- e. Mining and reclamation maps;
- f. Mining and reclamation plan; and
- g. Operating plan covering the current or immediate upcoming planning period.

4. If the life of the mine will be five years or less, the application and deactivation plan may be combined, pursuant to 6 MCAR S 1.0403 E.

5. After receiving a permit to mine, the permittee shall provide the commissioner with the following, pursuant to 6 MCAR S 1.0403 C.-F.:

- a. Operating plans for succeeding years of operation;
- b. Annual reports;
- c. A deactivation plan;

d. A request for release.

6. When the submittal dates for annual reports and operating plans correspond, they may be combined into one document.

B. Applications: An application for a permit to mine shall be submitted in duplicate by the applicant to the commissioner in the form hereby prescribed.

An application for a mining permit shall include all information pursuant to 6 MCAR S 1.0403 B. An application for a scam mining permit shall include all information, pursuant to 6 MCAR S 1.0403 B.1., 2., 5., and 6.

1. Documents.

a. A certificate or evidence of insurance, as required in Minnesota Statutes, section 93.481, subdivision 1. b.

b. The notice and affidavit of publication, pursuant to 6 MCAR S 1.0404 A.1.

c. If the applicant is a foreign corporation, as defined by Minnesota Statutes, sections 300.02 and 303.02, a certified copy of the certificate of authority to transact business in the State of Minnesota.

d. Financial and income statements from all applicants for the previous three years, consisting of annual reports or, if annual reports are not available, a similar statement describing financial capability to perform reclamation obligations.

2. Organizational data.

a. The post office address of the applicant.

b. The general organizational structure of the applicant, any parent companies, owners, principal stockholders, partners, and joint venturers.

c. Any managing agents or subsidiaries which are or may be involved in the mining operation.

d. Organizational relationships between or among joint applicants.

3. Environmental setting maps. The commissioner shall make available to the applicant, at the applicant's expense, copies of all relevant publication information in his possession for the applicant's use in preparing environmental setting submissions. The applicant shall submit the following information on overlays to 7-1/2 minute U.S.G.S. quadrangle or other maps of the same scale delineating the mining area. Maps shall include such adjacent lands as required by the

commissioner, to show the areas directly or indirectly affected by the mining operation. Overlays shall include:

- a. Bedrock geology, including the general shape of orebody and known or inferred reserves and resources within and adjacent to the mine area. Appropriate cross-sections which show the horizontal and vertical relationships shall also be included;
- b. Water basins, water courses, and wetlands which are or could be affected by the mining operation;
- c. Boundaries of watersheds which are or could be affected by the mining operation;
- d. Details of ground water conditions based on best available information and exploratory drill holes;
- e. Natural resource sites identified by the commissioner, such as those listed in "Minesite Data Manual," V21 Natural Resources Sites, Minnesota Department of Natural Resources;
- f. A forest inventory, including species, density, size class, and height;
- g. A soil inventory including soil type, extent, and thickness;
- h. Past mining facilities including stockpiles, tailings basins, mines, and processing plants;
- i. Surface ownership of record within the mining area, and severed mineral ownership as set forth in verified statements pursuant to Minnesota Statutes, section 93.52 or in an order or decree pursuant to Minnesota Statutes, section 93.55, subdivision 2, filed in the county recorder's office with respect to severed mineral interests in parts of the mining area which will be excavated or covered with mine wastes. An owner's agent may be identified in place of the owner. No error in the designation of surface or mineral ownership shall affect the validity of the application. This requirement shall not apply to lands occupied by existing railroads not located in mine or plant areas; and
- j. Exclusion, avoidance, and setback areas, pursuant to 6 MCAR S 1.0402 A.

4. Environmental setting analysis. Based on the environmental setting data submitted pursuant to 6 MCAR S 1.0403 B.3., the applicant shall provide the commissioner with an environmental analysis including:

- a. A copy of any environmental reports prepared relative to the mining operation; and

b. An explanation of the basis for siting those parts of operation which will be developed hereafter, including:

(1) A description of the positive and negative aspects of all sites considered; and

(2) How the selected site will aid in the attainment of the reclamation goals.

5. Mining and reclamation maps. The applicant shall submit maps and cross-sections containing all features normally found on a U.S.G.S. quadrangle map, at a scale which is normally used by the operator for the mine planning purposes, which:

a. Define the shape and extent of the orebody which will support the operating life of the mine;

b. Identify all known and inferred mineral reserves or resources which are located within the mining area but which have not been included as part of the mining plan;

c. Identify lands proposed for use as vegetative reference areas;

d. Depict the detailed drainage patterns for waters which may contact leachable materials; and

e. Depict at appropriate intervals, approved by the commissioner, the status of:

(1) Mining the orebody;

(2) Watershed modifications (including changes in the boundaries, diversions, disposition of surface water flows, and runoff);

(3) Construction (including shape, extent, and content) and reclamation (including contouring, dust control, temporary stabilization, vegetation, and deactivation) of each: stockpile, tailings basin, mine, reservoir, dam, diversion channel, drainage control, settling basin, and auxiliary facilities.

6. Mining and reclamation plan. This plan shall describe:

a. The operating life of the mine, including:

(1) The rate of mining and anticipated changes in that rate; and

(2) The factors used to determine the minable reserves and changes which would expand or diminish such reserves.

b. The mining activities to be conducted, including:

(1) The types, amounts, sequence, and schedule for mining the orebody and stockpiling materials, including:

- (a) The distinctions among ore, lean ore, and waste rock;
- (b) A discussion of in-mine disposal; and
- (c) The physical and chemical character of mine waste.

(2) The ore beneficiating process, including a discussion of the type and amount of any chemicals to be added and the types, amounts, sequence, schedule, and means of tailings disposal.

c. The methods, sequence, and schedules of reclamation which address the goals and meet the requirements of 6 MCAR S 1.0402, including anticipated reclamation research.

C. Operating plan.

1. The permittee shall submit to the commissioner in duplicate, an operating plan covering a forthcoming period, which does not exceed five years in length. The operating plan shall consist of the plans normally prepared for the mining operation which shall include the following:

- a. Any changes in the rate of mining or minable reserves pursuant to 6 MCAR S 1.0403 B.6.a.;
- b. The mining activities pursuant to 6 MCAR S 1.0403 B.6.b.;
- c. The reclamation activities pursuant to 6 MCAR S 1.0403 B.6.c.; and
- d. A map in the form prescribed by 6 MCAR S 1.0403 B.5., which depicts the status of mining, construction, reclamation, and watershed modifications pursuant to 6 MCAR S 1.0403 B.5.e.

2. Subsequent plans shall be submitted 90 days before the end of the prior plan.

D. Annual report. The permittee shall submit for the previous year an annual report to the commissioner in duplicate on or before January 31 of each year. The report shall detail:

- 1. Annual financial and income statements for the preceding fiscal year pursuant to 6 MCAR S 1.0403 B.1.d.;
- 2. The actual rate of mining and the remaining minable reserves pursuant to 6 MCAR S 1.0403 B.6.a. and consistent with 6 MCAR S 1.0403 C.1.a.

3. The actual mining activities pursuant to 6 MCAR S 1.0403 B.6.b., and consistent with 6 MCAR S 1.0403 C.1.b.

4. The actual reclamation activities pursuant to 6 MCAR S 1.0403 B.6.c. and consistent with 6 MCAR S 1.0403 C.1.c.

5. A map in the form prescribed by 6 MCAR S 1.0403 B.5., which depicts the status of mining, construction, reclamation, and watershed modifications pursuant to 6 MCAR S 1.0403 B.5.e.

E. Plan for deactivation. The permittee shall submit to the commissioner in duplicate, a deactivation plan at least two years prior to beginning deactivation for any portion of the mining area. This plan shall replace the operating plan for the portion to be deactivated and shall contain:

1. Plans, designs, specifications, and supporting data for reclamation activities which comply with 6 MCAR S 1.0402;

2. A reclamation compliance schedule;

3. A discussion of how the land will be managed until the permittee requests release pursuant to 6 MCAR S 1.0404 G.

F. Request for release. The permittee shall submit to the commissioner in duplicate, a request for release, pursuant to 6 MCAR S 1.0404 G. This request shall include the following:

1. Certification of compliance with the applicable sections of these rules, the approved deactivation plans, and the permit to mine;

2. A detailed description of provisions for continued maintenance;

3. Identification of the ownership of the mining area and all remaining structures and facilities; and

4. A map in the form prescribed by 6 MCAR S 1.0403 B.5., which depicts the following:

a. The final topography;

b. The post mining drainage system including the amounts and locations of discharge to receiving waters;

c. The extent and type of vegetation;

d. The existing and expected level of pit water and the year in which this level will be reached;

e. The location of the safe access to the bottom of the pit;

f. The location of fences and other access barriers;

and

g. The areal extent and (as applicable) the height, depth, and physical and chemical characteristics of each stockpile, tailings basin, mine, reservoir, dam, diversion channel, drainage control, structure settling basin, and the location of all auxiliary facilities within the mining area.

V31
6 MCAR S 1.0404 Procedures.

A. Permit to mine.

1. The process for requesting a permit to mine is commenced by submitting an application to the commissioner pursuant to 6 MCAR SS 1.0402 and 1.0403. After the commissioner determines the application is complete, the applicant shall publish an advertisement as required by 6 MCAR S 1.0405. Within seven days after the last date of publication, the applicant shall submit to the commissioner a copy of the advertisement and an affidavit from the printer verifying publication. The application shall then be considered filed.

2. Determination with hearing.

a. Written objections and a request for a hearing may be filed with the commissioner according to provisions of Minnesota Statutes, section 93.481, subdivision 2.

b. Within ten days after the receipt of the objections, the commissioner shall determine whether the person filing the objection is entitled to object.

(1) If the objections were filed by a person entitled to object, the commissioner shall:

(a) Select a hearing date which shall be no more than 30 days after the last date of opportunity to object:

(b) Serve an order for hearing in the form and manner required by the provisions of 9 MCAR S 2.204, except those in 9 MCAR S 2.204 B. which shall not apply. (In no event shall such an order be served less than 20 days prior to the hearing.)

(c) Mail a copy of the order for hearing to all persons who filed objections and all local units of government in which all or a part of the operation is located; and

(d) Publish notice of subject, time, date and place of the hearing at least once prior to the hearing in a newspaper which must be both a legal newspaper, within the meaning of Minnesota Statutes, section 331.02, and circulated in the locality of the proposed mining operation.

(2) If the objections were filed by a person not entitled to object, the commissioner shall notify him in writing by mail of such determination giving reasons therefor.

c. The commissioner may hold a hearing on the proposed application without receipt of objections if he deems it necessary to protect public health, safety, and welfare.

d. Within 120 days after the close of the hearing record, or 90 days after service of the hearing examiner's report whichever comes later, the commissioner shall:

- (1) Grant the permit to mine with or without modifications or conditions; or
- (2) Deny the permit to mine stating reasons therefor.

3. Determination without hearing.

a. If, within 30 days after the last publication required by 6 MCAR S 1.0405, no objections to an application are received from persons entitled to object, the commissioner within 120 days, may without hearing process the application in accordance with the following:

- (1) Grant the permit to mine with or without modifications or conditions;
- (2) Deny the permit to mine stating reasons therefor; or
- (3) Request in writing that the applicant provide additional information.

b. If the commissioner has made a request for additional information within 120 days after receiving such information, the commissioner shall:

- (1) Grant the permit to mine with or without modifications or conditions; or
- (2) Deny the permit to mine stating reasons therefor.

4. Hearing upon demand of applicant.

a. If the commissioner processes the application without a hearing, the applicant may, within 30 days after mailed notice of the commissioner's order on the application, file with the commissioner a demand for hearing pursuant to Minnesota Statutes, chapter 15. The application shall thereupon be fully heard on notice.

b. Within 120 days after the close of the hearing record or 90 days after service of the hearing examiner's report, whichever comes later, the commissioner shall:

- (1) Grant the permit to mine with or without modifications or conditions; or
- (2) Deny the permit to mine stating reasons therefor.

5. Review of operating plan.

After granting the permit to mine, the commissioner shall review the operating plan required by 6 MCAR S 1.0403 C., to determine if it complies with the provisions of the permit to mine and these rules. Upon completion of this review, the commissioner shall inform the permittee regarding compliance of the plan with the permit to mine and these rules.

B. Variance from these rules pursuant to Minnesota Statutes, section 93.48 (see 6 MCAR S 1.0406 A.).

1. A proceeding for requesting a variance from these rules is commenced when the permit applicant or permittee files an application for a variance with the commissioner. The application shall include information necessary for the commissioner to determine that the proposed variance is consistent with the general welfare and the goals of these rules.

2. Within 30 days after receipt of the application, the commissioner shall determine whether the proposed variance constitutes a substantial change from the requirements of these rules.

a. If the commissioner determines that a substantial change would result, the applicant shall follow the procedures for permit to mine applications, as set forth in 6 MCAR S 1.0404 A.

b. If the commissioner determines that there would be no substantial change the commissioner shall without a hearing:

(1) Allow the variance with or without additional terms or conditions which are consistent with these rules; or

(2) Deny the application stating reasons therefor.

3. If the commissioner processes the application without a hearing, pursuant to 6 MCAR S 1.0404 B.2.b., the applicant may file with the commissioner a demand for hearing on the decision pursuant to 6 MCAR S 1.0404 A.4.

4. Applications for variance from these rules may be filed simultaneously with an application for a permit to mine, provided that the advertisement contains all information required for applications for permits to mine and for variance.

C. Amendment of the permit to mine pursuant to Minnesota Statutes, section 93.481, subdivision 3.

1. A proceeding for requesting an amendment of a permit to mine is commenced when the permittee files an application for an amendment with the commissioner. The application shall include information necessary for the commissioner to determine that the proposed amendment meets the lawful requirements and these rules.

2. Within 30 days after receipt of the application, the commissioner shall determine whether the proposed amendment constitutes a substantial change in the permit to mine.

a. If the commissioner determines that a substantial change would occur, the applicant shall follow the procedures for permit to mine applications, as set forth in 6 MCAR S 1.0404 A.

b. If the commissioner determines that there would be no substantial change, the commissioner shall without a hearing:

(1) allow the amendment with or without additional terms or conditions which are consistent with these rules; or

(2) deny the applications stating reasons therefor.

3. If the commissioner processes the application without a hearing pursuant to 6 MCAR S 1.0404 C.2.b. the applicant may file with the commissioner a demand for hearing on the decision pursuant to 6 MCAR S 1.0404 A.4.

D. Cancellation of permit.

1. Cancellation at the request of permittee.

a. A proceeding to cancel a permit to mine at the request of the permittee is commenced when a permittee files a written request with the commissioner. The request shall identify the permittee and give reasons for the cancellation.

b. Within 30 days after the receipt of a request, the commissioner shall determine whether cancellation would have a significant adverse effect on any public interest relating to the goals of these rules.

(1) If the commissioner determines that cancellation shall have such adverse effect the permittee shall publish an advertisement pursuant to 6 MCAR S 1.0405 and the commissioner shall proceed as if he had received an application for a permit to mine, pursuant to 6 MCAR S 1.0404 A.

(2) If the commissioner determines that the cancellation shall not have such adverse effect, the permit may be cancelled with or without conditions.

2. Cancellation with the consent of permittee. A proceeding to cancel a permit to mine with the consent of the permittee is commenced when the commissioner serves the permittee with written request giving reasons for the cancellation.

a. If no reply or an affirmative reply is filed with the commissioner within 30 days, procedures pursuant to 6 MCAR S 1.0404 D.1.b. shall be commenced except that the commissioner shall publish an advertisement pursuant to 6 MCAR S 1.0405.

b. If a negative reply is filed with the commissioner within 30 days:

(1) the permit to mine will continue in effect; or

(2) a proceeding to revoke the permit to mine pursuant to 6 MCAR S 1.0404 E. shall be commenced.

E. Revocation or modification of a permit to mine, requiring a performance bond, or assessment of civil penalties.

1. Commencing proceedings.

a. A proceeding to revoke or modify a permit to mine, to require a performance bond, or to assess a civil penalty shall be commenced by serving upon the permittee.

(1) A notice and order for hearing in the form and manner pursuant to 9 MCAR S 2.204;

(2) A proposed order revoking or modifying the permit to mine, requiring a performance bond, or assessing a civil penalty; and

(3) A statement of the measures, if any, required to correct the situation and the time available therefor.

b. If conditions that provided the grounds for such an action are corrected to the commissioner's satisfaction, within a period, established by the commissioner, of not less than 15 days after the notice, or as appropriate, approved measures are taken to ensure that such conditions do not reoccur, the proceedings shall be cancelled.

2. Hearing prior to determination.

a. The commissioner shall hold a hearing prior to the determination to revoke or modify a permit to mine, require a performance bond, or assess a civil penalty if, within 15 days after commencement of the proceeding, any permittee serves an answer on the commissioner and all other parties. If an answer is served, the commissioner, without further notice, shall hold the hearing at the time and place specified in the order for hearing. No hearing shall be held less than 30 days after commencement of the proceeding.

(1) An answer shall contain the following:

(a) A written statement of the defenses to each violation alleged in the order for hearing; and

(b) A specific admission, denial, or explanation of each fact alleged in the order for hearing, or, if the permittee is without knowledge thereof, a statement to that effect.

(2) Allegations of a complaint not thus answered shall be deemed to have been admitted.

b. If an answer contains an admission to an alleged fact no hearing shall be held on that fact and the allegation shall prevail.

c. Failure of a permittee to serve an answer, pursuant to 6 MCAR S 1.0404 E.2.a. or to appear at the hearing shall be deemed to constitute a waiver of a hearing on the allegations of the order for hearing and the contents of the proposed order. Such waiver authorizes the commissioner, without further notice to the permittee and without proceeding further with the hearing, to adopt the proposed order, or that much as is applicable if the proposed order is in the alternative or if there have been correction measures attempted. Said order shall be his final decision on the matter.

d. If the permittee appears at the hearing the commissioner, in reaching a final decision, shall not be bound by the proposed order.

F. Suspension. The permit to mine may be suspended by the commissioner, pursuant to Minnesota Statutes, section 93.481, subdivision 4, clause (d). The commissioner's order suspending the permit to mine for the specified period, once served, constitutes the commissioner's final decision on the matter.

G. Deactivation and release of permittee.

1. Deactivation. The commissioner shall review the deactivation plan, pursuant to 6 MCAR S 1.0403 E., to determine if it complies with the requirements of the permit to mine and these rules, in the same manner as if the commissioner had received an application for an amendment pursuant to 6 MCAR S 1.0404 C.

2. Release.

a. A proceeding to release the permittee from responsibility on any portion of a deactivated mining area is commenced when the permittee submits a request for release pursuant to 6 MCAR S 1.0403 F.

b. The commissioner shall review the request and determine:

(1) If all terms and conditions of applicable sections of these rules, the permit to mine, and the approved deactivation plan have been satisfied; and

(2) That it is not necessary to defer such release until other portions of the mining area have been deactivated.

c. Within 270 days after receipt of the request the commissioner shall:

(1) Release the permittee with or without modifications or conditions; or

(2) Deny the request stating reasons therefor.

H. Assignment. Pursuant to Minnesota Statutes, section 93.481, subdivision 5, the commissioner shall allow the assignment of a permit to mine only if the commissioner determines that the assignee will perform all outstanding obligations of the act, these rules, and the permit to mine.

I. Hearing procedures. Procedures pursuant to 9 MCAR SS 2.02-2.22, shall apply to any contested case hearing under these rules, except as otherwise provided in Minnesota Statutes, sections 93.44 to 93.51 and these rules.

V31
6 MCAR 1.0405 Publication.

When an advertisement is required, it shall be published once each week for four successive weeks in a legal newspaper, pursuant to Minnesota Statutes, section 331.02, which is circulated in the locality of the proposed mining operation. This advertisement shall contain:

A. A statement and map indicating the location and boundaries of the mining area;

B. The names of all surface owners of record within the mining area, and severed mineral ownership as set forth in verified statements pursuant to Minnesota Statutes, section 93.52 or in an order or decree pursuant to Minnesota Statutes, section 93.55, subdivision 2, filed in the county recorder's office with respect to severed mineral interests in parts of the mining area which will be excavated or covered with mine wastes. An owner's agent may be identified in place of the owner. No error in the designation of surface or mineral ownership shall affect the validity of the publication. This requirement shall not apply to lands occupied by existing railroads not located in mine or plant areas.

C. The schedule for accomplishing what is being proposed;

D. A notice of the deadline date for filing objections; and

E. The following information:

1. If application is made for a permit to mine - a description of the proposed mining operation including the general kinds of reclamation or restoration measures to be undertaken pursuant to the reclamation plan;

2. If an amendment to a permit to mine is requested - a description of the purpose and nature of the proposed amendment;

3. If a cancellation of a permit to mine is requested -

an explanation of the request for cancellation and the consequences of allowing such a request; or

4. If a variance from these rules is requested - a description of the purpose and nature of the requested variance and a description of the proposed alternative means which will be used to meet the goals and comply with the requirements of these rules.

V31

6 MCAR 1.0406 Administrative standards.

A. Variance (see 6 MCAR S 1.0404 B.).

1. Granting of a variance. The commissioner shall grant a variance from the requirements of these rules upon application by a permit applicant or permittee, if it is determined that:

a. A variance is consistent with the general welfare and general purposes of these rules;

b. By reason of exceptional circumstances, the strict enforcement of the reclamation requirements would cause undue hardship or strict conformity with the requirements of these rules would be unreasonable or not feasible; and

c. Acceptable alternative means of accomplishing the goals, pursuant to 6 MCAR S 1.0402, have been provided by the permit applicant or permittee.

2. Conditional granting. The commissioner shall grant a variance upon such conditions as shall be necessary for the prevention, control, or correction of adverse environmental effects, consistent with the requirements of these rules and Minnesota Statutes.

B. Revocation or modification. The commissioner may revoke a permit to mine or modify any of its terms or conditions, pursuant to Minnesota Statutes, section 93.481, subdivision (4). A permittee shall not be considered to have commenced substantial construction of plant facilities unless erection of the primary plant facilities has begun. Planning, securing capital, purchasing land and materials and otherwise preparing for construction are not sufficient.

C. Performance bonds.

1. Need for bond. At any time during the pendency of a permit application, during the mining operation, or following the completion of mining but prior to the release of the permittee, the commissioner:

a. Shall require the operator to furnish a performance bond if the commissioner determines that the operator has failed to:

(1) Perform any part of a reclamation measure required by the permit to mine or any amendment or modification thereto;

(2) Comply with a provision of these rules; or

(3) Perform any research required, pursuant to Minnesota Statutes, sections 93.44 to 93.51; or

b. May require the operator to furnish a performance bond if there is reasonable doubt that the operator will be financially able to comply with the requirements of the permit to mine or these rules.

2. Amount of bond. The amount of a performance bond shall be determined by the commissioner and shall be equal to the estimated cost, to the Department of Natural Resources, of satisfactorily accomplishing reclamation of all lands disturbed and unreclaimed up to the date of annual bond review.

3. Conditions of bond. A performance bond required pursuant to this regulation shall be conditioned upon the performance by the operator within a time period established by the commissioner of all actions necessary to correct the deficiency or noncompliance for which reason the bond is required. For the purpose of the bond "performance" shall mean the accomplishment as determined by the commissioner, of all actions required under the bond. The bond shall also provide that the surety or his successors or assigns are not released in any way from liability thereunder by any amendment of the terms or conditions of the permit to mine; provided that regardless of amendment the surety shall be liable for no more than the amount specified in the bond. The need for and amount of all bonds shall be reviewed annually.

4. Other security and assurance.

a. Whenever an operator is required to furnish a performance bond pursuant to this regulation, he may, in lieu thereof:

(1) Submit as security to the commissioner for deposit with the state treasurer, assignable bonds or notes of the United States in a sum equal, at their par value, to the amount of the required performance bond.

(2) Give a lien against a real or personal property as its wholesale value in lieu of a bond. Such property must remain in the state for the duration of the agreement and be managed and repaired by the permittee as necessary to maintain its value. Failure to maintain value shall allow the commissioner to modify or revoke the permit to mine, or to require bonds or notes to be deposited as a replacement bond. The commissioner shall accept such property as assurance if it is determined, by the commissioner, that:

(a) No other liens exist on said property;

(b) The wholesale value is adequate to cover reclamation costs; and

(c) Sufficient market exists, such that, the sale of said property can occur rapidly.

(3) Submit other security or assurances as may be acceptable to the commissioner.

b. The permittee shall submit an agreement authorizing the commissioner to collect or sell the bonds, notes, property or other security or assurance so submitted or deposited, upon the same conditions as would constitute a default under a performance bond. The acceptance of United States bonds, notes, a lien on property or other security or assurance, in lieu of a performance bond, shall have the same force and effect as if a performance bond has been furnished.

5. When it is determined during the annual bond review that such security is no longer necessary, any bonds, notes, lien or other security or assurance deposited pursuant to 6 MCAR S 1.0406 C.4. shall be returned to the permittee.

6. Upon forfeiture of a bond the permittee shall allow access to the commissioner and his designated contractors into all mining areas for the purpose of reclaiming all lands disturbed and unreclaimed.

D. Civil penalties.

1. If any person violates any provision of Minnesota Statutes, sections 93.44 to 93.51, these rules, or any permit to mine issued thereunder, the commissioner may order imposition of a civil penalty of not more than \$1,000 per day for each violation of:

a. each provision; or

b. the same provision in more than one portion of the mining area.

2. In determining the amount of a penalty, the commissioner shall consider:

a. The severity of the violation;

b. The need to deter future violations; and

c. The magnitude of potential or actual gains resulting from the violation.

3. The commissioner shall collect any assessed civil penalty in the same manner as any other debt owed the state.

E. Suspension. The commissioner may suspend all or any part of a permit to mine pursuant to Minnesota Statutes, section 93.481, subdivision 4. Any suspension ordered pursuant to this section shall be for such period and upon such terms as the commissioner deems appropriate to correct the conditions which necessitated suspension.

v31 6 MCAR 1.0407 Inspection of mining area.

The permittee shall allow the commissioner to inspect all mining operations and records needed to monitor compliance with the permit to mine and these rules after reasonable prior notice.

Rule Relating to Wildlife Exhibits

6 MCAR § 1.0500

§ 1.0500 Wildlife exhibits.

A. Purpose. The purpose of this rule is to establish reasonable standards for the care and treatment of captive wildlife for public exhibition purposes, and a permit system for such display, pursuant to the legislative mandate contained in Minnesota Statutes, § 97.611.

B. Jurisdiction. This rule shall apply to the care and treatment of all living captive wildlife for public exhibition in connection with any commercial enterprise, excluding displays owned by any municipality, county, or the State of Minnesota, any publicly owned zoo or wildlife exhibit, any privately owned traveling zoo or circus, or any pet shop.

C. Severability. The provisions of this rule shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

D. Definitions. For the purpose of this rule, the terms defined in this section have the meaning given them below:

1. "Wildlife" means any wild mammal, wild bird, reptile, or amphibian.
2. "Captive" means all forms of human control including but not limited to confinement within physical barriers, limitation of movement through the use of any manner of attachment physically affixed to any wildlife, or limitation of movement of wildlife by restraining in some manner the parent or offspring.
3. "Public exhibition in connection with any commercial enterprise" means any exhibition or display from which monetary gain is procured either directly or indirectly, including but not limited to any display or exhibition, the viewing of which is offered for a fee to the public, any display or exhibition which tends to attract customers to any business operated by the owner of such display or exhibition, or any business operated by a client or relative of the owner of such display or exhibition, or any live display used for advertising purposes.
4. "Pet shop" means any commercial business venture, including a game farm, where animals are displayed only for the purpose of the sale of the animals so displayed.
5. "Traveling zoo or circus" means any display or exhibit of wildlife alone or in combination with domestic animals which does not remain in any one county for more than one month at a time, nor make consecutive engagements at the same location.

6. "Commissioner" is Commissioner of the Department of Natural Resources, State of Minnesota, acting directly or through his authorized agents.

E. Permit.

1. No person shall display captive wildlife under the jurisdiction of this rule, in this state unless such display is pursuant to and in compliance with a permit acquired from the Commissioner of Natural Resources. Application for such a permit shall be made on forms provided by the Commissioner and shall be mailed or delivered to the Department of Natural Resources, Regional Supervisor, Division of Enforcement.

2. After receipt of the application, the local conservation officer will inspect the premises, and a permit will be issued only after applicant complies with or agrees to comply with standards for wildlife exhibits as described in this rule.

3. No permit issued under this rule shall be transferable.

F. Knowledge and background of caretakers.

1. The applicant must be at least 18 years of age and shall demonstrate that he or his employee who is primarily responsible for the care of the wildlife knows how to care for the involved species properly.

2. If he or his employee does not have such knowledge, the applicant may arrange for a regular semiannual visit to his display and housing facility by a licensed veterinarian who shall certify by mail to the Commissioner on forms provided, that to the best of his knowledge, all requirements of the permit are being complied with and that any suggestions that he could make to substantially improve the living conditions within the general limits of said permit are being or have been accomplished.

3. In the event that the knowledge or background of an employee is deemed by the Commissioner to be sufficient to satisfy this requirement for said permit, the applicant shall apply for an amendment to such permit before the termination of the employment of said employee or as soon thereafter as possible, setting forth the qualifications of a new caretaker if neither the permit holder nor another employee has previously been accepted as qualified. If said amendment is not granted by the Commissioner, the permit will terminate concurrently with the denial of said amendment or the termination of the employment of the qualified employee, whichever is later.

G. Facilities and operating standards.

1. Facilities, general.

a. **Structural strength.** The facility must be constructed of such material and of such strength as appropriate for the animals involved. The housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

b. Water and power. Reliable and adequate electric power, if required to comply with other provisions of this permit, and adequate potable water shall be available on the premises.

c. Storage. Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against deterioration, molding, or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

d. Waste disposal. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards. (The applicant is reminded of applicable Federal, State, and local laws relating to waste disposal.)

2. Facilities, indoor.

a. Ambient temperatures. Temperature in indoor housing facilities shall be sufficiently regulated by heating or cooling to protect the animals from the extremes of temperature to provide for their health and to prevent their discomfort. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health and comfort of the animal.

b. Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health and to prevent discomfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air-conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

c. Lighting. Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination.

d. Drainage. A suitable sanitary method shall be provided to eliminate rapidly, excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent any backup of sewage. (The applicant is reminded of applicable Federal, state, and local laws relating to drainage.)

3. Facilities, outdoor.

a. Shelter from sunlight. When sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight.

b. Shelter from inclement weather. Natural or artificial shelter appropriate to local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals. Individual animals shall be acclimated before they are exposed to the extremes of the individual climates.

c. Drainage. A suitable method shall be provided to rapidly eliminate excess water. (The applicant is reminded of applicable Federal, state, and local laws relating to drainage.)

4. Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns.

H. Animal health and husbandry.

1. Feeding.

a. The food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration of the age, species, condition, size, and type of the animal. Animals shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.

b. Food, and food receptacles, if used, shall be sufficient in quantity and located so as to be accessible to all animals in the enclosure and shall be placed so as to minimize contamination. Food receptacles shall be kept clean and sanitary at all times. If self-feeders are used, adequate measures shall be taken to prevent molding, contamination, and deterioration or caking of food.

2. Watering. If potable water is not accessible to the animals at all times, it must be provided as often as necessary for the health and comfort of the animal. Frequency of watering shall consider age, species, condition, size, and type of the animal. All water receptacles shall be kept clean and sanitary.

3. Sanitation.

a. Cleaning of enclosures. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect the animals confined in such enclosures from being directly sprayed with the stream of water or wetter involuntarily.

b. Sanitation of enclosures. Subsequent to the presence of an animal with an infectious or transmissible disease, cages, rooms, and hard-surfaced

pens or runs shall be sanitized either by washing them with hot water (180 F. at source) and soap or detergent, as in a mechanical washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with saturated live steam under pressure. Pens or runs using gravel, sand, or dirt, shall be sanitized when necessary as directed by the attending veterinarian.

c. Housekeeping. Areas in which animals are kept shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Accumulations of trash shall be placed in designated areas and cleared as necessary to protect the health of the animals.

d. Pest control. A safe and effective program for the control of insects, ectoparasites (such as flies, ticks and fleas), and avian and mammalian pests shall be established and maintained.

4. Separation. Animals housed in the same primary enclosure must be compatible. Animals shall not be housed near animals that interfere with their health or cause them discomfort.

5. Veterinary care.

a. Programs of disease prevention and parasite control, euthanasia, and adequate veterinary care shall be established and maintained under the supervision of a licensed veterinarian. The pest control program shall be reviewed by the veterinarian for the safe use of materials and methods. Animals subject to rabies or distemper (skunks, racoons, and members of the dog and cat families) shall receive vaccinations against these diseases by a licensed veterinarian, and records of this vaccination program shall be kept on the premises and made available to conservation officers at all reasonable times.

b. Animals shall be observed every day by the person in charge of the care of the animals or by someone working under his direct supervision. Sick or diseased, stressed, injured, or lame animals shall be provided with veterinary care or humanely destroyed.

6. Handling.

a. Handling of animals shall be done expeditiously and carefully in a way so as not to cause unnecessary discomfort, behavioral stress, or physical harm to the animal. Care should be exercised also to avoid harm to the handler.

b. Animals within reach of the public shall only be displayed for periods of time and under conditions consistent with the animals' health and not leading to their discomfort.

c. During public display, the animals must be handled so there is minimal risk of harm to the public with sufficient distance allowed between

animal acts and the viewing public to assume safety to both the public and the animals.

I. Permit fee.

1. The fee for a permit shall be \$10 which shall be submitted with the original application and every amendment and annual renewal thereof.

2. Such fee will be returned in the event the permit, or the amendment thereof, applied for is denied or in the event the permittee does not accept the permit as issued with conditions.

3. The permit shall be renewed annually.

J. Review of permit decisions. If the permit is granted with conditions, or is denied, the applicant may, within 30 days after mailed notice thereof, file with the Commissioner of Natural Resources a demand for review of the application. The review shall be conducted as a contested case pursuant to Minnesota Statutes, Chapter 15. If no demand for review is made within the 30 days, the permit decision becomes final.

K. Revocation. The Commissioner of Natural Resources may at any time revoke all or part of any permit issued under this rule under the following conditions, whenever, in his opinion, it is necessary to protect the interests of the public, or to protect the wildlife covered by said permit:

1. The permit holder must be informed in writing of the nature of the revocation and of the conditions which in the Commissioner's opinion require such revocation at least 14 days prior to the effective date of the revocation.

2. The permit holder, at any time prior to revocation, shall have the opportunity to apply for an amendment to his permit or to demand a hearing pursuant to Section J. of this rule to contest the revocation, support his proposed amendment, or both.

a. Upon receipt of such an application or demand, the revocation is stayed until a determination by the Commissioner can be made on the matter.

b. If no such application or demand be made, the permit shall be revoked on the date stated in the revocation notice.

3. Nothing in this section shall preclude legal action by the Commissioner at any time for injunctive relief from a permit violation pursuant to Minn. Stat. § 97.611, subd. 4. All costs associated with seizures of neglected or mistreated animals shall be borne by the owner thereof including the expenses of keeping, disposing of, and treating animals pursuant to Minn. Stat. § 346.216.

L. Disclaimer. Any permit issued under the provisions of this rule is permissive only and no liability shall be incurred by the state or by any of its officers, agents, or employees by reason of the issuance of such permit or by reason of any acts or operations of the permittee or any wildlife. At all times, the State of Minnesota, its officers, agents and employees shall be held harmless from any liability for damage or injury arising from the issuance of such permit.

M. Penalty. Anyone who violates any provision of this rule or any provision of this rule or any provision of a permit issued hereunder shall be guilty of a misdemeanor.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
RULES AND REGULATIONS

CHAPTER TWENTY-ONE: BOUNDARY WATERS CANOE AREA

NR 1000 Use of State Lands and Waters Within the Boundary Waters Canoe Area (BWCA).

(a) Statement of Purpose and Scope

The purpose of this rule is to regulate use so as to maintain the primitive wilderness character of the area, particularly the lakes and streams and the lands in the vicinity of the lakes, streams and portages in a manner which takes into account state laws and administrative and judicial actions and the federal regulation, 36 CFR, Section 251.85, dated December 15, 1965, and accompanying Administrative Guides of the Chief of the Forest Service, governing the federal land in the area. The lands and rights owned on the effective date of this rule or thereafter acquired by the State of Minnesota and administered by the Commissioner of Natural Resources and the waters of the state within, or substantially within, the Boundary Waters Canoe Area (BWCA) in the Superior National Forest, Minnesota, as formerly designated under REG U-3 (36 CFR 251.22) and incorporated into the National Wilderness Preservation System under the Wilderness Act of September 3, 1964, shall be administered in accordance with this rule. (See Appendix A, Map of the Boundary Waters Canoe Area for the boundaries of the BWCA, the "portal" zone, the "no cut" zone, and motorized routes.)

(b) Use of State Lands

(1) Campsites

(aa) Every person camping on state land shall maintain the site in a clean fashion. Human waste facilities shall be used when provided. If none is provided, campers and other users shall relieve themselves at least one hundred (100) feet from the shore. Disposal of human wastes in or on public waters of the state is prohibited at all times of the year. Upon vacating the site, each camper shall restore the site as nearly as possible to its natural condition.

No new campsite shall be established, other than by the Department of Natural Resources, by cutting live trees.

V31

GENERAL PROHIBITION:

(bb) No person traveling over or using state lands or waters within the BWCA shall have in his possession any nonburnable food or beverage containers which are not designed and intended for reuse or which have little or no commodity value for reuse, including containers on which deposits are commonly charged by vendors.

RESERVED RIGHTS HOLDERS' EXCEPTION:

These prohibitions shall not apply until January 1, 1976, to a holder of rights reserved by a grantor in a conveyance to the United States to occupy and use the surface only of a tract of land for residential, scientific, educational, or other noncommercial purposes, while the holder of these rights or his agent is traveling to or from such a tract over state lands or waters on a route previously approved in writing by the commissioner.

COMMISSIONER'S APPROVAL AFTER 1975:

On and after January 1, 1976, and until January 1, 1986, the prohibitions contained above in this paragraph (bb) shall not apply to a holder of such rights who has obtained this written approval from the commissioner previous to January 1, 1976 unless the commissioner terminates his previous approval after making written findings that damage to the primitive wilderness character of the BWCA is greater than any benefits which may result from the authorization previously granted.

PROCEDURE FOR REVOCATION OF HOLDER'S APPROVAL:

Before making any such written findings, the commissioner shall give at least 30 days written notice of his intended action to the holder.

CANADIAN CABIN OWNER'S EXCEPTION:

The prohibitions contained above in this paragraph (bb) also shall not apply to an owner or lessee of a noncommercial residential dwelling in Canada while traveling to or from his dwelling site across state lands and waters on a route previously approved in writing by the commissioner. The commissioner's approval shall be limited to foods and beverages for the owner's or lessee's own consumption. The commissioner may terminate his previous approval after making written findings that damage to the primitive wilderness character of the BWCA is greater than any benefits which may result from the authorization previously granted or for other good cause.

PROCEDURE FOR REVOCATION OF CABIN OWNER'S APPROVAL:

Before making any such written findings, the commissioner shall give at least 30 days written notice of his intended action to the owner or lessee.

LESSEES ON STATE PORTAGES:

V31
The prohibitions contained above in this paragraph (bb) also shall not apply to a lessee of the state who operates a mechanical portage on state land at the Loon River or Beatty portages while the lessee is on the leased state land and while traveling to and from the leased state land across state lands or waters on a route previously approved in writing by the commissioner. The commissioner's written approval shall terminate with the termination of the lease, unless previously terminated in writing by the commissioner, and shall be limited to foods and beverages for the lessee's own consumption.

NONPROHIBITED CONTAINERS:

Except as previously prohibited by this paragraph (bb), food and beverage containers specifically designed and intended for reuse are allowable. All containers, food, equipment, and other objects brought into the BWCA shall be packed out if not completely burned unless the objects are retained on lands of a holder of reserved rights or a lessee of the state by the holder or lessee. No containers, food, equipment, or other objects of any kind shall be deposited on or buried in state lands or waters in the BWCA except as may be authorized to be buried on state land by a lessee of the state. Every person camping in the BWCA shall be responsible for any such trash or litter deposited on or buried at the campsite whether or not by that person.

The commissioner of natural resources shall cooperate fully with federal authorities and private parties in providing suitable trash and refuse collection facilities at major entrance and exit points to and from the BWCA.

(cc) Campsites may be closed to all use and so posted when necessary for site restoration or other reasons. Campsites may be closed to overnight use but remain open for daytime use and so posted. Such postings shall be honored.

(dd) Where fireplaces are provided fires shall be made in them only. In all other cases, fires shall be made on a place containing a maximum amount of inorganic matter, such as rock, sand or gravel. All fires left unattended must be thoroughly extinguished, preferably with water. No living trees or branches shall be cut for firewood. Dead branches removed from living trees must be cut close to the trunk of the tree.

(ee) In addition to penalties otherwise provided, any person whose campsite is found to contain physical evidence that paragraph (b)(1) of this Rule has been violated or is found violating paragraph (b)(2) of this Rule, may be denied continued use and enjoyment of the BWCA. Such person may be ordered to return on his own power to his point of entry by the most direct route and within a specified time, and shall be denied use of the BWCA for 30 days thereafter. Failure to present a copy of the order to leave the BWCA to a State Conservation Officer in Ely or Grand Marais within twenty-four hours of the time specified shall constitute a separate offense.

(ff) No permanent or semi-permanent camps or structures may be erected on state land or water except as necessary for law enforcement and administration of natural resources in the area, except in the portal zone established by 36 CFR 251.85 (a)(2) dated December 15, 1965, for harvest and removal of forest products, and except for fish houses, but in no case shall fish houses be allowed after February 28, 1973. (See Appendix A, Map of the BWCA.) Each camp shall be provided by or for specific users and shall not be maintained for successive use by a series of campers. All equipment and camping gear must be removed from the BWCA at the end of each current visit.

(2) Use, Transportation and Storage of Equipment

(aa) All roads and all forms of mechanical transport including but not limited to motors, snowmobiles and all-terrain vehicles and all mechanized equipment are prohibited except as provided in this paragraph and except as provided by 36 CFR 251.85, dated December 15, 1965, and accompanying administrative guides. Any such transport or equipment found unattended on state land or water shall be removed at the owner's expense. If not claimed and payment of expenses offered within a reasonable time, it shall be disposed of under state laws governing abandoned property.

Watercraft equipped with motors capable of propelling the watercraft, and motor driven ice and snow craft are permitted over the following designated routes, which are the same as provided in 36 CFR 251.85 (b) (4) (a) and (b) (7) (a):

- i. International Boundary Route, including the portages commonly used in traversing the International Boundary as provided for in the Webster-Ashburton Treaty.
- ii. Sioux River Route to Loon Lake by way of Little Indian Sioux River, and the Pauness Lakes.
- iii. Moose River Route to Lac La Croix by way of Moose River, Nina Moose Lake, Lake Agnes, and the Boulder River.
- iv. Trout Lake Route by way of Trout Lake and Oriniack Lake, including the Pine Lake Loop.
- v. Pipestone Bay Route to Basswood Lake by way of Newton Lake.
- vi. Four Mile Portage Route to Basswood Lake, including Mud Lake and Ella Hall Lake.
- vii. The Wind Lake Route to Basswood Lake by way of Wind Lake and Wind Bay.
- viii. Ensign Lake Route to Thomas Lake by way of Newfound Lake, Ensign Lake, Ashigan Lake, Gibson Lake, Cattyman Lake, Jordan Lake, Ima Lake and Hatchet Lake, including branch routes by way of Vera Lake to Knife Lake and from Snowbank Lake to Cattyman Lake by way of Parent Lake and Disappointment Lake.
- ix. Lake Insula Route to Thomas Lake by way of Lakes One, Two, Three, and Four, Hudson Lake, Lake Insula, and Kiana Lake, including the route to Alice Lake from Lake Insula by way of the Kawishiwi River.
- x. South Kawishiwi River Route from Birch Lake to the Kawishiwi River, with connecting link by way of Clear Lake.
- xi. Bald Eagle Route from South Kawishiwi River by way of Gabbro Lake to Bald Eagle Lake.
- xii. Smoke Lake Route from Sawbill Lake by way of Smoke Lake, Flame Lake, Burnt Lake, Kelly Lake, Peterson Lake, and Baker Lake.
- xiii. Cherokee Route from Sawbill Lake to Brule Lake by way of Ada Creek, Ada Lake, Cherokee Lake, North Temperance Lake and South Temperance Lake.
- xiv. Brule Lake Route from Peterson Lake to Poplar Lake by way of Kelly Lake, Jack Lake, Weird Lake, South Temperance Lake, Brule Lake, the Cone Lakes, Cliff Lake, Wanihigan Lake, Winchell Lake, Gaskin Lake, Horseshoe Lake, Caribou Lake, and Lizz Lake.
- xv. Tuscarora Lake Route from Round Lake to Tuscarora Lake by way of Missing Link Lake, or direct.
- xvi. Red Rock Lake Route from Sea Gull Lake to Saganaga Lake by way of the Alpine Lake and Red Rock Lake.
- xvii. Clearwater Lake — Mountain Lake Route.
- xviii. East Bearskin — Pine Lake Route by way of Alder Lake and Canoe Lake.

xix. Hog Creek Route to Perent Lake.

In addition, motor driven ice and snow craft only are permitted over the following designated routes, which are the same as those provided in 36 CFR 251.85 (b) (7) (a):

- i. Crane Lake — Little Vermilion Lake Winter Portage.
- ii. Saganaga Lake Winter Portage in Sections 18-19, T. 66 N.,

R. 4 W.

Use of ice and snow craft is authorized only during the period November 1 to April 15, and when the ground is covered with snow.

(bb) No motor or other mechanical device capable of propelling a watercraft through water, boat or other watercraft, equipment or dock may be transported over or stored on or moored to state land administered by the Commissioner and left unattended except on routes designated in paragraph (aa) above, and then only during the course of a current visit. Boats and motors may be stored on sites approved by the Commissioner pursuant to permits issued by the Commissioner to persons who before the effective date of these rules, have stored boats on state water or lands administered by the Commissioner in connection with commercial services. All such permits shall terminate no later than November 15, 1973, shall not be assigned without the consent of the Commissioner, and shall be nonrenewable. The terms of such permits shall be established by the Commissioner in a way to maximize the maintenance of the primitive wilderness character of the area. Each permit shall be numbered, which number shall be affixed in the same general place as the boat registration number, shall be for the storage of one boat and motor, if any, and shall authorize use of that boat and motor, if any, on the body of water adjoining the storage area, and any motor route adjoining the storage area. Each permit shall specify the precise location within which each boat and motor, if any, may be stored and used. The quantity of such permits shall be limited to the number of applications made, but in no case shall exceed fifty (50). Each application for a permit shall be accompanied by a sworn affidavit that the specific boat for which a permit is sought has been stored on or near the body of water adjoining the permit location requested. If more than fifty (50) applications are submitted, the Commissioner shall encourage joint use applications. The Commissioner may charge a reasonable fee for the permit and may provide for permit termination for violation of the permit terms, particularly boat use location. Canoes and camping equipment may be stored at the head of an overland trail during the course of a current visit provided the material is stored out of sight from the waterway.

(3) Overland Trails

Back-packing is deemed a use compatible with the wilderness management of the BWCA which may alleviate crowding along the waterways and which will encourage enjoyment of inland wilderness and lakes. The Commissioner of Natural Resources may designate and improve a trails system. He shall solicit the United States Forest Service to enter into a joint management program for trails on state and federal lands as soon as practicable.

(c) Use of Waters of the State

(1) All limitations on use, transportation and storage of equipment on state lands in paragraph (b) (2) of this Rule also apply to waters of the

state during all seasons of the year except that motors may be used on the following lakes which are only partially within the BWCA:

(aa) Those lakes listed in paragraph (b) (2) (aa), above, which are partially within the BWCA; and

(bb)

- i. Fourtown Lake, T. 65 N., R. 11 W.
- ii. Wood Lake, T. 64 N., R. 10 W.
- iii. Southfarm Lake, T. 63 N., R. 11 W.
- iv. Isabella Lake, T. 62 N., R. 8 W.
- v. Moose Lake, T. 64 N., R. 9 W.
- vi. Fall Lake, T. 63 N., R. 11 W.
- vii. Homer Lake, T. 63 N., R. 3 W.
- viii. East Pike Lake, T. 65 N., R. 3 E.
- ix. Tin Can Mike Lake, T. 64 N., R. 11 W.
- x. Ball Club Lake, T. 63 N., R. 1 W.
- xi. Tucker Lake, T. 63 N., R. 3 W.
- xii. Big Moose Lake, T. 64 N., R. 14 W.

(2) No watercraft may be staked, anchored or stored on or in waters of the state otherwise than as authorized by these rules.

(3) No amphibious craft of any type and no watercraft designed for, or used as floating living quarters shall be moored to, used on or transported over waters of the state governed by this rule.

(d) General: Joint Agreements, State Staffing

(1) The Commissioner shall enter into and execute joint agreements with the federal government for purposes of optimum management and enforcement in the BWCA. He shall designate a department employee who shall maintain a working liaison with the appropriate federal officials, particularly the Regional Forester, Duluth, and his office.

(2) In the event the Legislature authorizes the establishment of a special voyageur hunting program in the area, or parts thereof, this rule shall not be construed to bar it provided the program is consistent with the purposes of this rule and the authorities on which it is founded.

(e) Severability

The provisions of these rules shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

(f) Effective Date






These rules shall be in full force and effect on February 1, 1971, except that those provisions relating to the storage of boats, motors and equipment shall not be in full force and effect until May 15, 1971, and except that those provisions relating to the possession, use and disposal of nonburnable food and beverage containers shall not be in full force and effect until May 1, 1971.

NR 1001-1099 RESERVED FOR FUTURE USE.

BOUNDARY WATERS CANOE AREA OF THE SUPERIOR NATIONAL FOREST

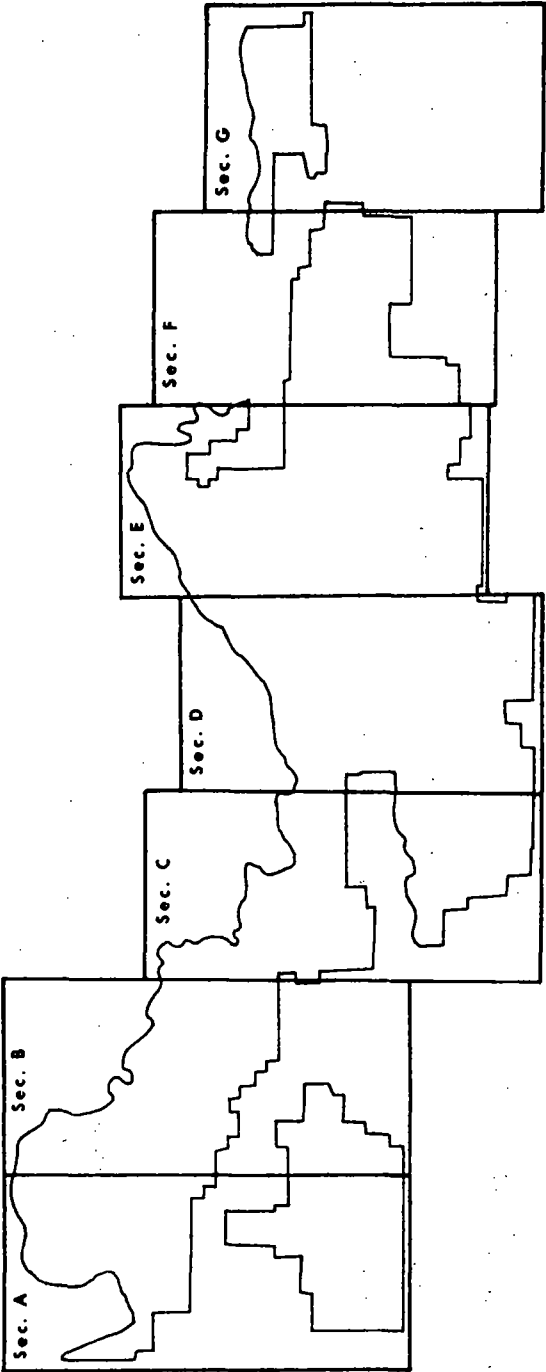
PREPARED BY : MINNESOTA DEPARTMENT OF NATURAL RESOURCES

DATE : DECEMBER 29, 1970

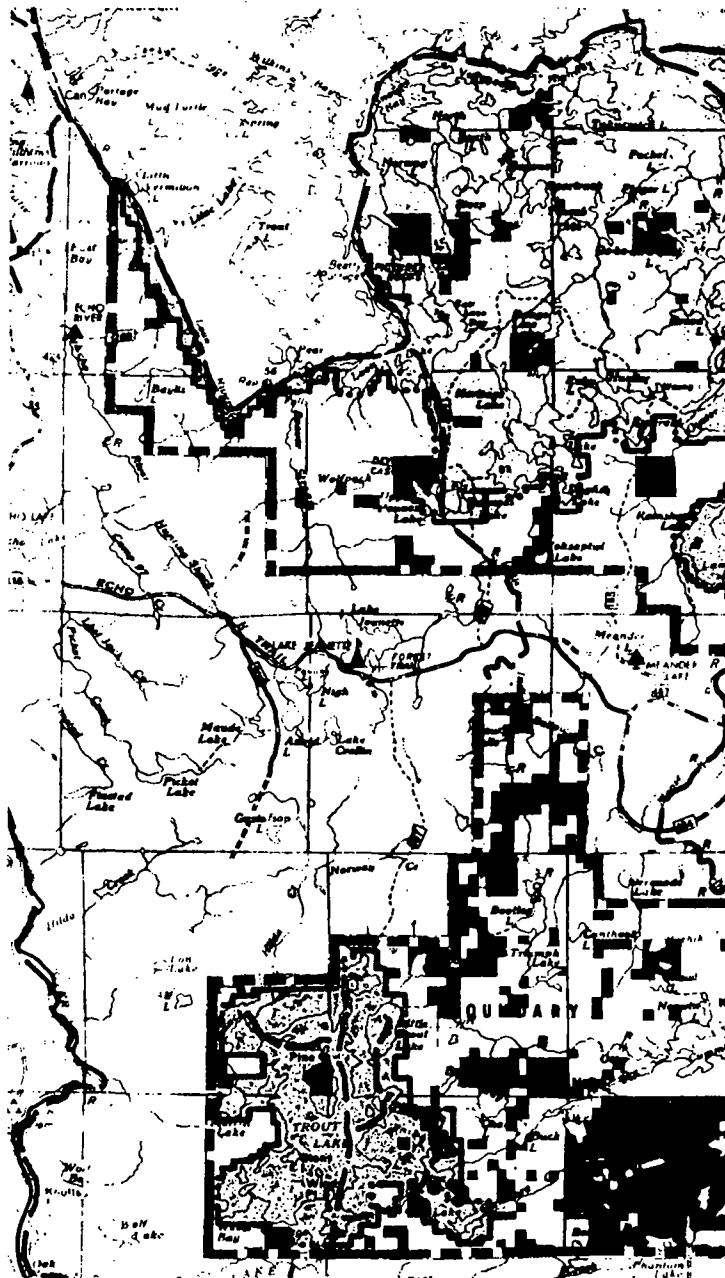
-  B.W.C.A. BOUNDARY
-  STATE LANDS ADMINISTERED BY THE
COMMISSIONER OF NATURAL RESOURCES
-  PORTAL ZONE
-  NO-CUT (INTERIOR) ZONE
-  SNOWMOBILE AND MOTORBOAT ROUTES

APPENDIX A

INDEX



SECTION A

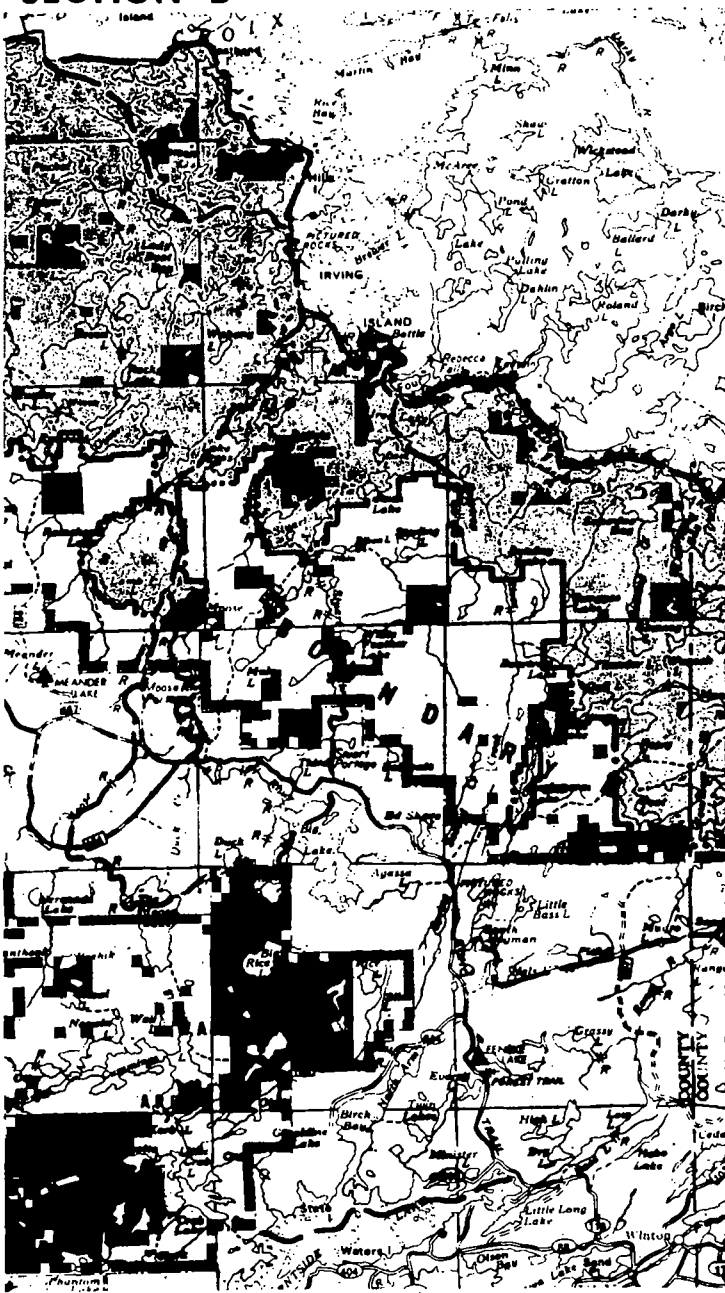


R. 16 W.

R. 15 W.

R. 14 W.

SECTION B



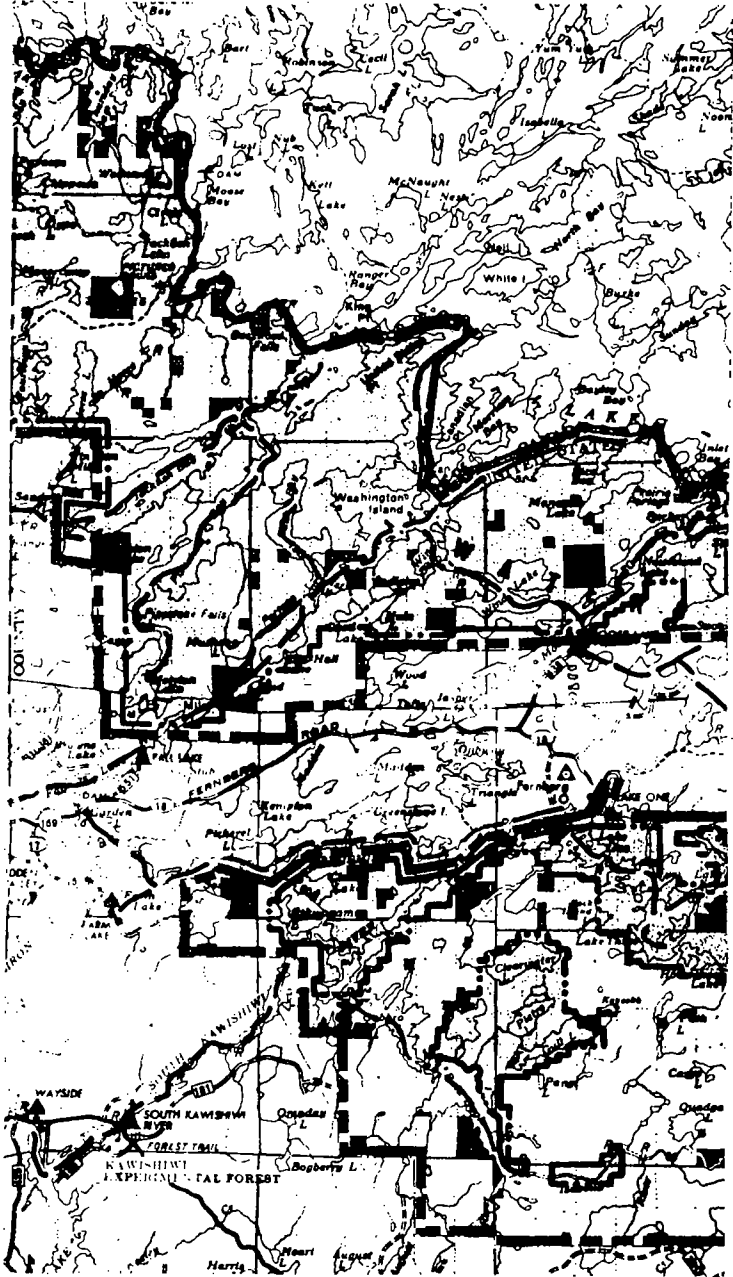
T. 68 N.
T. 67 N.
T. 66 N.
T. 65 N.
T. 64 N.
T. 63 N.

R. 14 W.

R. 13 W.

R. 12 W.

SECTION C

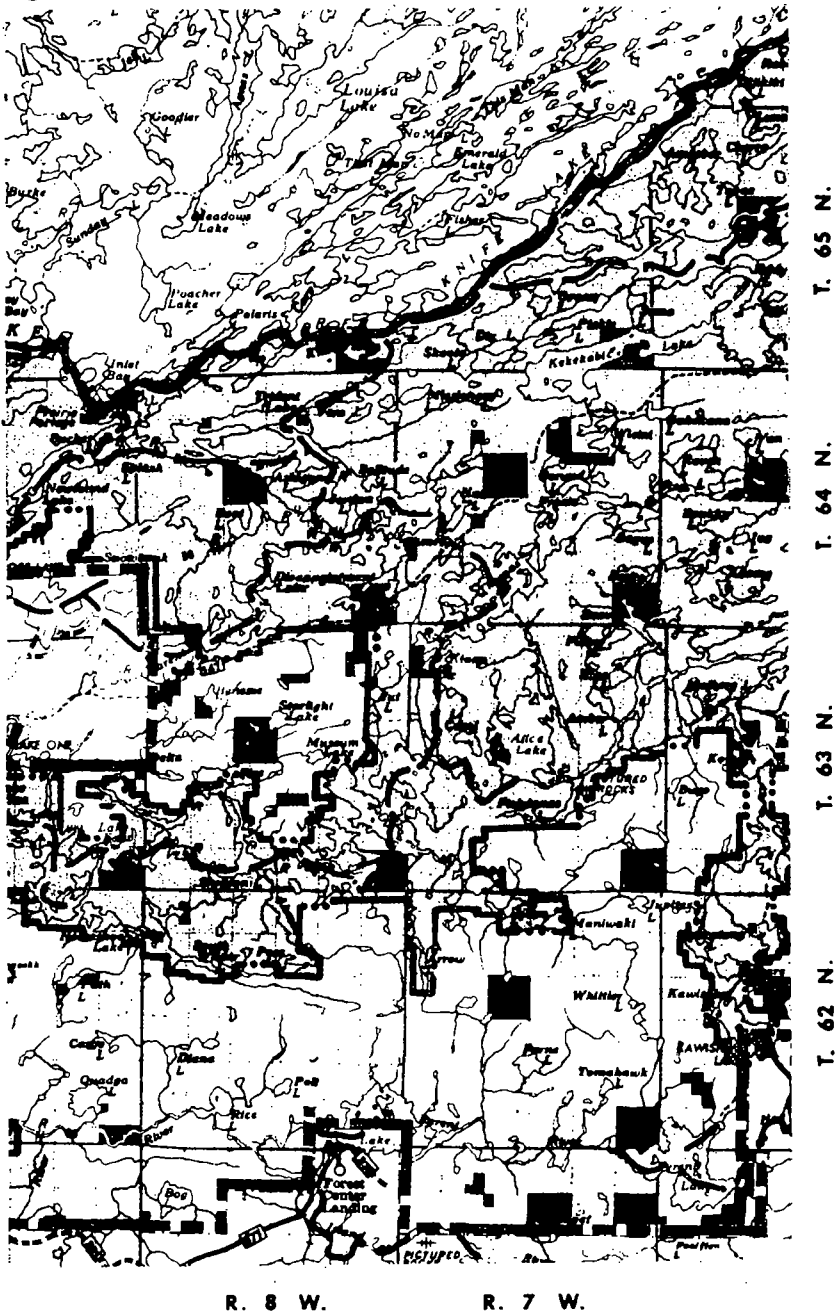


R. 11 W.

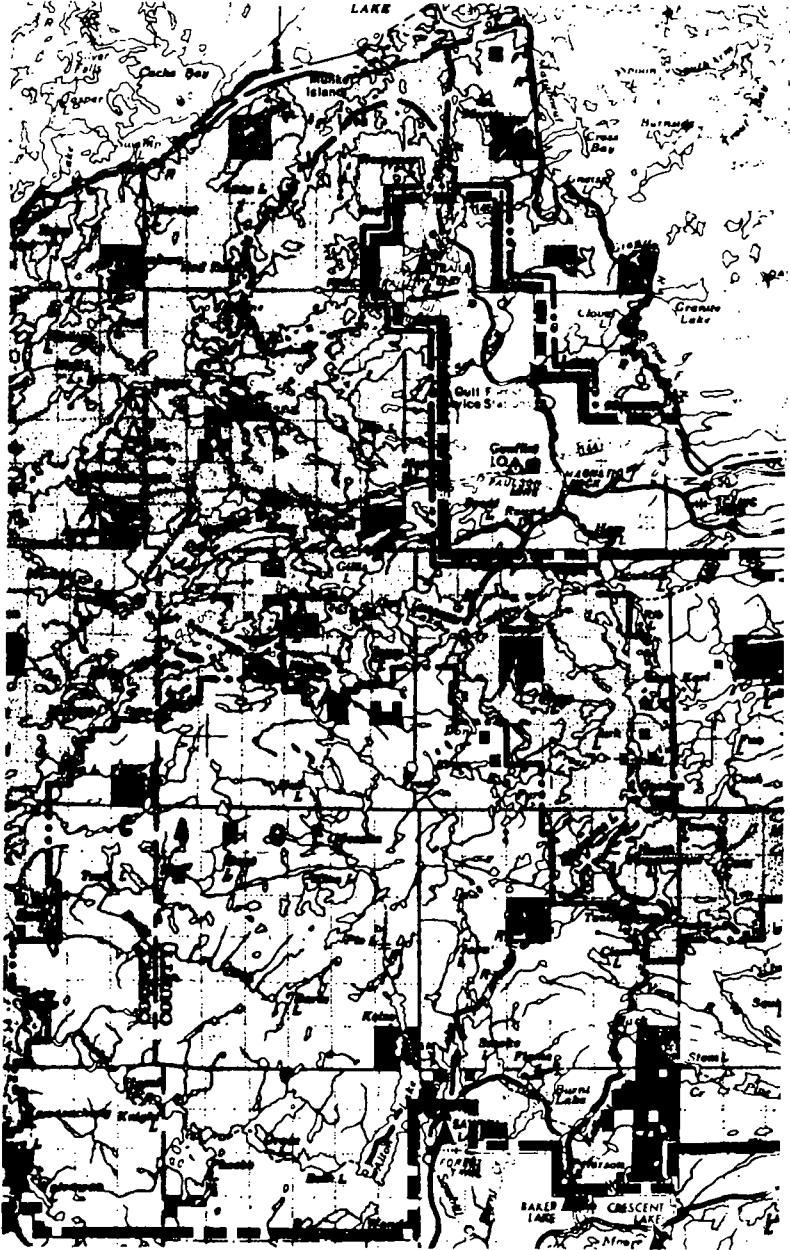
R. 10 W.

R. 9 W.

SECTION D



SECTION E



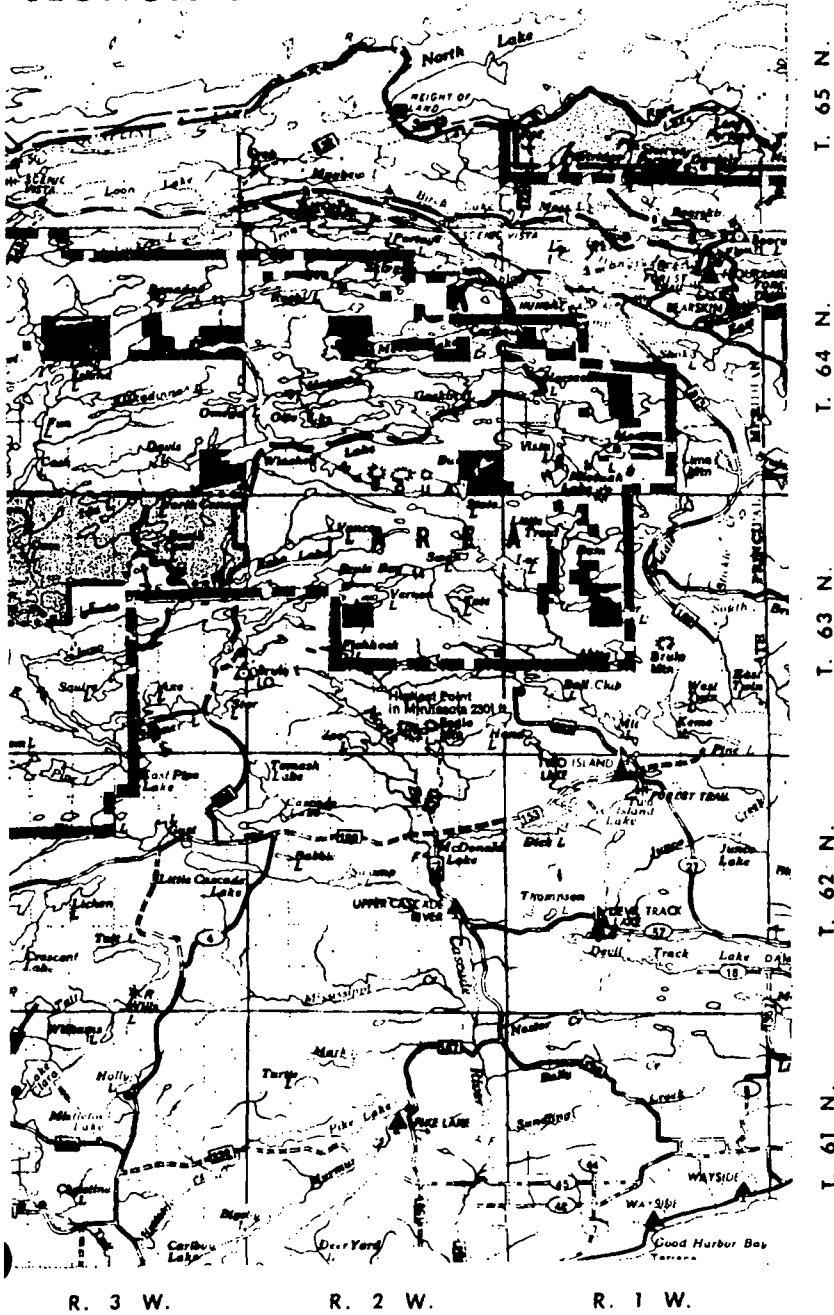
R. 6 W.

R. 5 W.

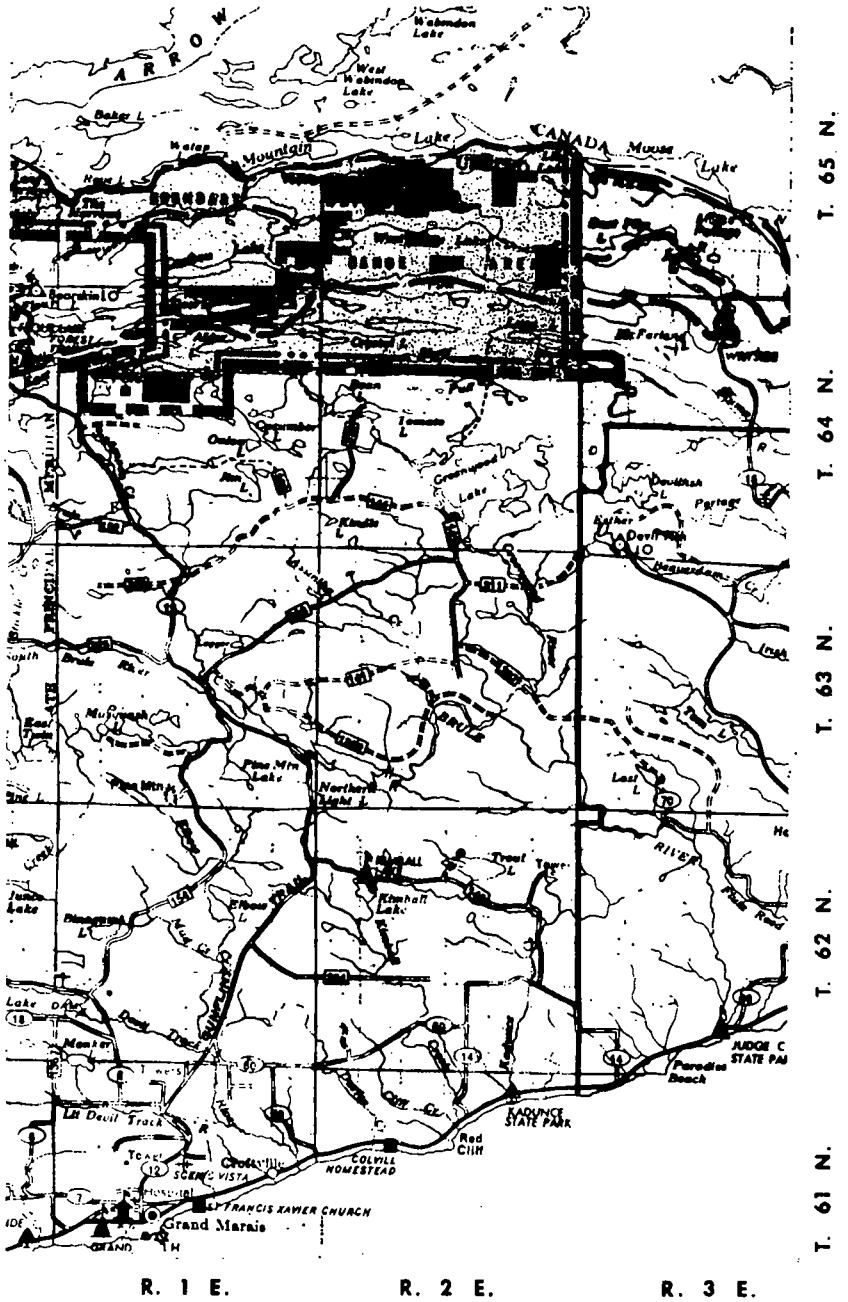
R. 4 W.

T. 62 N. T. 63 N. T. 64 N. T. 65 N. T. 66 N.

SECTION F



SECTION G



131 6 MCAR S 1.2200 Lower St. Croix Water Surface Use.

A. Policy and authority. These rules are authorized by Minn. Stat. § 361.26, subd. 2, and are promulgated in order to promote the full use by all of the people, now and in the future, of the water surface of the Lower St. Croix River in a manner consistent with safety for persons and property and with the enjoyment of the scenic and recreational values which caused the river to be designated a National Scenic Riverway.

B. Scope. These rules apply to the waters of the Lower St. Croix River from the dam at Taylors Falls to its confluence with the Mississippi River.

C. Definitions. For the purpose of these rules the word "shall" is mandatory, not permissive, and certain words or terms shall be interpreted as follows:

1. "Mile" means distance in miles above the confluence of the St. Croix River with the Mississippi River.

2. "Motorboat" means any watercraft propelled in any respect by machinery, including watercraft temporarily equipped with detachable motors.

3. "Slow-no-wake" means operation of a motorboat at the slowest possible speed necessary to maintain steerage.

4. "Slow Speed" means operation of a motorboat at a leisurely speed, less than planing speed, whereby the wake or wash created by the motorboat is minimal.

5. "Watercraft" means any contrivance used or designed for navigation on water other than (i) duck boat during the duck hunting season, (ii) rice boat during the harvest season, or (iii) seaplane.

D. Restricted speed zones.

1. No motorboat shall at any time be operated in excess of a slow speed from the dam at Taylors Falls to the sandbars located approximately at mile 31.0.

2. No motorboat shall be operated in excess of a slow-no-wake speed in the following areas:

a. At the narrows located approximately at mile 28.6, which is 0.4 miles downstream from the Arcola high bridge.

b. Between the Coast Guard navigational buoys designating location of the navigation channel from the railroad swing bridge located at approximately mile 17.3 to the south side of the southern-most island in the chain of islands located at approximately mile 16.5.

c. Between the Coast Guard navigational buoys designating the Kinnickinnic River Delta Narrows from approximately mile 6.6 to approximately mile 6.0.

d. At the Prescott Narrows from the north side of U.S. Highway No. 10 Bridge located approximately at mile 0.3 to the confluence of the St. Croix River with the Mississippi River.

e. Within 100 feet of shore (including the shores of islands) and of swimmers, from sandbars located approximately at mile 31.0 to the confluence of the St. Croix River with the Mississippi River.

✓31 f. In that area known as Andersen Bay, located approximately at mile 20.0.

3. Any motorboat designated for law enforcement shall be exempt from provision D. of this regulation in circumstances involving emergencies or violation of law.

E. Water skiing.

1. No watercraft towing a person on water skis, aquaplane, or similar device shall be operated between sunset and sunrise on the St. Croix River from the dam at Taylors Falls to its confluence with the Mississippi River.

2. No watercraft towing a person on water skis, aquaplane, or similar device shall be operated at any time in any zone designated a restricted speed zone under provision D. of this regulation; provided, however, that any watercraft launching or landing a person on water skis, aquaplane, or similar device by the most direct route to open water shall be exempt from provision D. 2. (e) of this regulation.

3. From Memorial Day through Labor Day, inclusive, no watercraft towing a person on water skis, aquaplane, or similar device shall operate after 12:00 noon on Saturdays, Sundays, and legal holidays, from the sandbars located approximately at mile 31.0 to the upper end of the federal nine-foot navigation channel approximately at mile 24.5.

F. Penalties. Any person violating any of the provisions of this regulation shall be guilty of a misdemeanor.

NR 2201 Land Use Control Provisions

(a) ST. CROIX RIVERWAY DESIGNATION AND ESTABLISHMENT OF DISTRICTS

(1) These standards and criteria designate a St. Croix Riverway coinciding with the riverway boundary established in the Lower St. Croix National Scenic Riverway Master Plan. These standards and criteria, as administered by local authorities through the adoption of St. Croix Riverway Ordinances, shall apply to all lands and waters in the St. Croix Riverway.

(2) For the purpose of these standards and criteria, there shall be two types of districts in the St. Croix Riverway because of the variation in development patterns:

(aa) Rural Districts, which consist of those lands in the St. Croix Riverway in:

- (i) The unincorporated areas of Chisago County;
- (ii) The unincorporated areas of Washington County;
- (iii) Marine-on-St. Croix, north of the line separating Government Lots 5 and 6 in Section 6; and
- (iv) Afton, south of the line separating Government Lots 4 and 5, extended west to the riverway boundary in Sections 22 and 23.

(bb) Urban Districts, which consist of those lands in the St. Croix Riverway in the Cities of:

- (i) Taylors Falls;
- (ii) Marine-on-St. Croix, south of the line described in NR 2201 (a)(2)(aa)(iii);
- (iii) Stillwater;
- (iv) Oak Park Heights;
- (v) Bayport;
- (vi) Lakeland;
- (vii) Lakeland Shores;
- (viii) Lake St. Croix Beach;
- (ix) St. Mary's Point; and
- (x) Afton, north of the line described in NR 2201 (a)(2)(aa)(iv).

(3) The Urban and Rural Districts as established on May 1, 1974 and herein shall not be changed by future incorporation, consolidation, or annexation.

(b) USE STANDARDS AND CRITERIA

The purpose of establishing standards and criteria for uses in the St. Croix Riverway shall be to protect and preserve existing natural, scenic, and recreational values, to maintain proper relationships between various land use types, and to prohibit new residential, commercial, or industrial uses that are inconsistent with the National Wild and Scenic Rivers Act, and the Federal and State Lower St. Croix River Acts.

(1) Permitted Uses

All structures associated with the following uses are permitted in the St. Croix Riverway subject to the dimensional requirements of a St. Croix Riverway Ordinance.

- (aa) Conservancy
- (bb) Agriculture

(cc) Single family residential

(dd) Governmental highway waysides, rest areas, information areas, and scenic overlooks.

(ee) Governmental resource management and interpretive activities.

(2) Accessory Uses

The following standards and criteria are provided to preserve vegetative and topographical screening, and to retard surface run-off, soil erosion, and nutrient loss.

(aa) Vegetative Cutting

(i) On lands within 200 feet of the ordinary high-water mark in Rural Districts, 100 feet of the ordinary high-water mark in Urban Districts, and 40 feet landward of blufflines and on slopes greater than 12 percent in all districts, there shall be no vegetative cutting of live trees or shrubs without a permit from the local authority. A permit may be issued only if:

(aaa) The cutting, including topping, involves trees less than 6 inches in diameter at breast height;

(bbb) The cutting, including topping, involves vegetation which is not screening any structure from view from the river; and

(ccc) The essential character, quality, and density of existing growths is preserved and continuous canopy cover is maintained; or

(ddd) Diseased trees are to be removed, and their removal is in the public interest; or

(eee) the cutting is necessary for the maintenance of transportation or utility rights-of-way.

(ii) A separate vegetative cutting permit is not required for the following; however, the vegetative cutting shall be accomplished in such a manner that the essential character, quality, and density of existing growths is preserved and continuous canopy cover is maintained as viewed from the river:

(aaa) Clearing the minimum area necessary for a structure, sewage disposal system, and private road and parking area, undertaken pursuant to a validly issued building permit.

(bbb) Maintenance trimming or pruning on any particular property or in transportation or utility rights-of-way.

(ccc) Vegetative cutting in areas of the St. Croix Riverway not covered under NR 2201 (b)(2)(aa)(i), provided that the cutting, including topping, involves vegetation which is not screening any structure from view from the river.

(bb) Grading and Filling

(i) Grading, filling, excavating, or otherwise changing the topography landward of the ordinary high water mark shall not be conducted without a permit from the local authority. A permit may be issued only if:

(aaa) Slopes greater than 12 percent are not altered where erosion and visual scars may result;

(bbb) Earthmoving, erosion, vegetative cutting, draining or filling of wetlands, and the destruction of natural amenities is minimized;

(ccc) The smallest amount of ground is exposed for as short a time as feasible;

(ddd) Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted;

(eee) Methods to prevent erosion and trap sediment are employed; and

(fff) Fill is stabilized to accepted engineering standards.

(ii) A separate grading and filling permit is not required for grading, filling, or excavating the minimum area necessary for a structure, sewage disposal system, and private road and parking area undertaken pursuant to a validly issued building permit. However, the standards and criteria of NR 2201 (b)(2)(bb)(i) shall be required as conditions of the building permit.

(3) Conditional Uses

(aa) In Urban Districts: uses permitted without a rezoning in specific districts by existing local ordinances in effect on May 1, 1974 may be allowed as conditional uses by the local authority, subject to the provisions of NR 2202 (b)(2). The local authority shall establish special zoning districts coinciding with the boundaries of zoning districts in effect on May 1, 1974 and shall specify standards and criteria by which conditional uses may be allowed within special zoning districts.

(bb) In Rural Districts: marinas may be allowed as conditional uses by the local authority, subject to the provisions of NR 2202 (b)(2), between the Boomsite Highway Wayside and Stillwater, and where provided in NR 2201 (f)(1)(bb). No other conditional uses shall be allowed in Rural Districts.

(4) Prohibited Uses

The following uses shall be prohibited in all districts;

(aa) Sand and gravel operations;

(bb) Junkyards;

(cc) Mobile home parks;

(dd) Downhill ski areas;

(ee) Marinas upstream from the Boomsite Highway Wayside; and

(ff) All uses not authorized in a St. Croix Riverway Ordinance.

(5) Nonconforming Uses

Prohibited uses in existence prior to the effective date of adoption of a St. Croix Riverway Ordinance are nonconforming uses and shall not be

enlarged or expanded. Under authority permitted by law, local authorities may adopt provisions to regulate and control, reduce the number or extent of, or gradually eliminate nonconforming uses. Local authorities shall provide for the elimination of sanitary facilities inconsistent with NR 2201 (d)(2)(bb), (cc), and (ee) over a period of time not to exceed 5 years from the date of adoption of a St. Croix Riverway Ordinance or where required at an earlier date by existing county shoreland ordinances.

(6) Substandard Structures

All structures in existence prior to the effective date of adoption of a St. Croix Riverway Ordinance which are permitted within a particular zoning district but do not meet the structure setbacks or other dimensional standards of the ordinance are substandard structures and shall be subject to the following conditions:

(aa) Substandard structures and substandard sanitary facilities shall be allowed to continue.

(bb) In no instance shall the extent to which a structure or sanitary facility violates a setback standard be increased.

(cc) Any alteration or expansion of a substandard structure which increases the horizontal or vertical riverward building face shall not be allowed unless it can be demonstrated that the structure will be visually inconspicuous in summer months as viewed from the river.

(dd) If a substandard structure needs replacing due to destruction, deterioration, or obsolescence, such replacement shall comply with the dimensional standards of a St. Croix Riverway Ordinance.

(c) DIMENSIONAL STANDARDS AND CRITERIA

The purpose of establishing dimensional standards and criteria in the St. Croix Riverway shall be to protect riverway lands by means of acreage, frontage, setback and height requirements on development. Specific objectives shall be to maintain the esthetic integrity of the St. Croix Riverway's dominant natural setting, to reduce the adverse effects of poorly planned shoreland and bluffland development, to provide sufficient space on lots for sanitary facilities, to minimize flood damage, to prevent pollution of surface and ground water, to minimize soil erosion, and to provide a natural buffer between the river and developed areas.

(1) Substandard Lots

Lots recorded in the office of the County Register of Deeds prior to May 1, 1974, that do not meet the requirements of NR 2201 (c)(2)(aa), may be allowed as building sites when:

(aa) The proposed use is permitted in the zoning district;

(bb) The lot has been in separate ownership from abutting lands since May 1, 1974;

(cc) It can be demonstrated that a proper and adequate sewage disposal system can be installed in accordance with the provisions of NR 2201 (d)(2); and

(dd) The dimensional standards of a St. Croix Riverway Ordinance are complied with to the greatest extent practicable. A St. Croix Riverway Ordinance may, consistent with these standards and criteria, set a minimum size for substandard lots or impose other restrictions on the development of substandard lots.

(2) Lot Size

(aa) For lots created after May 1, 1974, the minimum size shall be:

(i) In Rural Districts: not less than 2½ acres in area; not less than 200 feet in width at the building line; and not less than 200 feet in width on the side abutting or nearest the river.

(ii) In Urban Districts:

(aaa) Where public sewer and water were available as of May 1, 1974: not less than 20,000 square feet in area; not less than 100 feet in width at the building line; and not less than 100 feet in width on the side abutting or nearest the river

(bbb) Where public sewer and water were not available as of May 1, 1974: not less than 1 acre in area; not less than 150 feet in width at the building line; and not less than 150 feet in width on the side abutting or nearest the river.

(bb) Greater densities of development than those specified above may be permitted for planned cluster developments, subject to the provisions of NR 2201 (e)(4).

(3) Number of Dwelling Units

There shall not be more than one dwelling unit per lot, with the exception of planned cluster developments that shall be subject to the provisions of NR 2201 (e)(4).

(4) Structure Setbacks

The following minimum setbacks from the ordinary high-water mark and blufflines shall apply to all structures and private roads and parking areas, except those specified as exceptions herein:

(aa) In Rural Districts: not less than 200 feet from the ordinary high-water mark and not less than 100 feet from a bluffline.

(bb) In Urban Districts: Not less than 100 feet from the ordinary high-water mark and not less than 40 feet from a bluffline.

(cc) Exceptions to the minimum setbacks:

(i) In Rural Districts, structure setback from a bluffline may be reduced up to a minimum of 40 feet when it can be demonstrated that no change in the natural appearance of the shoreline, slope and bluffline will occur and the structure will be visually inconspicuous in summer months as viewed from the river. In reviewing the proposed building site, the local authority, in cooperation with an agent of the Commissioner of Natural Resources, may determine that the structure setback can be varied to within the 40-100 foot range from a bluffline if the natural appearance of

the shoreline, slope, and bluffline is preserved, and if the applicant agrees to donate a scenic easement to the state. Such scenic easement shall specify that on all land lying from the proposed building line to the river, or property line closest to the river, no destruction, cutting, trimming, or removal of trees, shrubs, bushes, or plants, and no topographic changes of the natural landscape by excavation, drainage, filling, dumping or any other means shall occur without a written authorization from the Commissioner of Natural Resources.

(ii) Where a substandard setback pattern from the ordinary high-water mark or a bluffline has already been established by existing principal dwelling unit structures on adjacent lots on both sides of the proposed building site, the setback of the proposed structure shall be the average setback of the existing dwelling units plus at least 40 feet, or the required minimum setbacks of the particular zoning district, whichever distance is less from the average setback line. This exception shall apply only to substandard lots which do not meet the minimum lot width requirements of NR 2201 (c)(2)(aa).

(iii) Developments subject to state permits which provide services to the public and which, by their nature, require location on or near public waters shall be subject to the conditions of the state permits as provided in NR 2201 (d) and (f) through (i).

(iv) Temporary docks may be allowed as approved by federal, state, or local governments to extend into the water the minimum distance necessary to facilitate the launching or mooring of watercraft during the open-water season.

(v) Signs may be allowed as approved by federal, state, or local governments which are necessary for the public health and safety. Signs may also be allowed that indicate areas that are available or not available for public use. Outside the minimum setbacks within the St. Croix Riverway, signs that are otherwise lawful are permitted, provided they will be visually inconspicuous in summer months as viewed from the river.

(vi) Stairways and lifts to enable access from bluffland properties to the water on steep slopes may be allowed by the local authority, provided the disruption of vegetation and topography is kept to a minimum and the structure will be visually inconspicuous in summer months as viewed from the river.

(5) Placement of Structures

In addition to the setback requirements of NR 2201 (c)(4), placement of structures shall be controlled as follows:

(aa) Structures shall not be permitted on slopes greater than 12 percent, with the exception of stairways and lifts. Regardless of the number of blufflines on a given property, structures on slopes shall not be permitted. The physical alteration of slopes shall not be permitted for the purpose of overcoming this limitation.

(bb) When a flood plain ordinance exists, no structure shall be located in the floodway, as defined in Minnesota Statutes, Section 104.02. Outside the floodway, structures shall be placed at an elevation consistent with any applicable flood plain management ordinance. Local units of gov-

ernment lacking such ordinances shall adopt flood plain management regulations in accordance with Minnesota Statutes, Section 104.04. Until such adoption, the elevation to which the lowest floor of a structure, including a basement, shall be placed, shall be determined after an evaluation of available flood information, and shall be consistent with the Statewide Standards and Criteria for Management of Flood Plain Areas in Minnesota.

(cc) The total area of all impervious surfaces on a lot shall not exceed 20 percent of the total lot area.

(6) Structure Height

The distance between the average ground level at the building line and the uppermost point of the structure shall not exceed 35 feet.

(7) Color of Structures

The exterior color of new structures, including roofs, shall be of earth or summer vegetation tones, unless completely screened from the river by topography. This standard is recommended when repainting and re-roofing existing structures visible from the river.

(d) SANITARY STANDARDS AND CRITERIA

In order to insure safe and healthful conditions, to prevent pollution and contamination of surface and ground waters, and to guide development compatible with the natural characteristics of blufflands, shorelands, and related water resources, St. Croix Riverway Ordinances shall control individual water supply and waste disposal systems with respect to location, construction, repair, use, and maintenance; and shall control commercial, agricultural, industrial and public waste disposal, and solid waste disposal sites.

(1) Water Supply

(aa) Any public or private supply of water for domestic purposes shall conform to Minnesota Department of Health Standards for water quality.

(bb) Private wells shall be placed in areas not subject to flooding and upslope from any source of contamination.

(2) Sewage and Waste Disposal

Any premises used for human occupancy shall be provided with an adequate method of sewage disposal to be maintained in accordance with acceptable practices.

(aa) Public or municipal collection and treatment facilities shall be used where available or feasible.

(bb) All private sewage and other sanitary waste disposal systems shall conform to applicable standards, criteria, rules, and regulations of the Minnesota Department of Health and the Pollution Control Agency, and any applicable local government regulations in terms of size, construction, use, and maintenance.

(cc) Location and installation of a septic tank and soil absorption system shall be such that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, endanger the quality of any domestic water supply, nor pollute or contaminate any waters of the state. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, high ground water elevation, geology, proximity to existing or future water supplies, accessibility for maintenance, and possible expansion of the system.

(dd) Septic tank and soil absorption systems shall be set back the following minimum distances:

(i) In Rural Districts: not less than 200 feet from the ordinary high-water mark and not less than 40 feet from a bluffline.

(ii) In Urban Districts: not less than 100 feet from the ordinary high-water mark and not less than 40 feet from a bluffline.

(ee) Soil absorption systems shall not be allowed in the following areas for disposal of domestic sewage:

(i) Low, swampy areas, areas subject to recurrent flooding, or natural spring areas.

(ii) Areas where the highest known ground water table, bedrock, or impervious soil conditions are within four feet of the bottom of the system; and

(iii) Areas of ground slope which create a danger of seepage of the effluent onto the surface of the ground.

(ff) St. Croix Riverway Ordinances may require or allow alternative methods of sewage disposal, such as holding tanks, privies, electric or gas incinerators, biological and/or tertiary waste treatment plants, or land disposal systems, provided such facilities meet the standards, criteria, rules, and regulations of the Minnesota Department of Health and the Pollution Control Agency.

(gg) Public sewage disposal and commercial, agricultural, and solid waste disposal shall be subject to the standards, criteria, rules, and regulations of the Minnesota Pollution Control Agency.

(e) SUBDIVISION PROVISIONS

(1) Land Suitability

(aa) Land may be subdivided only where it is demonstrated by the applicant that all lots are suitable for residential development.

(bb) No land shall be subdivided which is held unsuitable by the local authority, or the Commissioner, for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

(2) Subdivision Standards

The provisions otherwise set forth in NR 2201 shall apply to all plats except planned cluster developments.

(3) Preliminary Plan Approval

Preliminary plans for all plats, including planned cluster developments, shall be approved by the Commissioner prior to their approval by the local authority.

(4) Planned Cluster Developments

A pattern of subdivision development which places dwelling units into compact groupings may be allowed when the proposed clustering provides a better means of preserving agricultural land, open space, woods, scenic views, wetlands, and other features of the natural environment than traditional subdivision development. Except for minimum setbacks and height limits, altered dimensional standards may be allowed as exceptions to St. Croix Riverway Ordinances for planned cluster developments provided:

(aa) The number of dwelling units allowed shall not exceed 50 percent more than the total number of dwelling units allowed if the development was based on the minimum lot size requirements for a single-family residential subdivision.

(bb) Open space is preserved, including at least 50 percent of the length of shoreland or bluffland frontage as viewed from the river on which the placement of structures is otherwise permitted in NR 2201 (c).

(cc) Temporary docks, if allowed, shall be centralized and of a size not to exceed the needs of the residents of the development.

(dd) Central sewage facilities, if allowed, shall meet the applicable standards, criteria, rules, or regulations of the Minnesota Department of Health, the Pollution Control Agency, and any applicable local government regulations.

(ee) The provisions otherwise set forth in NR 2201 shall apply to all planned cluster developments.

(5) Public Hearings Required

Public hearings shall be held in accordance with NR 2202 (d)(2) to consider all plats, including planned cluster developments.

(f) MARINA PROVISIONS

(1) District Location

(aa) New marinas may only be allowed between the Boomsite Highway Wayside and Stillwater and downstream from the northern city limits of Stillwater in Urban Districts.

(bb) Exception: for Rural Districts downstream from Stillwater, where marina proposals have water permits pending and/or environmental assessments or impact statements have been ordered under the state or federal Environmental Impact Statement process before the date of Notice of Hearing for these standards and criteria, the prohibition of marinas does not

necessarily apply. These marina proposals may be permitted, modified or denied on the basis of water permit hearings. This exception shall not be construed to limit or restrict any federal or state agency or court from basing a decision in any permit proceeding on the intent and purposes of the National Wild and Scenic Rivers Act (P.L. 92-560); Minnesota Statutes, Section 104.25, Subdivision 3; and any other applicable state or federal statutes and regulations.

(2) Design Standards

(aa) New marinas or marina expansions may be permitted only if they are in the public interest, their size does not exceed the resource limitations of the site, and their design involves utilization of existing harbors in the watercourse or construction of harbors landward of the watercourse.

(bb) The design of a marina shall allow for screening between the harbor and the main channel of the watercourse so as to make marina facilities visually inconspicuous in summer months as viewed from the river.

(cc) An alternative to use of the water surface for new marinas or marina expansions could be the provision of dry-docking facilities for the storage of boats during the open-water season.

(3) Permit Requirements

No construction or development associated with a marina shall begin until all of the following authorizations have been obtained by the applicant:

(aa) Land Authorization

(i) Marinas must be listed as a conditional use in a St. Croix Riverway Ordinance.

(ii) For uses and structures above the ordinary high-water mark associated with a marina, a public hearing shall be held by the local authority to consider a marina as a conditional use in accordance with NR 2202 (d)(2). The local authority may approve or deny the marina as a result of the public hearing. If the local authority approves the marina, final issuance of the local permit shall be conditioned upon the granting of all state and federal permits required for a marina.

(bb) Water Authorization

(i) Minnesota Statutes, Section 105.42 requires a permit from the Commissioner to change the course, current, or cross-section of public waters wholly or partly within the State in the St. Croix Riverway by any means, including, but not limited to, filling, excavating, or placing of any materials in or on the beds of public waters.

(ii) Under Section 10 of the River and Harbor Act of 1899 and/or Section 404 of the Federal Water Pollution Control Act Amendments of 1972, a permit for structures and/or fill is also required from the Corps of Engineers.

(iii) If the local authority grants the conditional use permit, then prior to the issuance of a permit required by Minnesota Statutes, Section 105.42 for the construction, reconstruction, or expansion of a marina in the

St. Croix Riverway, the Commissioner may hold a public hearing as provided by Minnesota Statutes, Chapter 105.

(iv) Preservation of existing screening, or the establishment of adequate screening shall be a primary consideration of the Commissioner in reviewing marina permit applications in the St. Croix Riverway. Esthetic incompatibility with the purposes of these standards and criteria shall be adequate justification for denial of a permit application by the Commissioner.

(v) Shoreline protective structures authorized by permit, such as rock rip-rap revetments, shall be of natural earth color tones so as to be visually inconspicuous from the river.

(vi) Below the ordinary high-water mark in the watercourse outside of harbors, no permanent pilings, piers, docks, levees, jetties, breakwaters, or the like shall be authorized for marinas.

(cc) Sanitary Authorization

All fueling and sanitary facilities associated with a marina shall conform to applicable standards, criteria, rules, and regulations of the Minnesota Department of Health and the Pollution Control Agency, and any applicable local government regulations in terms of location, size, construction, use, and maintenance.

(g) ALTERATIONS IN PUBLIC WATERS

(1) Changing the course, current, or cross section of public waters requires a permit from the Commissioner of Natural Resources under Minnesota Statutes, Section 105.42. The standards in NR 2201 (f)(3)(bb)(iv) through (vi) shall apply to any alterations in public waters.

(2) Under Section 10 of the River and Harbor Act of 1899 and/or Section 404 of the Federal Water Pollution Control Act Amendments of 1972, a permit for any structure and/or fill is also required from the Corps of Engineers.

(3) Prior to the issuance of a permit for alterations in public waters, the Commissioner may hold a public hearing in the manner provided by Minnesota Statutes, Chapter 105.

(h) TRANSMISSION SERVICES

(1) A permit from the Commissioner is required pursuant to Minnesota Statutes, Sections 84.415 or 105.42 before transmission services may cross state-owned lands or public waters.

(2) Rules and Regulations of the Department of Natural Resources Relating to Utility Crossings of Public Lands and Waters, NR 5100-5102 shall apply to proposed transmission services crossings of state-owned lands and public waters. The performance standards in these rules and regulations as they relate to transmission services shall also apply when securing approval from the local authority to cross other lands in the St. Croix Riverway.

(3) Prior to the issuance of permit for a transmission services crossing of state-owned lands or public waters in the St. Croix Riverway, the Commissioner may hold a public hearing in the manner provided by Minnesota Statutes, Chapter 105.

(i) PUBLIC ROADS

(1) A permit from the Commissioner is required pursuant to Minnesota Statutes 105.42 before construction, reconstruction, removal, or abandonment of any road or railroad crossing of public waters. In reviewing permit applications required for road or railroad crossings, consideration shall be given to crossings with or adjacent to existing facilities, such as roads and utilities.

(2) Rules and Regulations of the Department of Natural Resources Relating to the Wild, Scenic, and Recreational Rivers System, NR 79 (j)(2) shall apply to road crossings of public waters. The performance standards in these rules and regulations as they relate to public roads shall also apply when securing approval from the local authority to cross other lands in the St. Croix Riverway.

(3) Prior to the issuance of a permit for road crossing of public waters in the St. Croix Riverway, the Commissioner may hold a public hearing in the manner provided by Minnesota Statutes, Chapter 105.

NR 2202 Administration and Enforcement**(a) JOINT EXERCISE OF POWERS**

In order to facilitate more logical, consistent, and efficient administration of St. Croix Riverway Ordinances, counties and cities are encouraged, whenever feasible and practicable, to enter into joint powers agreements with adjacent or otherwise similarly situated local units of government for the purpose of jointly administering and enforcing St. Croix Riverway Ordinances pursuant to the procedures and authority of Minnesota Statutes, Sections 394.32 and 471.59.

(b) LOCAL PERMIT PROCEDURES**(1) Permitted Uses**

In order to facilitate orderly and efficient administration and enforcement of St. Croix Riverway Ordinances, local units of government shall establish permit procedures for permitted and accessory uses and associated structures.

(2) Conditional Uses

In accordance with the provisions of NR 2201 (b)(3), conditional uses are subject to the following procedures:

(aa) Establishment of special zoning districts, conditional uses, and specific standards and criteria by which conditional uses may be allowed, shall be approved by the Commissioner prior to adoption of a St. Croix Riverway Ordinance; and

(bb) Public hearings shall be held in accordance with NR 2202 (d)(2) to consider conditional use permits.

(c) VARIANCES

Variations shall only be granted where there are particular hardships which make the strict enforcement of a St. Croix Riverway Ordinance impractical. Hardship means the proposed use of the property and associated

structures in question cannot be established under the conditions allowed by a St. Croix Riverway Ordinance; the plight of the landowner is due to circumstances unique to his property, not created by the landowner after May 1, 1974; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property and associated structures exists under the conditions allowed by a St. Croix Riverway Ordinance. In addition, no variance shall be granted that would permit any use that is prohibited in a St. Croix Riverway Ordinance in which the subject property is located. Conditions may be imposed in the granting of variances to insure compliance and to protect adjacent properties and the public interest, especially in regard to the view from the river.

(d) PUBLIC HEARING PROCEDURES

(1) Public Hearings Required

In addition to public hearings required by Minnesota Statutes, Sections 375.51 and 462.357 prior to the adoption of a St. Croix Riverway Ordinance or amendments thereto, public hearings shall be held before any conditional use permit, any variance, and any proposal for a subdivision is approved or denied in the St. Croix Riverway by the local authority.

(2) Public Hearing Criteria for Conditional Use Permits, Variances and Subdivisions.

(aa) Requirements of the Applicant

The applicant shall submit sufficient copies of the following information to the local authority 30 days prior to the public hearing on the application for a conditional use, variance, or subdivision:

(i) Plat of survey showing the property location, boundaries, dimensions, elevations, blufflines, utility and roadway corridors, the ordinary high-water mark, floodway, and flood plain;

(ii) The most recent aerial photo of the property with property lines drawn in;

(iii) Location of existing and proposed structures including height and setback dimensions;

(iv) Location of existing and proposed alterations of vegetation and topography;

(v) Adjoining water-oriented uses;

(vi) Suitability of the area for onsite waste disposal. Type, size, and location of the system shall be indicated. If a public or municipal wastewater collection and treatment system is to be utilized, the applicant must submit a written agreement from the municipality or sanitary authority indicating that the system has the capacity to handle the development;

(vii) Water supply system; and

(viii) An estimate of permanent and transient residents.

(bb) Review of Application

No less than 20 days prior to the public hearing, the local authority shall

send copies of the above information to the following agencies for review and comment:

- (i) Department of Natural Resources;
- (ii) County or City Planning Commission;
- (iii) Regional Planning Commission; and
- (iv) Minnesota-Wisconsin Boundary Area Commission.

(cc) Hearing Record and Decision

The hearing record shall contain the comments of the agencies listed in NR 2202 (d)(2)(bb) and any other interested parties when such comments have been submitted. The decision by the local authority shall address the following items:

- (i) Preserving the scenic and recreational resources of the St. Croix Riverway, especially in regard to the view from and use of the river;
- (ii) The maintenance of safe and healthful conditions;
- (iii) The prevention and control of water pollution, including sedimentation;
- (iv) The location of the site with respect to floodways, flood plains, slopes, and blufflines.
- (v) The erosion potential of the site based on degree and direction of slope, soil type, and vegetative cover;
- (vi) Potential impact on game and fish habitat;
- (vii) Location of the site with respect to existing or future access roads;
- (viii) The amount of wastes to be generated and the adequacy of the proposed disposal systems;
- (ix) The anticipated demand for police, fire, medical, and school services and facilities; and
- (x) The compatibility of the proposed development with uses on adjacent land.

(dd) Forwarding the Decision

A copy of the final decision by the local authority on the application for a conditional use, variance, or subdivision shall be forwarded to the Commissioner within 10 days of such action.

(e) CERTIFYING CERTAIN ACTIONS

(1) In order to insure that the standards and criteria herein are not nullified by unjustified exceptions in particular cases, and to promote uniformity in the treatment of applications for such exceptions, a review and certification procedure is hereby established for certain land use decisions. These certain decisions consist of any decisions which directly affect the

use of the land in the St. Croix Riverway, and are one of the following types of action:

(aa) Adopting or amending a St. Croix Riverway Ordinance regulating the use of land, including rezoning of particular tracts of land.

(bb) Granting a variance from the provisions of a St. Croix Riverway Ordinance which relates to the Dimensional Standards and Criteria of NR 2201 (c).

(2) No such action becomes effective unless and until the Commissioner has certified that the action complies with the intent of the National Wild and Scenic Rivers Act, the Federal and State Lower St. Croix River Acts and the Master Plan adopted thereunder, and these standards and criteria. In determining the acceptability of the proposed action, the items in NR 2202 (d)(2)(cc) shall also be considered.

(3) Procedures for the Certification Process

(aa) A copy of all notices of any public hearings to consider adoption or amendment of a St. Croix Riverway Ordinance, or variance application shall be received by the Commissioner at least 20 days prior to such hearings to consider such actions. The notice shall include a copy of the proposed St. Croix Riverway Ordinance or amendments, or a description of the requested variance.

(bb) The local authority shall notify the Commissioner of its final decision on the proposed action within 10 days of the decision.

(cc) The Commissioner shall, no later than 30 days from the time he receives notice of the final decision, communicate to the local authority either:

(i) Certification of approval, with or without conditions; or

(ii) Notice of non-approval.

(dd) The action becomes effective when and only when either:

(i) The final decision taken by the local authority has previously received certification of approval from the Commissioner; or

(ii) The local authority receives certification of approval after its final decision; or

(iii) Thirty days have elapsed from the day the Commissioner receives notice of the final decision, and the local authority has previously received from the Commissioner neither certification of approval nor notice of non-approval; or

(iv) The Commissioner certifies his approval after conducting a public hearing.

(ee) In the case of notice of non-approval of a St. Croix Riverway Ordinance, amendment, or variance, either the local authority or the applicant may, within 30 days of said notice, file with the Commissioner a demand for hearing. If the demand for hearing is not made within the 30 days, the notice of non-approval becomes final. If a public hearing is demanded:

(i) The hearing shall be held in the appropriate local community

within 60 days of the demand for it but not before 2 weeks published notice. Notice and the conduct of the hearing and the allocation of costs of the hearing shall be accomplished in the same manner as provided in Minnesota Statutes, Section 105.44, Subdivisions 5 and 6.

(ii) Within 30 days after the hearing, the Commissioner shall either certify his approval of the proposed action, or deny it. His decision shall be based upon findings of fact made on substantial evidence found in the hearing record. If the Commissioner concludes that the proposed action satisfies the criteria of NR 2202 (e)(2), then he shall certify his approval; otherwise he shall deny it.

(f) IMPLEMENTATION AND ENFORCEMENT ASSISTANCE

The Department of Natural Resources shall provide assistance to the local units of government under the jurisdiction of the federal and state Lower St. Croix River Acts to implement and enforce St. Croix Riverway Ordinances adopted pursuant to these standards and criteria.

Filed March 15, 1976

**STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES**

Rules and Regulations

CHAPTER TWENTY-THREE: NR 2300

**STATEWIDE STANDARDS AND CRITERIA FOR MANAGEMENT
OF
THE KETTLE WILD AND SCENIC RIVER IN PINE COUNTY**

NR 2300

(a) General Provisions

(1) These rules provide standards and criteria for state and local management of the waters and shores of the Kettle River component of the Minnesota Wild and Scenic Rivers System. They establish the manner in which public recreational use of the river and its shores will be provided for and controlled, and the manner in which public and private development of the river shorelands may take place.

(2) These rules apply to those portions of the river and its shorelands indicated by the attached maps and legal descriptions.

(3) These rules are authorized by Minnesota Statutes 1974, Section 104.35.

(b) Recreation Management

(1) As provided for in the Management Plan, the recreation management policy is to provide for the orderly use of public lands and waters within the Wild and Scenic river land use districts. The development of selected land- and river-oriented recreational facilities and the maintenance of these will help "protect the rights of private landowners, ensure quietude, prohibit trespassing, and maintain the essential quality of Wild and Scenic river land use districts", as provided for in NR 80(a)(1).

(2) As provided for in NR 79(b)(2) and the Kettle River Management Plan, the development of public or private recreational facilities within the Wild or Scenic river land use districts shall conform to the design specification guidelines as shown on Figures 1-6.

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

(4) No Department of Natural Resources state corridor trails shall be established in either the Wild or Scenic river land use districts other than those identified in the Kettle River Management Plan.

(aa) The Kettle River crossing for the Minnesota-Wisconsin Boundary Trail shall be by a temporary bridge. The exact location, nature and design of the crossing shall conform to the provisions of Minnesota Regulations NR 79(j).

(bb) If additional recreational trails are desired by local residents and landowners, it is recommended that these be developed through the Department of Natural Resources trail assistance programs. Through the department's trail assistance programs, funds for local trail development and maintenance are made available to local units of government.

(cc) Existing state trails will not be closed, and new trails within state management units may be developed in conformity with the guidelines shown on Figure 1.

(5) The recreational use of the Kettle River and adjacent public lands will be regulated where necessary to insure that the use does not adversely affect the values for which the river qualified for designation.

(6) The commissioner of natural resources adopts the Recreation Management Maps, Plates 1-8, for the protection, recreational use and management of public lands or interests in land, for the Kettle River and its adjacent lands within the Wild and Scenic river land use districts.

(7) The Division of Parks and Recreation shall allocate funds for maintenance of the Kettle River, and its adjacent lands, from the department's river development and maintenance account; and that the possibility of using local volunteer litter patrols be investigated as a means of supplementing the department's maintenance program.

(8) The department's Enforcement Division shall enter into discussions with the local units of government concerning the delineation of responsibilities for enforcement of applicable Wild and Scenic river regulations.

(9) The Division of Parks and Recreation shall arrange for a recreational use study of the Kettle River.

(c) Land Management

(1) No permit will be issued for a crossing of the designated portion of the Kettle River, from the Carlton-Pine county line to the St. Croix River, except for those crossings identified below:

County State Aid Highway (CSAH) 46 crossing
 CSAH 52 crossing
 CSAH 41 crossing
 U.S. Highway 61 crossing
 CSAH 33 crossing
 Section 14-15, Township 40N, Range 20W
 power line crossing

Further, utility crossings are particularly inappropriate within the Wild river land use district. However, additional crossings would be allowed at the existing line crossing (Section 14-15, Township 40N, Range 20W) only if the preferred alternative of using a crossing above the designated area or using one of the corridors in the Scenic portion of the river would generate even greater adverse

environmental effects and if the crossings can be installed without significant additional right-of-way clearing within the land use district.

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

- | | |
|-----------------|---------------------|
| 1. Birch Creek | 7. Deer Creek |
| 2. Moose River | 8. Fox Brook |
| 3. Willow River | 9. Grindstone River |
| 4. Pine River | 10. Cedar Creek |
| 5. Cane Creek | 11. Deer Brook |
| 6. Wolf Creek | 12. Kennedy Brook |

(3) The commissioner of natural resources adopts the Land Management Maps, Plates 1-8, to the area identified in the legal description and according to NR 78(g)(2)(bb) for the protection and management of lands within the Wild and Scenic river land use districts.

(aa) The regulations contained in Minnesota Regulations NR 78-81 shall be applicable to all unincorporated lands, at the time of designation, within the Wild and Scenic river land use districts, except for those under federal jurisdiction.

(bb) The lands or interests in land recommended to be acquired in this plan will be acquired where funds are available for such purchases from willing sellers, as provided for in Minnesota Statutes 104.37.

(cc) The land use regulations contained in Minnesota Regulations NR 82-84 shall be applied to all incorporated lands, and shall be administered in conformity with the provisions of NR 81, as applicable.

(dd) Because acquisition of land, or interests in land, is from willing sellers, at the appraised value, some lands recommended for scenic easement acquisition may be purchased in fee title. This change from the recommended acquisition would be based on the mutual agreement by and between the State of Minnesota and the landowner(s). Furthermore, additional lands, or interests in land, may be purchased in order to further the policies established in Chapter 271 and this Management Plan.

(ee) Land exchanges will be expedited, wherever feasible, in order to acquire lands within the land use district boundaries. These exchanges will be expedited in the manner prescribed by state law. However, land exchanges will not be recommended if such exchanges would adversely affect other Department of Natural Resources management programs.

(d) Administration

(1) Pine County shall enact or amend such ordinances and maps as necessary to:

(aa) Establish the Wild river and Scenic river land use districts identified on the land management maps and the land use district property descriptions within Pine County.

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

(2) The municipalities of Willow River, Rutledge and Sandstone shall enact or amend ordinances as necessary to:

(aa) Establish the Scenic river land use districts as delineated for their jurisdictions on the Land Management Maps.

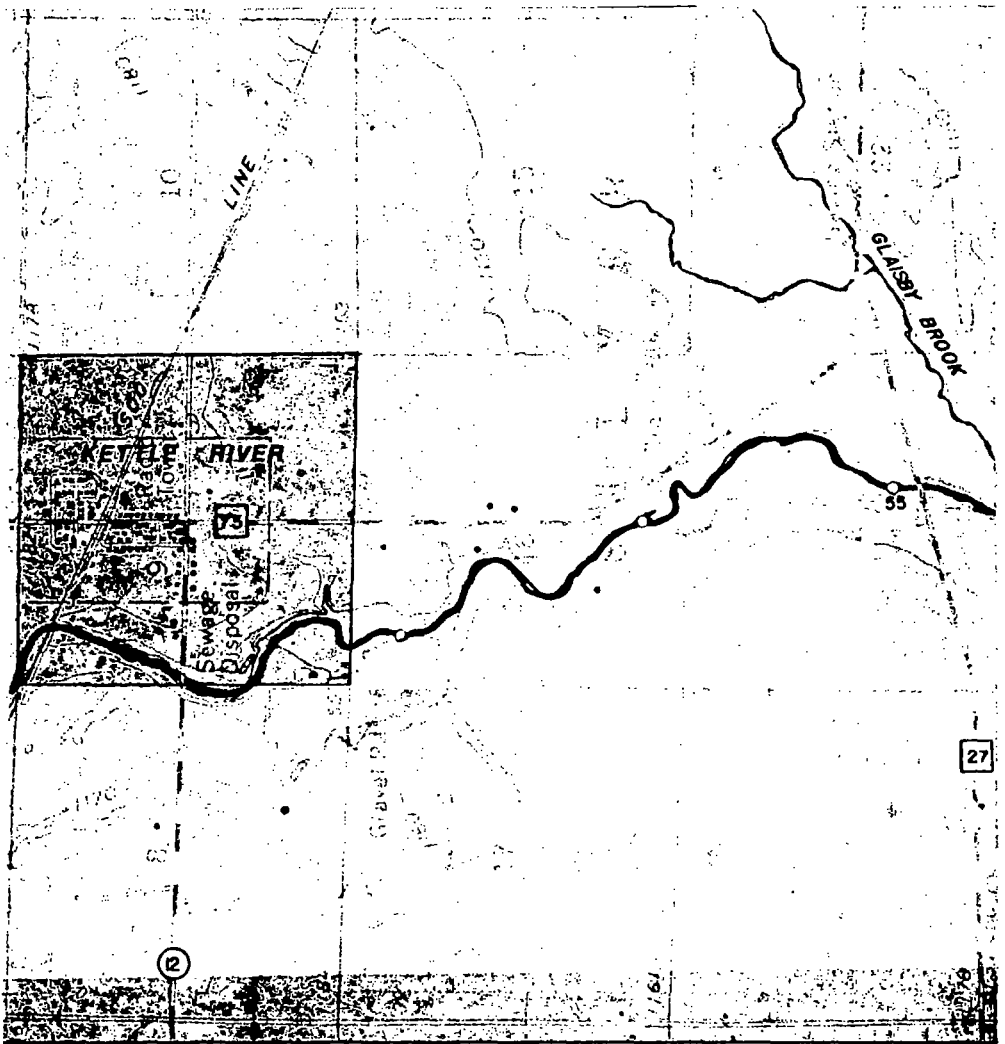
(bb) Conform to the provisions of Minnesota Regulations NR 82-84 and administer these provisions according to Minnesota Regulations NR 81, as applicable.

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

(3) Nothing in Minnesota Regulations NR 78-81 or this management plan shall preclude Pine or Carlton counties or their subdivisions from adopting regulations more protective than those promulgated in this management plan, subject to approval by the commissioner of natural resources.

(4) The Department of Natural Resources shall assist the local units of government in the implementation of Minnesota Regulations NR 78-81, in accordance with the provisions of Minnesota Statutes 1974, Section 104.36 Subdivision 2. The Department of Natural Resources shall delineate the land use district boundaries on the appropriate zoning maps, for the affected local units of government.

LAND MANAGEMENT
&
RECREATION MANAGEMENT
MAPS

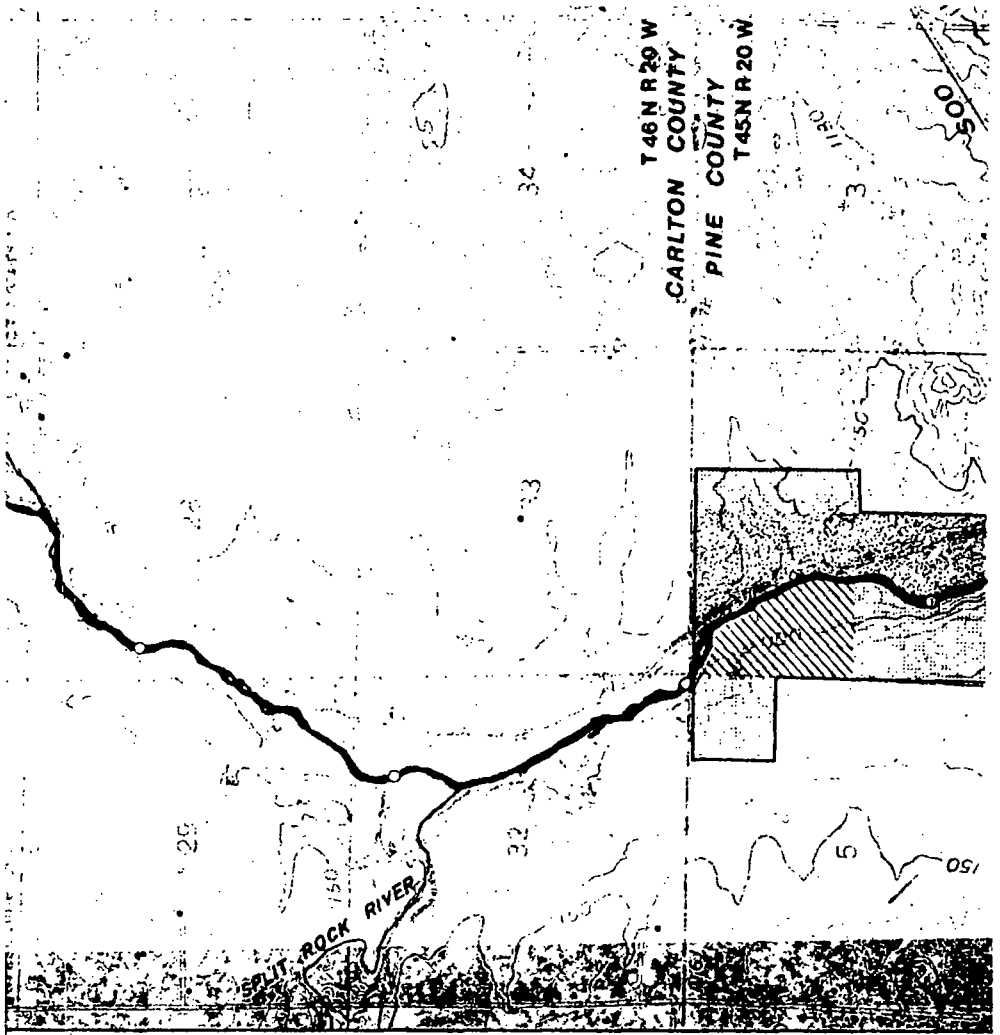


K




KETTLE RIVER
MANAGEMENT PLAN

LAND


	LAND USE DISTRICT
	SETBACK AREA
	PUBLIC OWNERSHIP




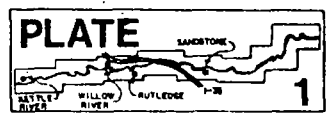
MANAGEMENT

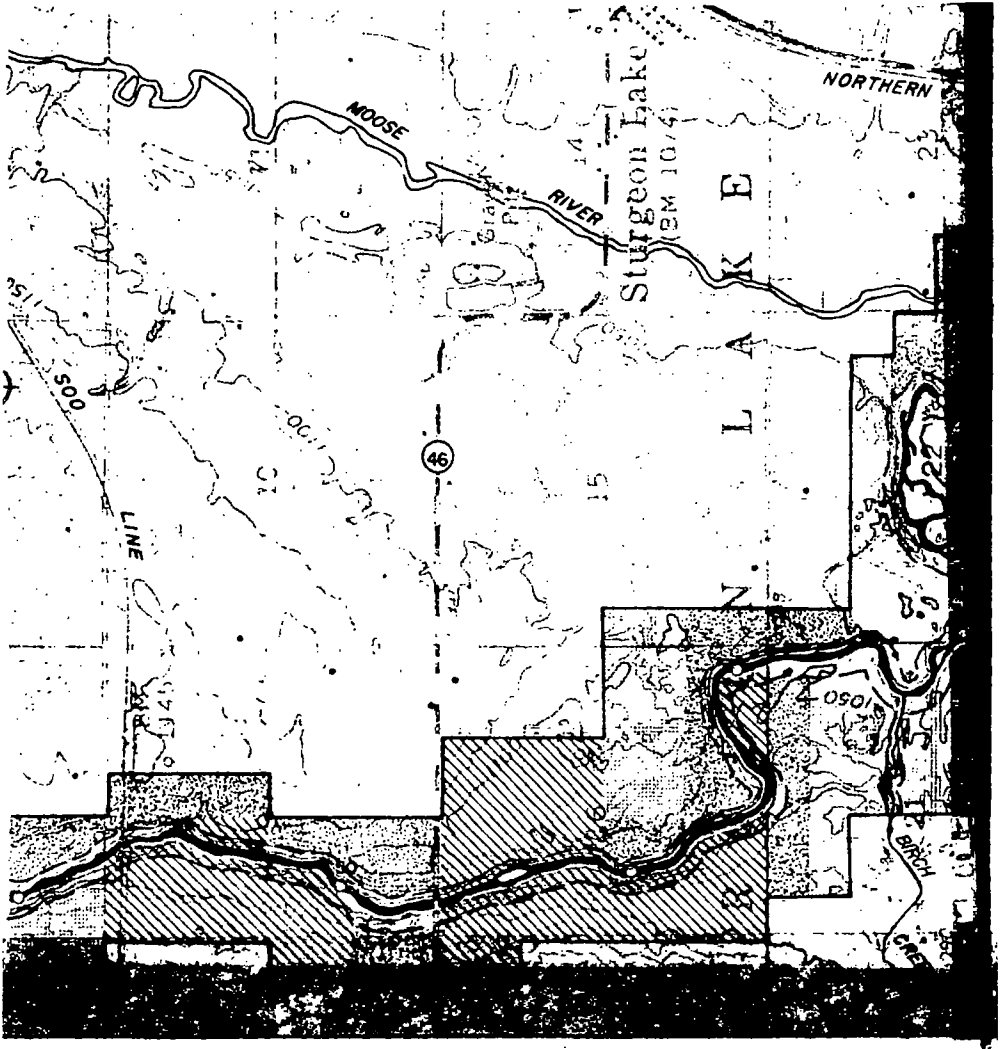
	FEE TITLE
	SCENIC EASEMENT
	ZONING

NORTH






SCALE: 1" = 2000'

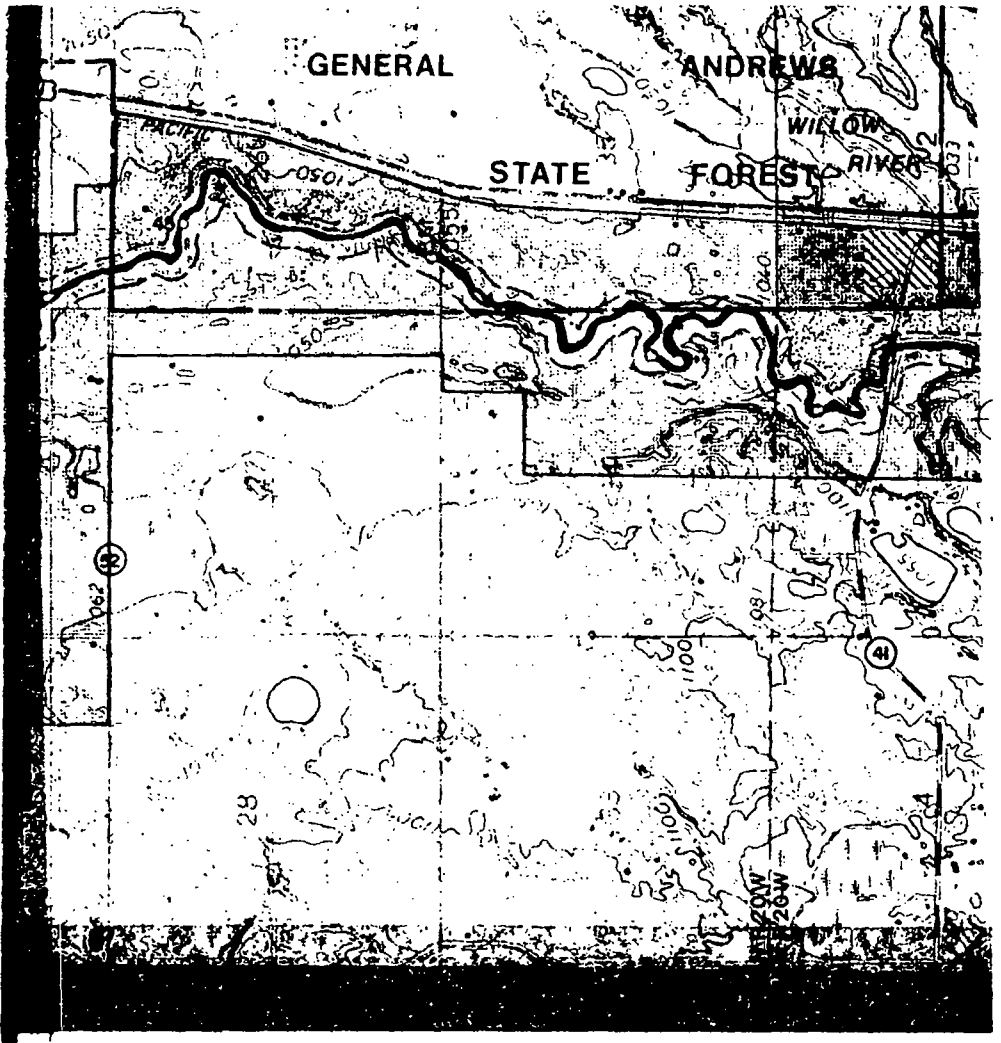








KETTLE RIVER
MANAGEMENT PLAN


LAND

-  LAND USE DISTRICT
-  SETBACK AREA
-  PUBLIC OWNERSHIP

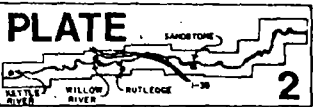



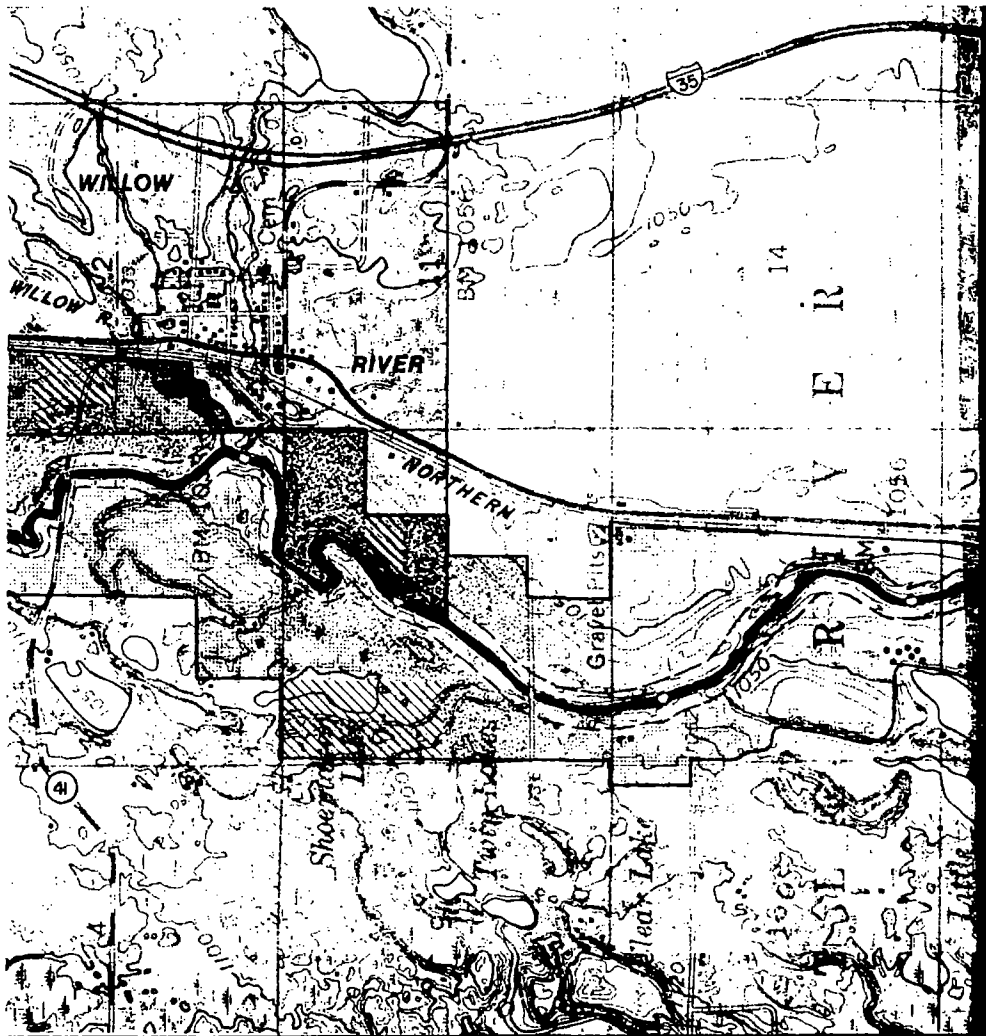
MANAGEMENT

-  FEE TITLE
-  SCENIC EASEMENT
-  ZONING

 SCALE: 1" = 2000'




PLATE

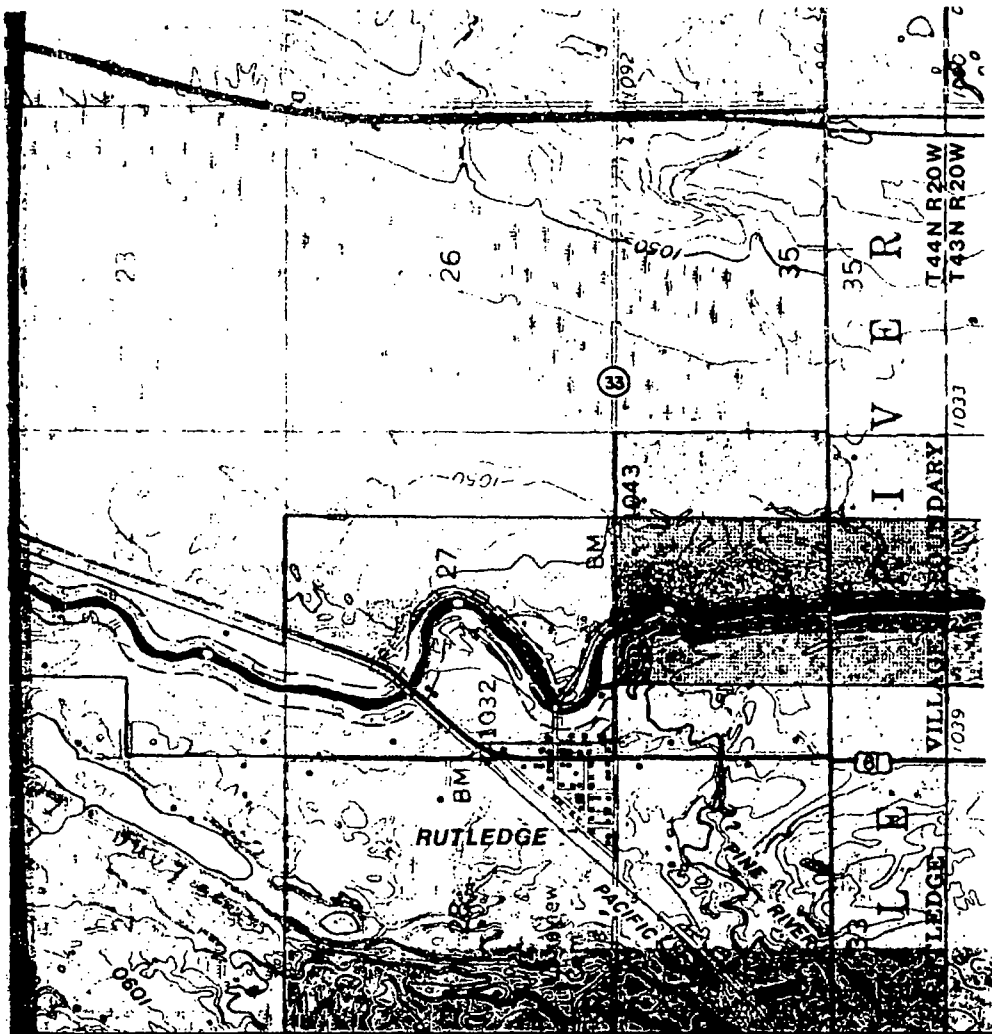







KETTLE RIVER
MANAGEMENT PLAN

LAND

	LAND USE DISTRICT
	SETBACK AREA
	PUBLIC OWNERSHIP



MANAGEMENT

-  FEE TITLE
-  SCENIC EASEMENT
-  ZONING



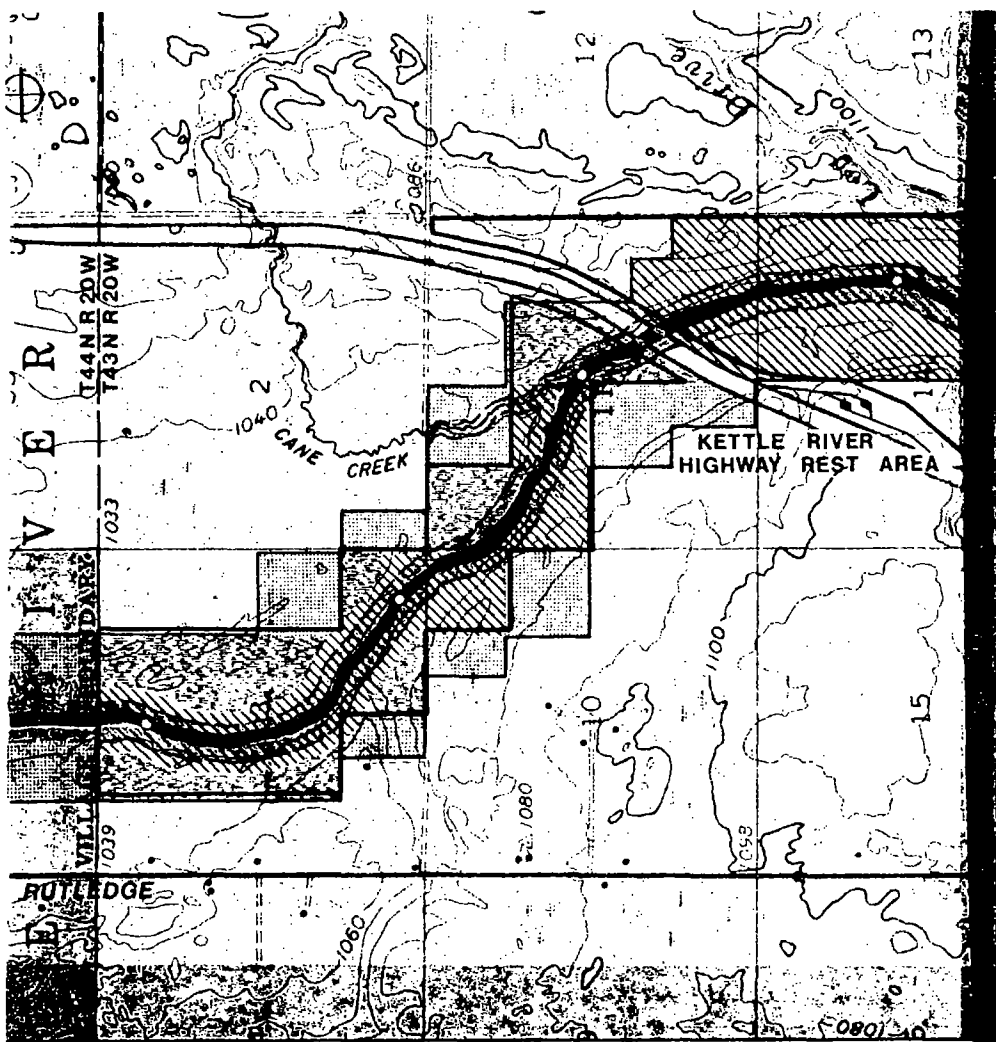



North  SCALE: 1" = 2000'

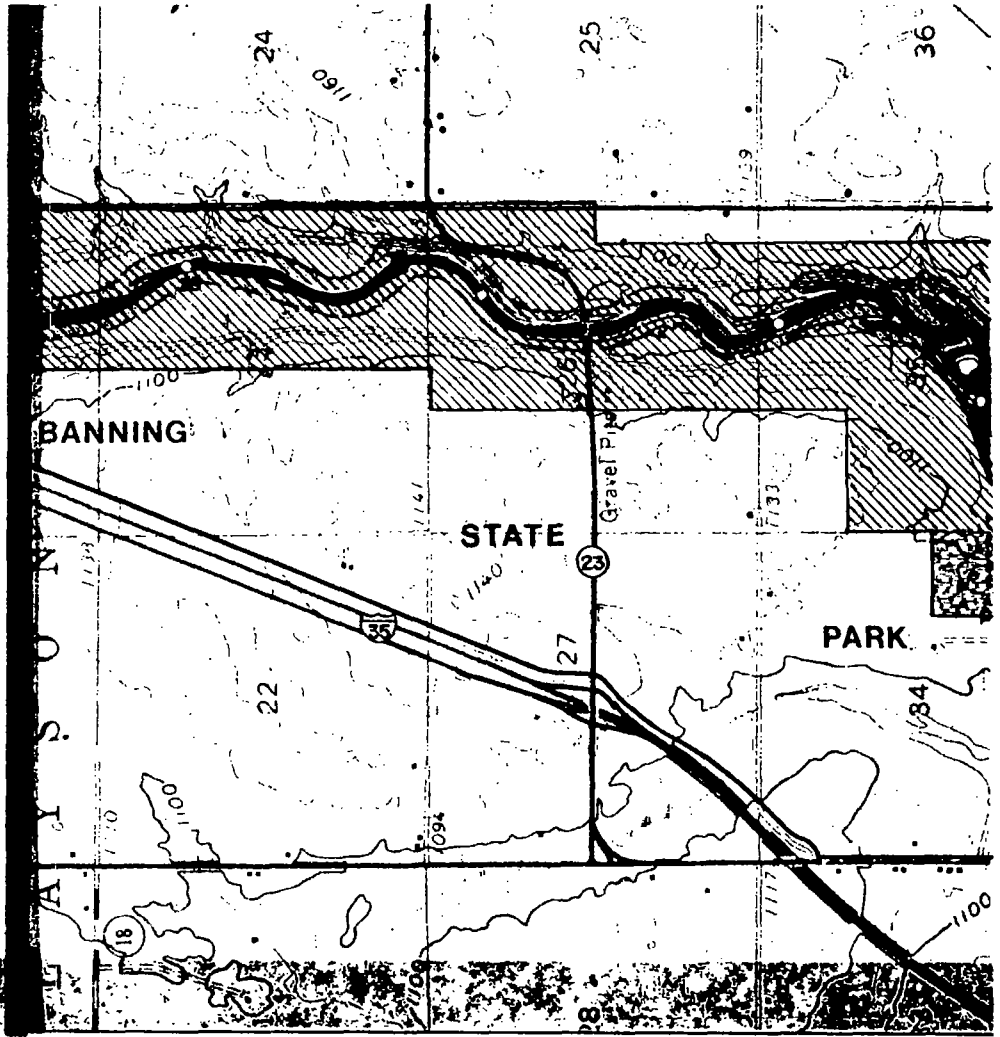
PLATE  **3**






KETTLE RIVER
MANAGEMENT PLAN

LAND

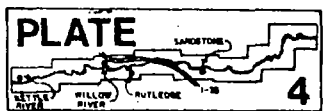
-  LAND USE DISTRICT
-  SETBACK AREA
-  PUBLIC OWNERSHIP

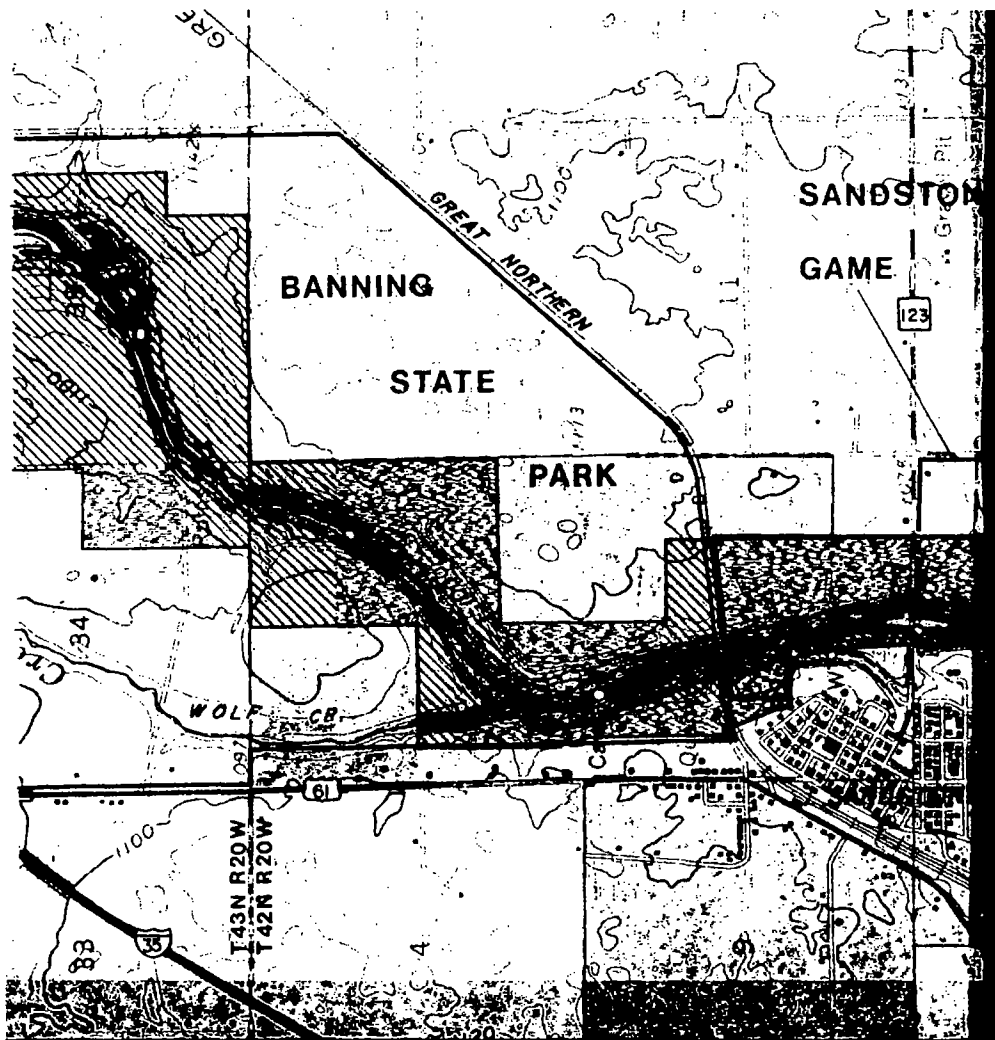


MANAGEMENT

-  FEE TITLE
-  SCENIC EASEMENT
-  ZONING

 NORTH
SCALE: 1" = 2000'

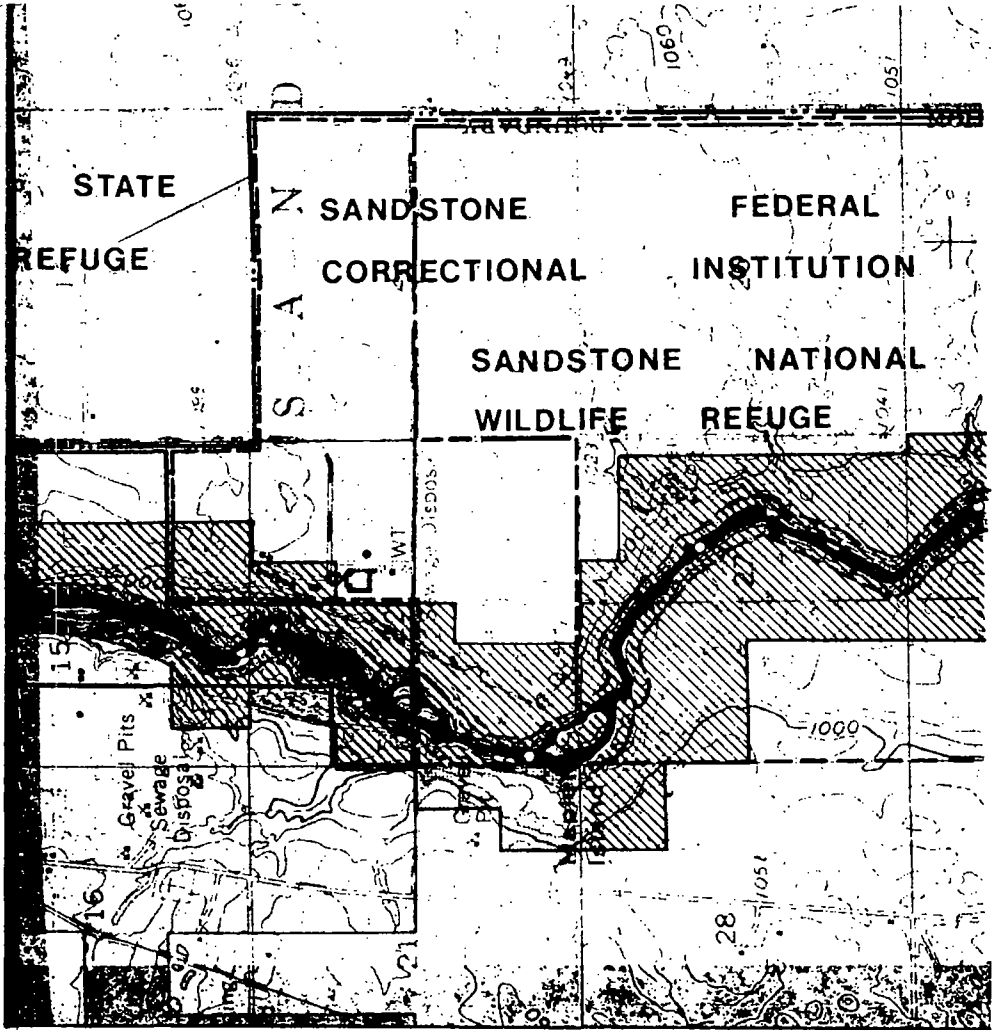







KETTLE RIVER
MANAGEMENT PLAN


LAND


- LAND USE DISTRICT
- SETBACK AREA
- PUBLIC OWNERSHIP




MANAGEMENT

-  FEE TITLE
-  SCENIC EASEMENT
-  ZONING

 NORTH

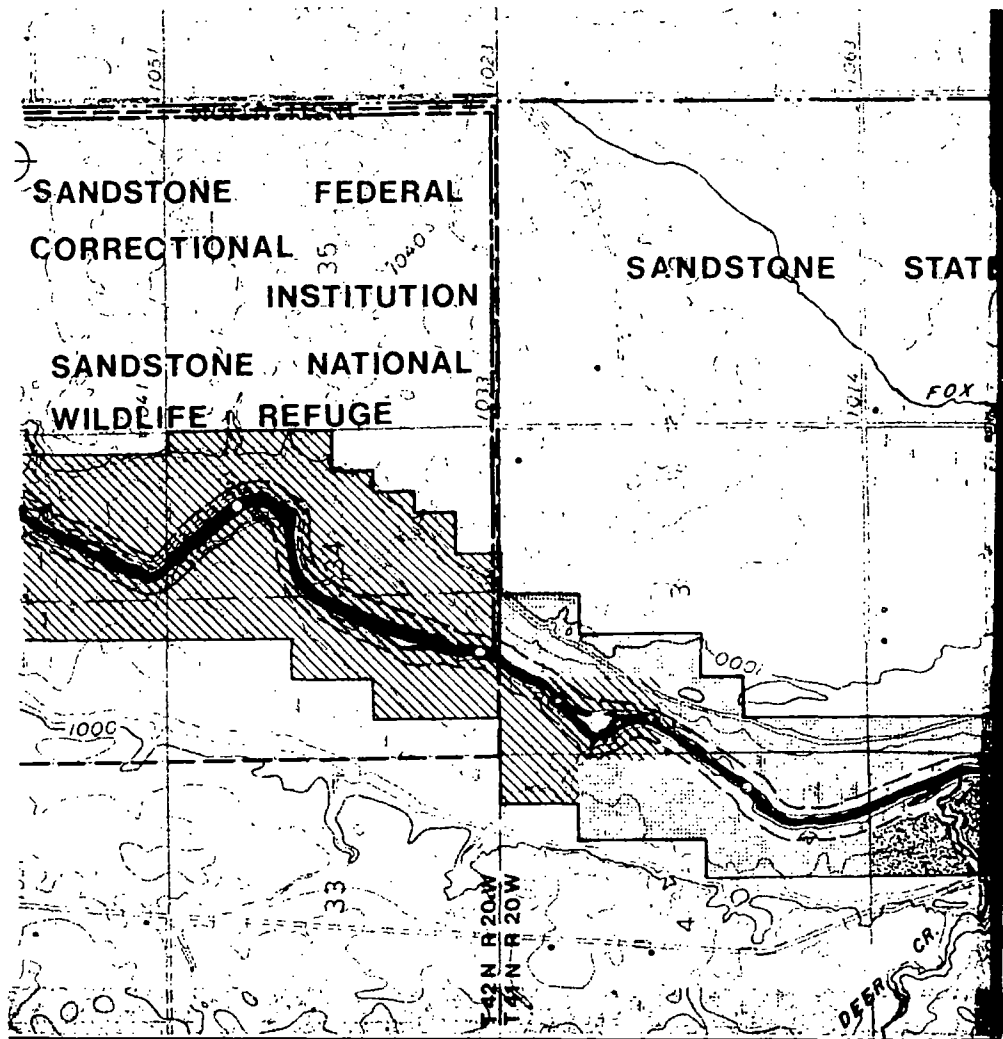
 SCALE: 1" = 2000'

PLATE






KETTLE RIVER WILLOW RIVER RUFFLEDGE

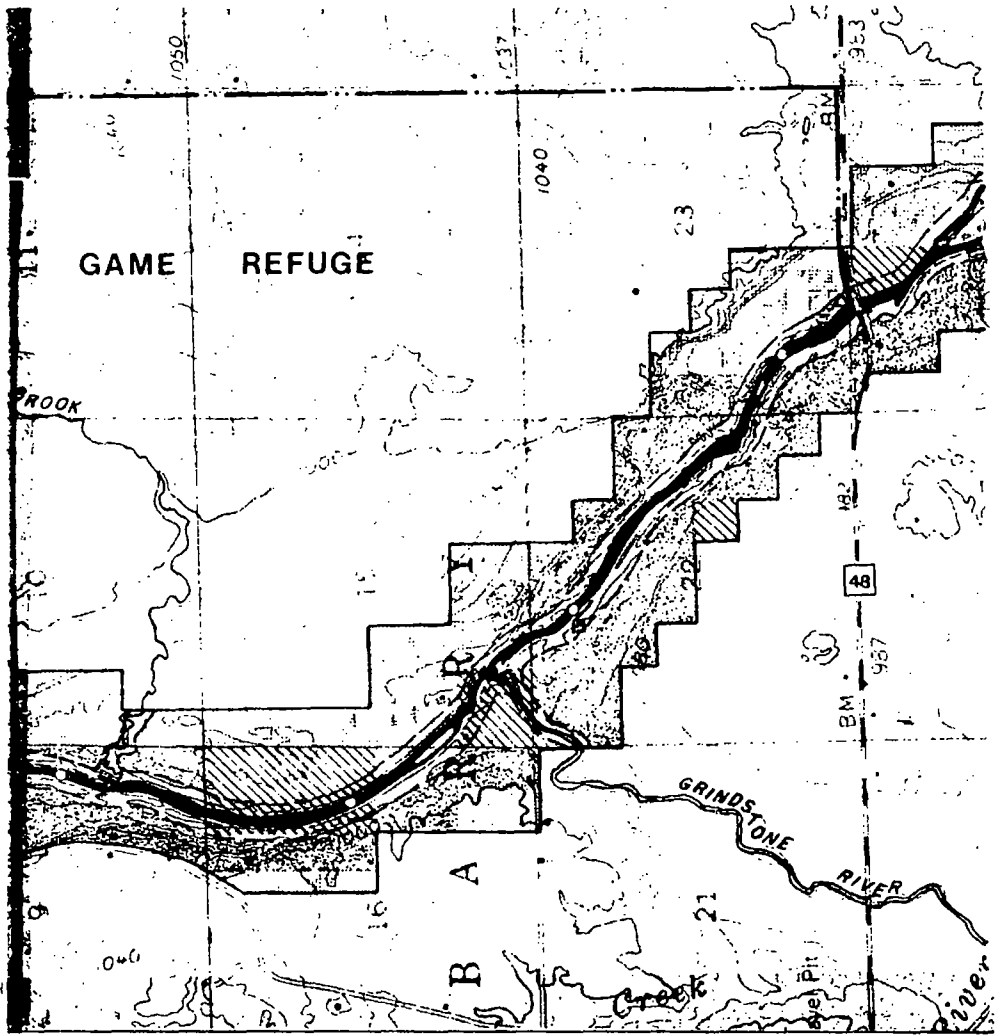
5






KETTLE RIVER
MANAGEMENT PLAN

LAND

	LAND USE DISTRICT
	SETBACK AREA
	PUBLIC OWNERSHIP



MANAGEMENT

-  FEE TITLE
-  SCENIC EASEMENT
-  ZONING



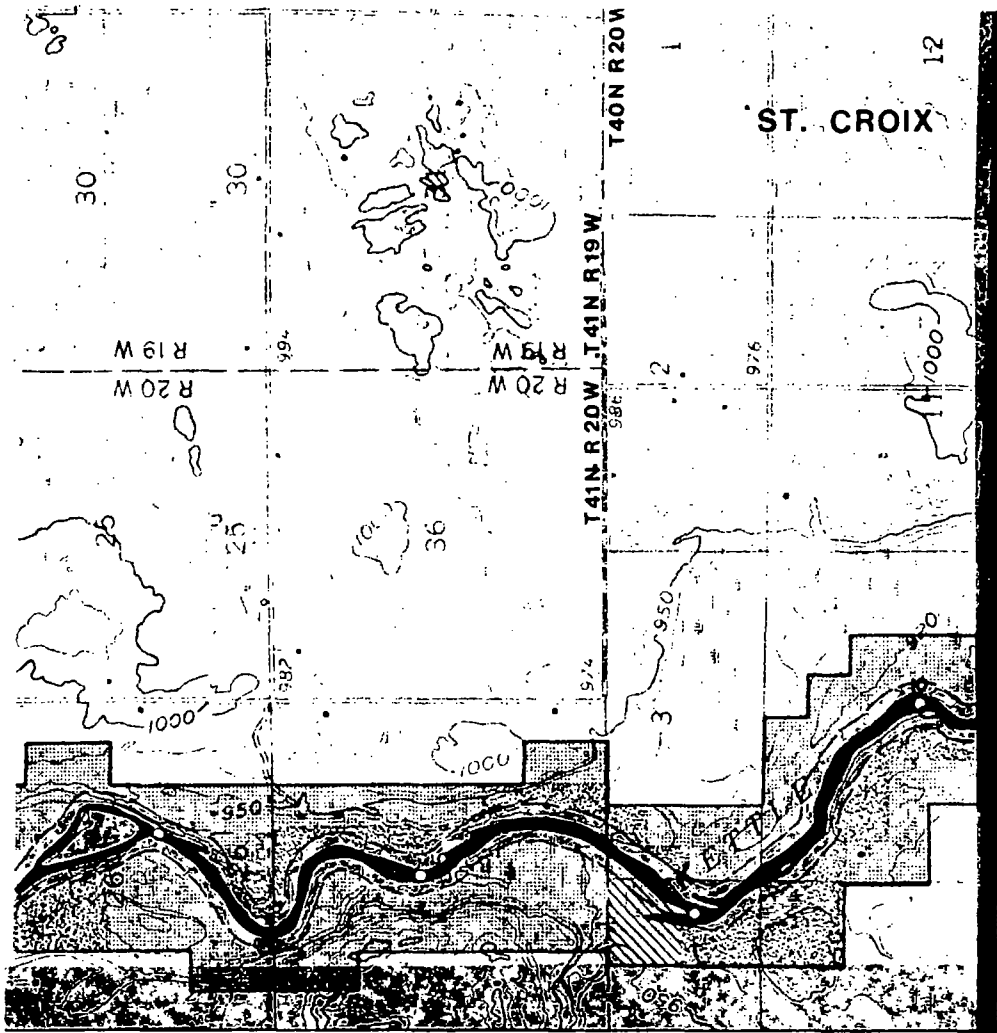



 NORTH
SCALE: 1" = 2000'

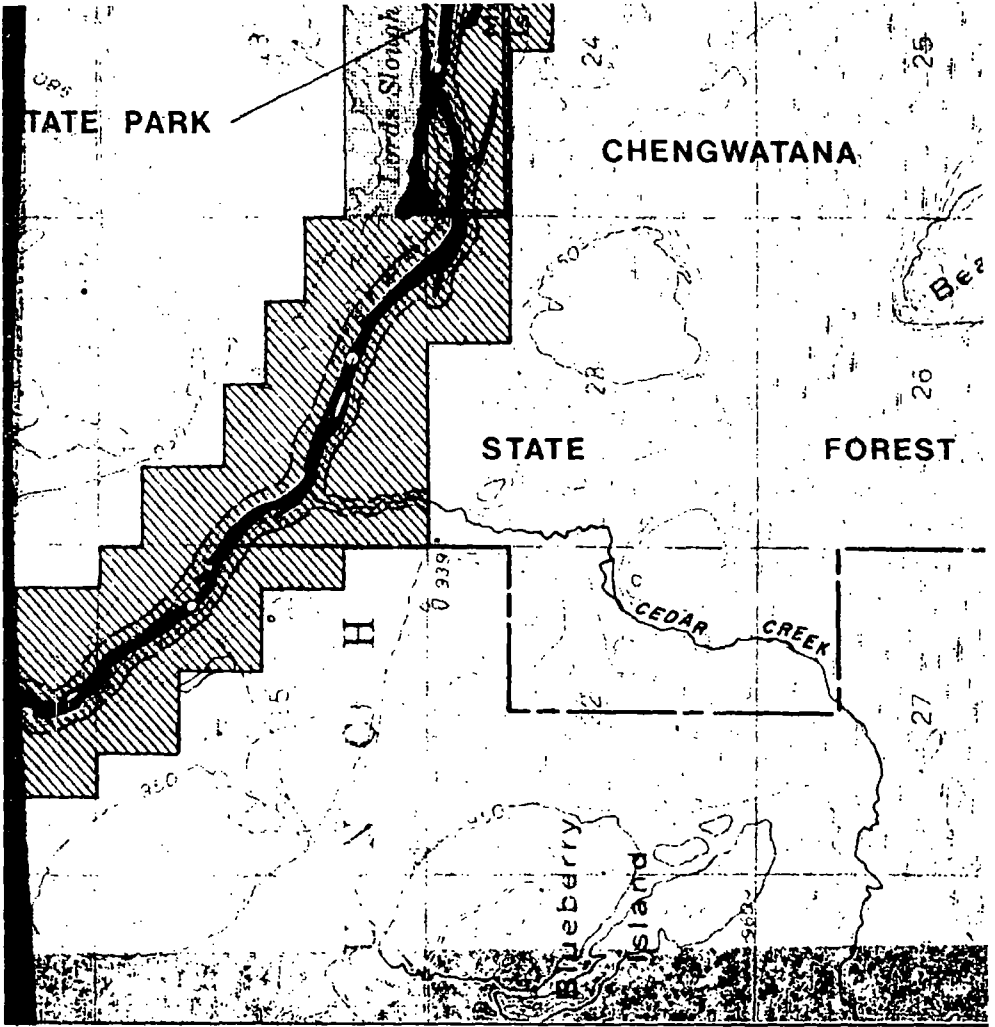
PLATE
SANDSTONE
WETTEL RIVER WILLOW RIVER RUTLEDGE
6






KETTLE RIVER
MANAGEMENT PLAN

LAND


-  LAND USE DISTRICT
-  SETBACK AREA
-  PUBLIC OWNERSHIP

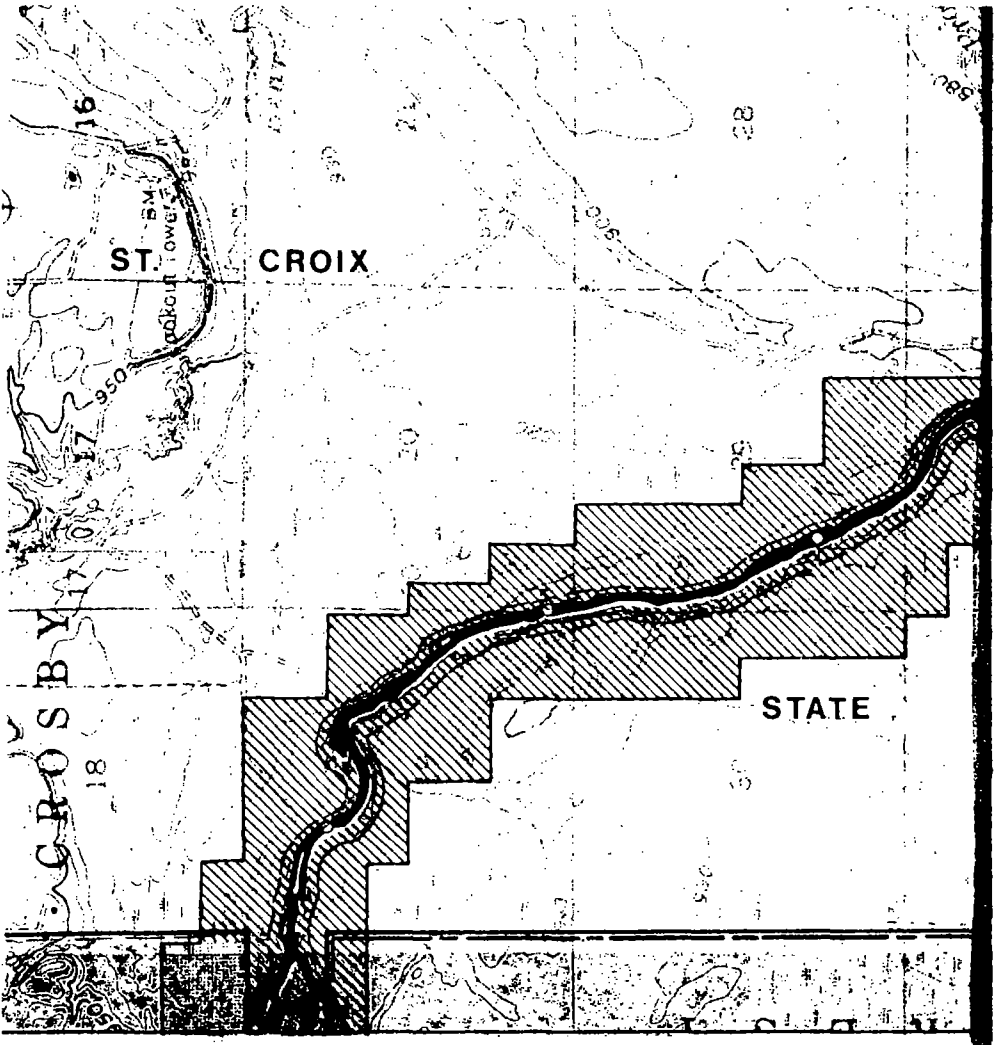


MANAGEMENT

-  FEE TITLE
-  SCENIC EASEMENT
-  ZONING

NORTH  
 SCALE: 1" = 2000'

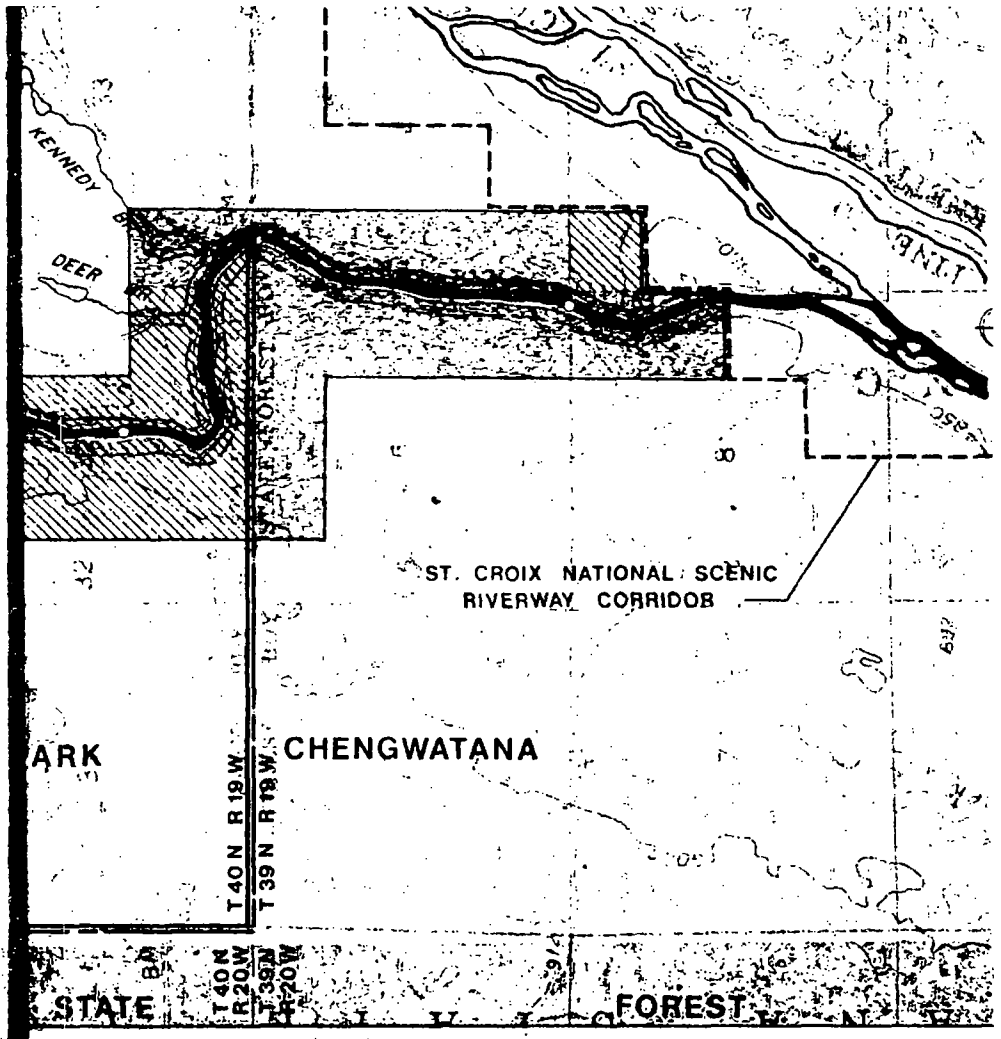
PLATE 
 SANDSTONE
 RUTLEDGE 1-38
 YELLOW RIVER
 RUTLEDGE RIVER
7






KETTLE RIVER
MANAGEMENT PLAN

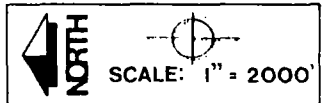
LAND

- LAND USE DISTRICT
- SETBACK AREA
- PUBLIC OWNERSHIP

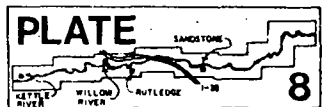


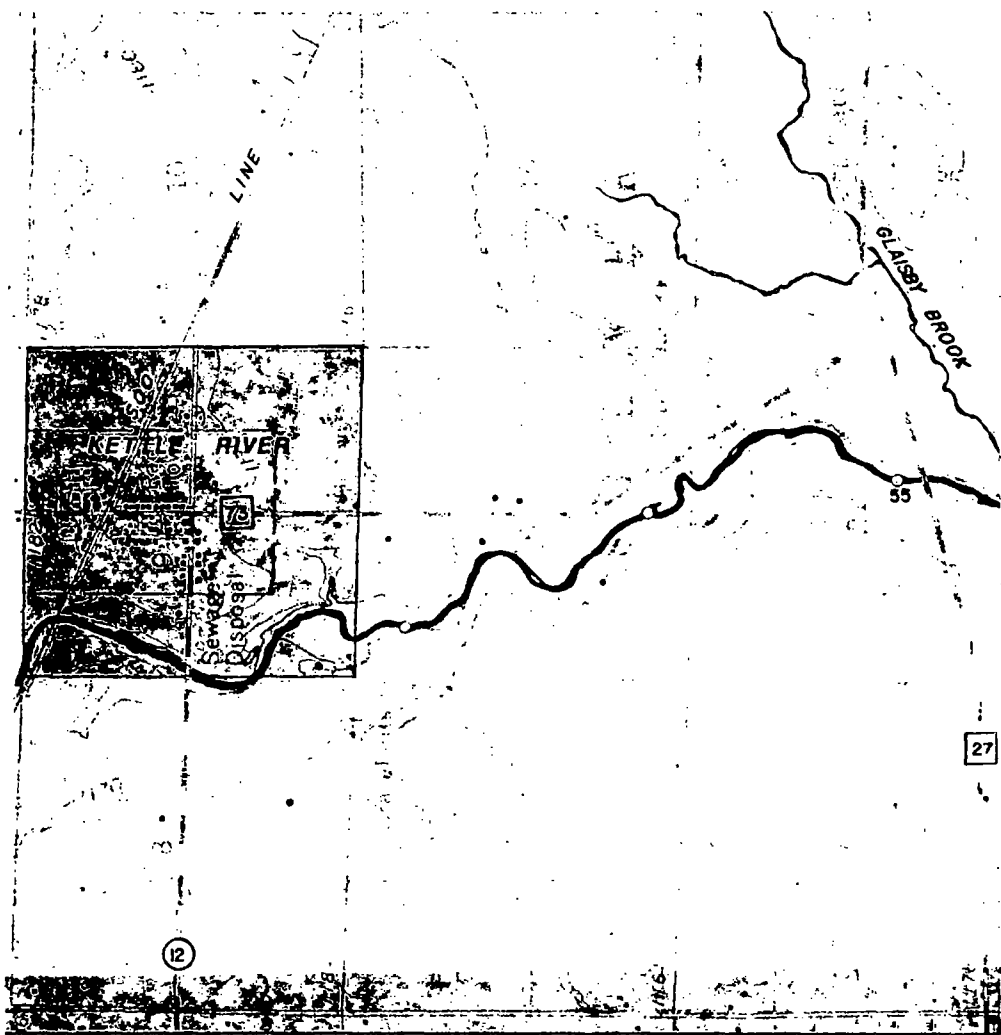
MANAGEMENT


-  FEE TITLE
-  SCENIC EASEMENT
-  ZONING



SCALE: 1" = 2000'



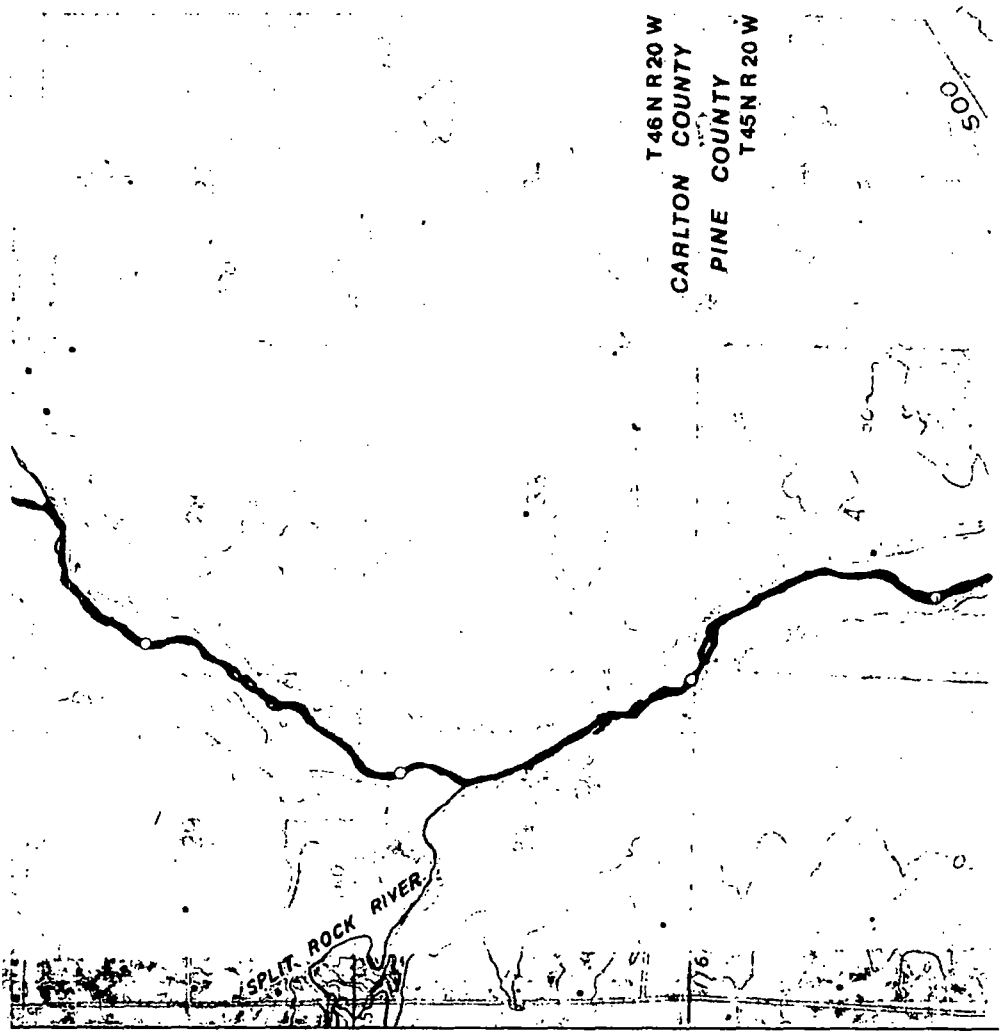


K 


KETTLE RIVER
MANAGEMENT PLAN

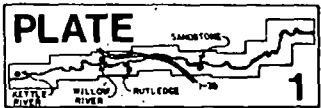
R E C R E A T I O N

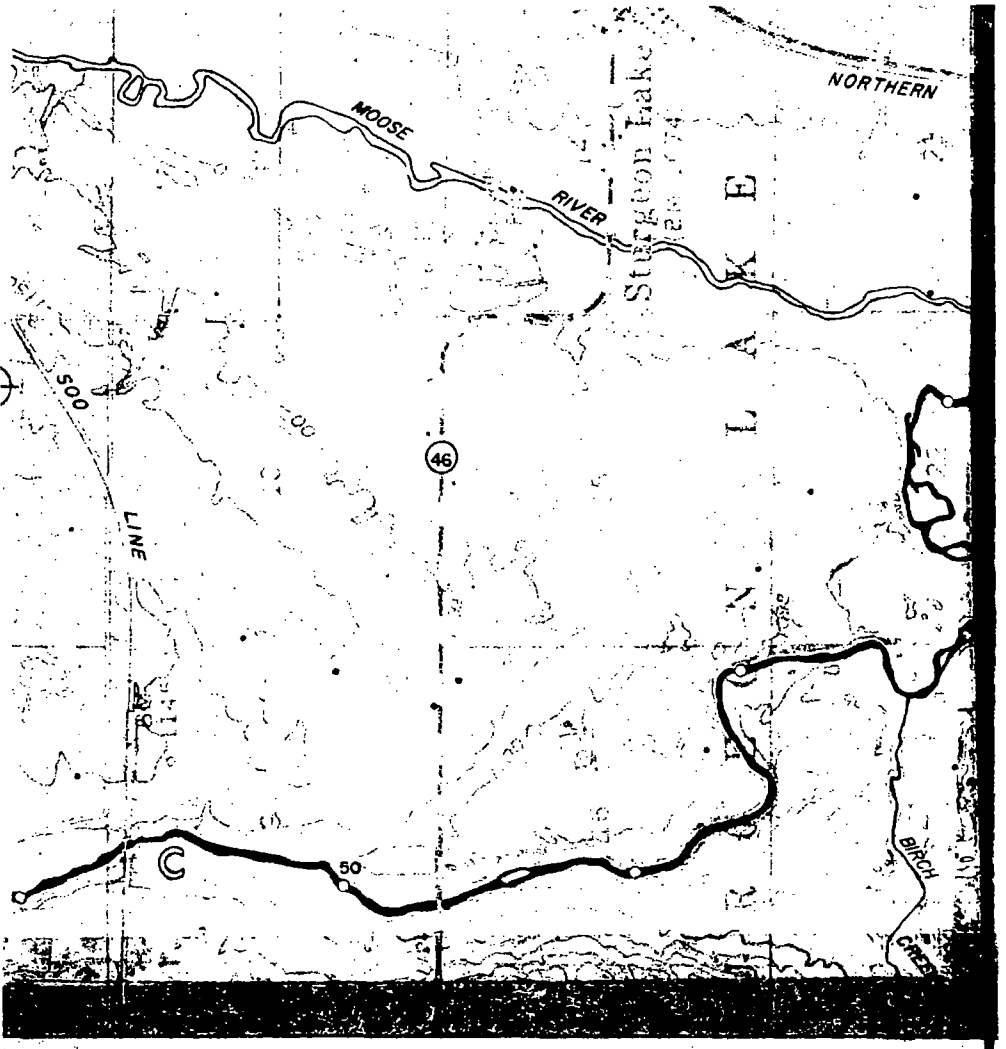
<u>PROPOSED</u>	<u>EXISTING</u>	<u>FACILITY</u>
P A C H	P A C H	PORTAGE ACCESS CANOE CAMPSITE HIKING CAMPSITE




MANAGEMENT		FACILITY
PROPOSED	EXISTING	
○ ○ ○ ○ ○	HIKING TRAIL
○ ○ ○ ○	- - - -	MULTI-USE TRAIL
○ ○ ○	- - - -	TWIN CITY-DULUTH TRAIL
☆	★	HISTORIC SITE

NORTH  SCALE: 1" = 2000'

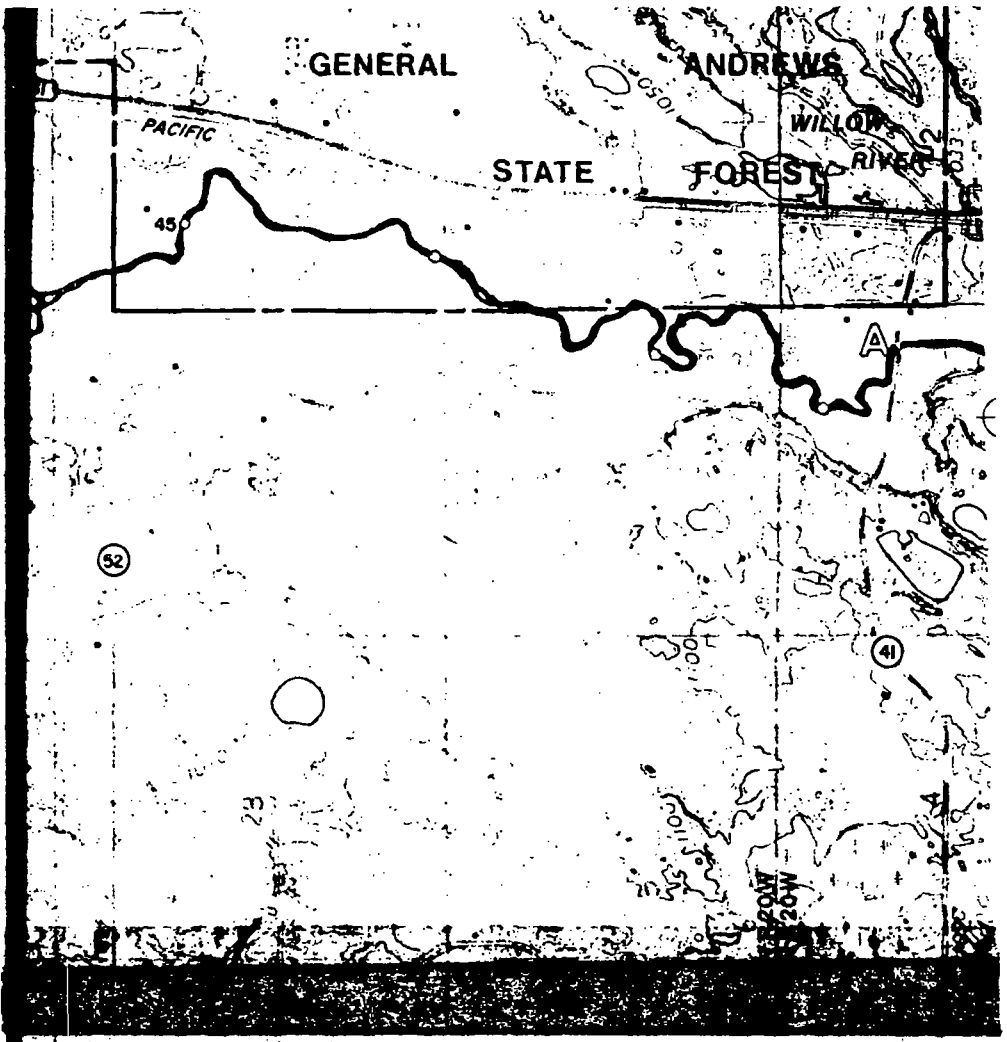






KETTLE RIVER
MANAGEMENT PLAN

RECREATION	
PROPOSED	EXISTING FACILITY
P A C H	P A C H
	PORTAGE ACCESS CANOE CAMPSITE HIKING CAMPSITE

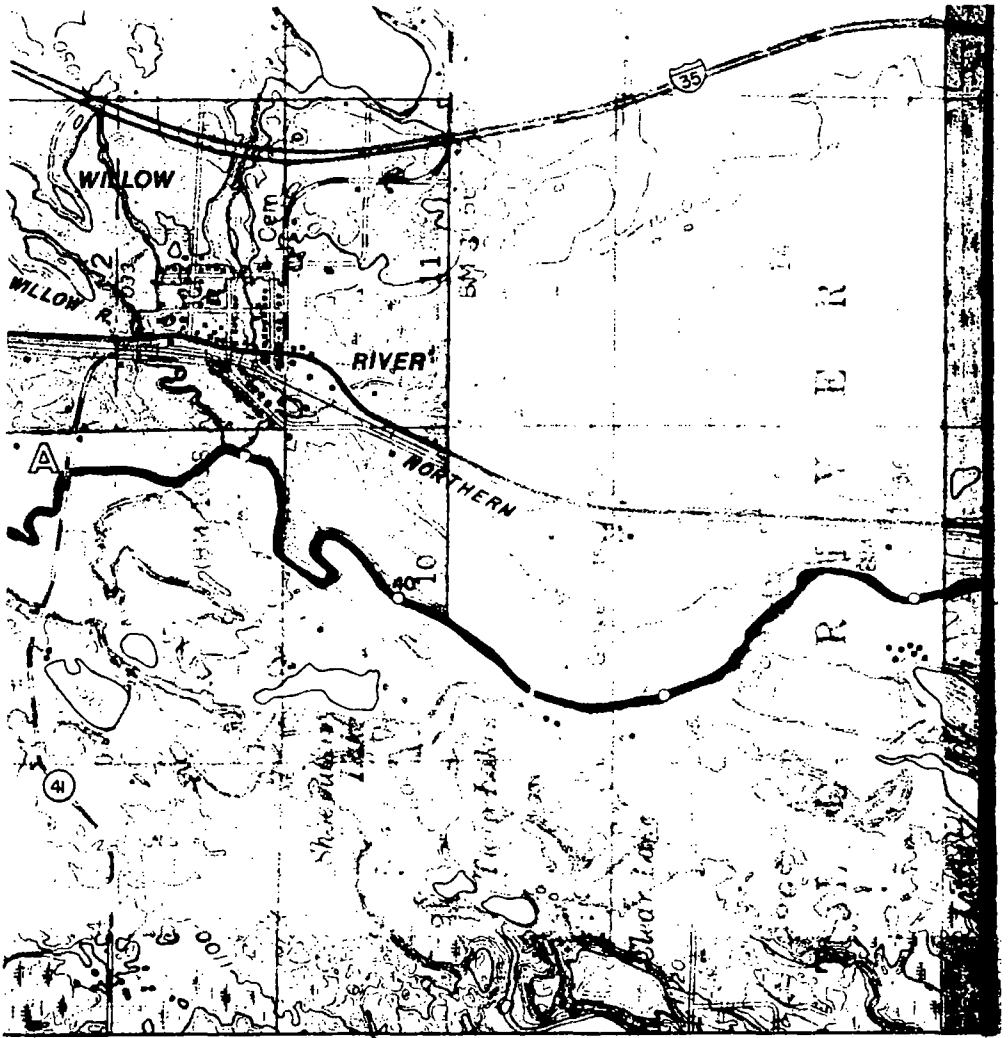


MANAGEMENT

PROPOSED	EXISTING	FACILITY
		HIKING TRAIL
		MULTI-USE TRAIL
		TWIN CITY-DULUTH TRAIL
		HISTORIC SITE

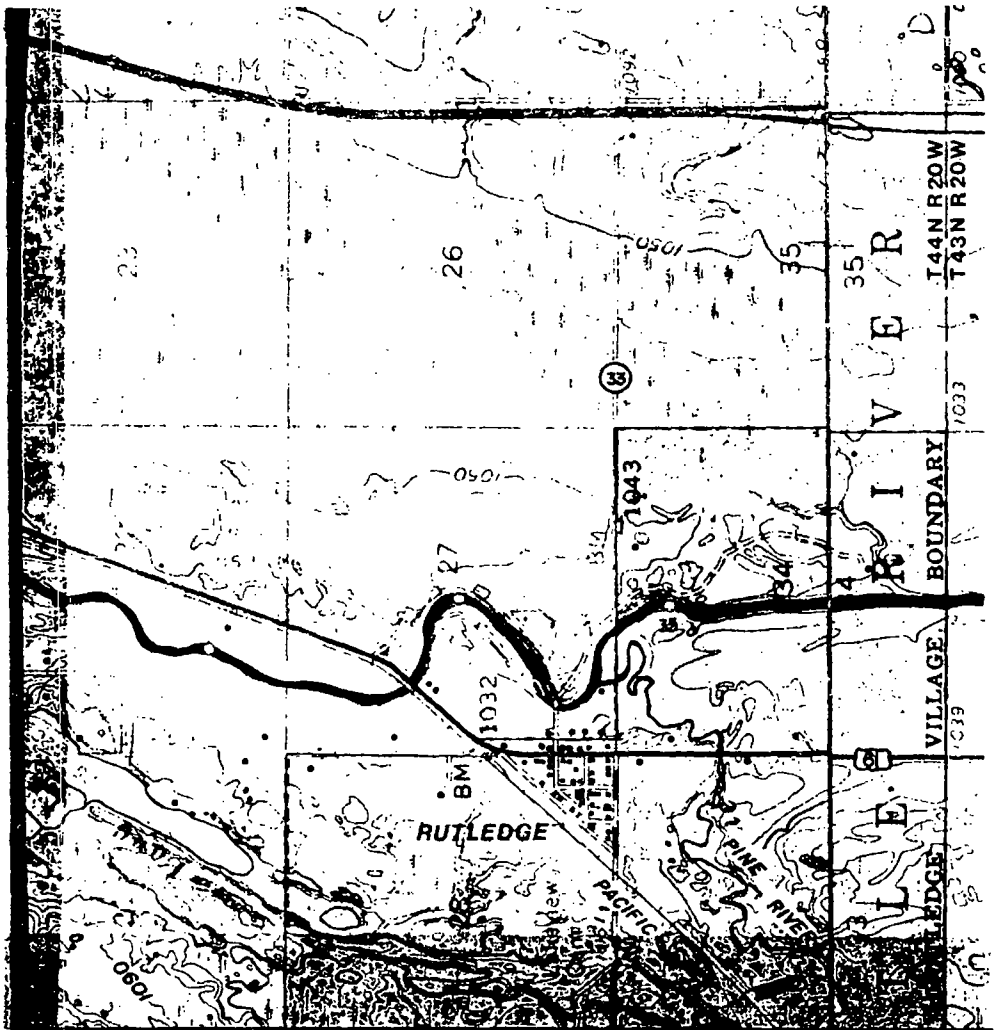
SCALE: 1" = 2000'

PLATE **2**

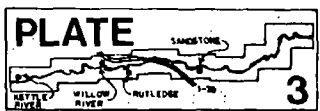
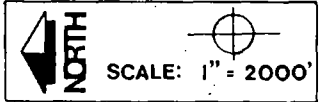


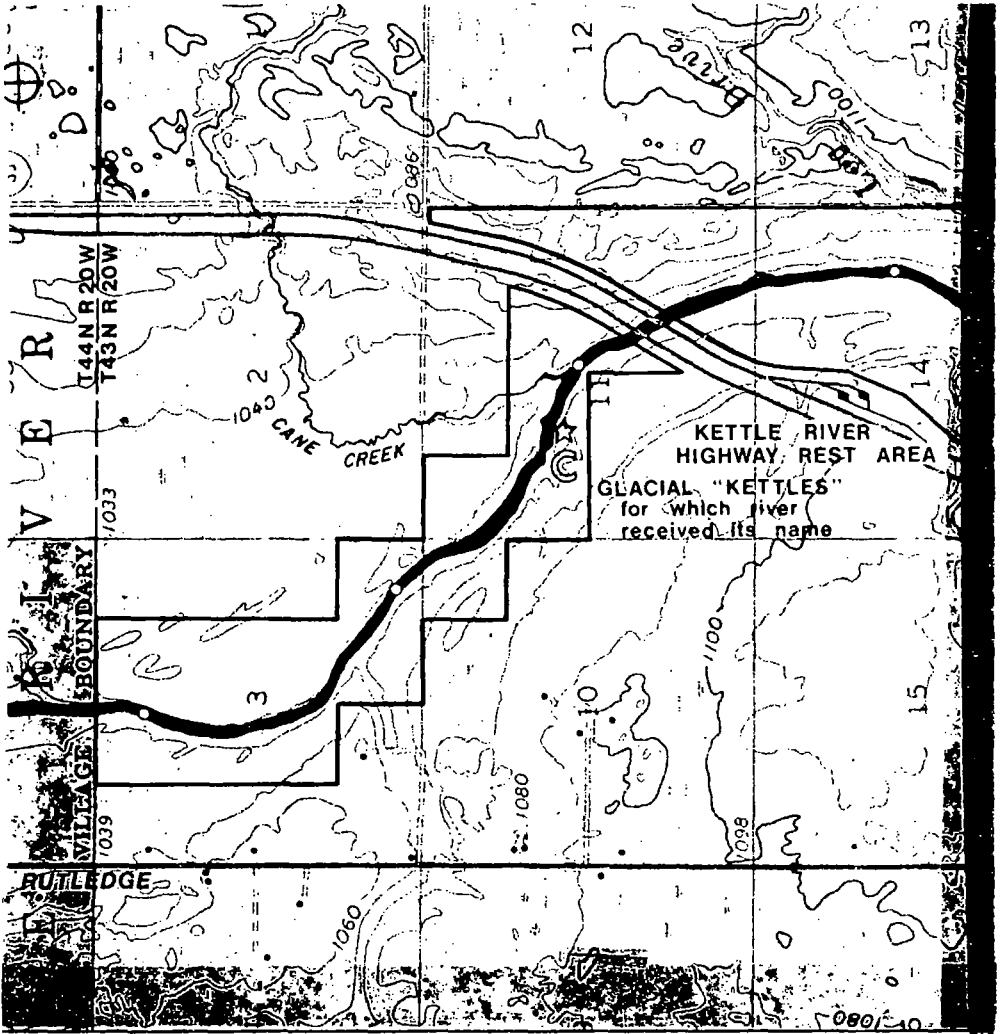
KETTLE RIVER
MANAGEMENT PLAN

RECREATION FACILITY		
PROPOSED	EXISTING	
P	P	PORTAGE
A	A	ACCESS
C	C	CANOE CAMPSITE
H	H	HIKING CAMPSITE



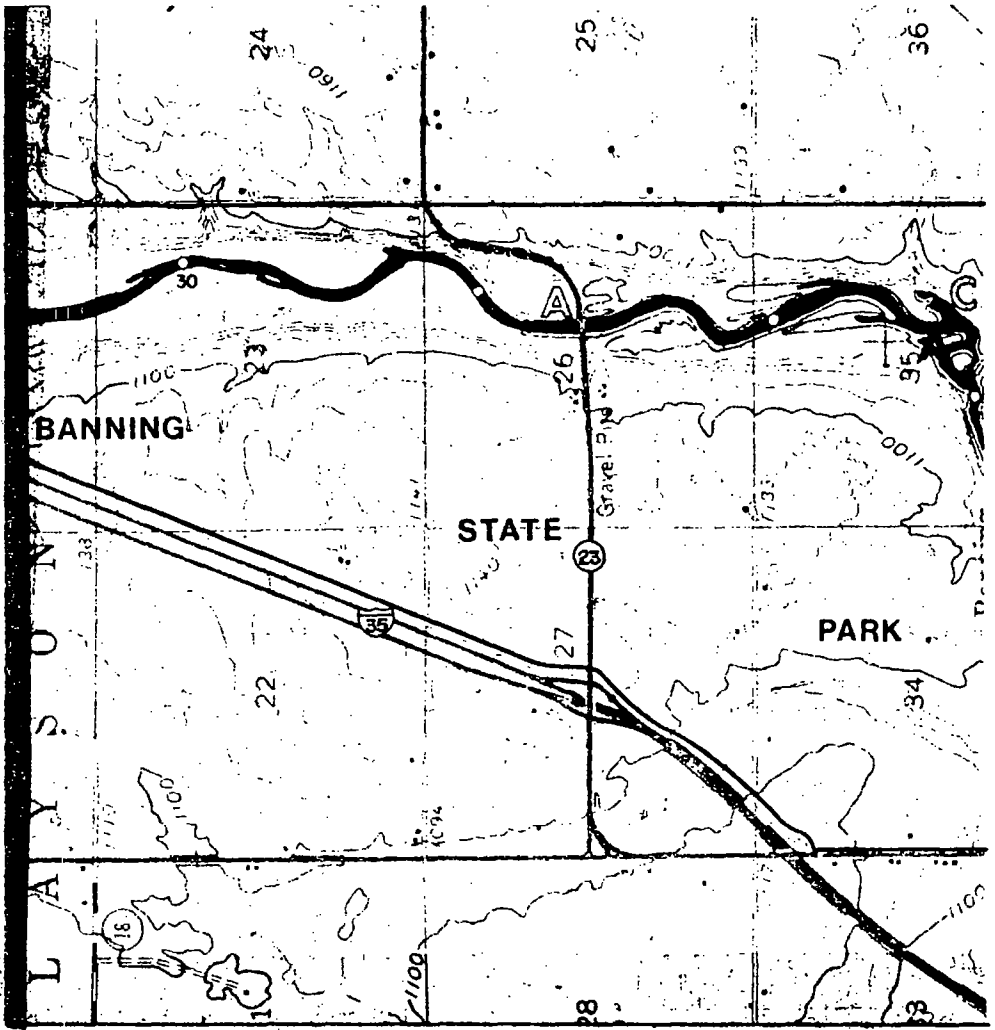
MANAGEMENT		FACILITY
PROPOSED	EXISTING	
-----	HIKING TRAIL
-----	-----	MULTI-USE TRAIL
-----	-----	TWIN CITY-DULUTH TRAIL
☆	★	HISTORIC SITE





KETTLE RIVER
MANAGEMENT PLAN

R E C R E A T I O N		
PROPOSED	EXISTING	FACILITY
P	P	PORTAGE
A	A	ACCESS
C	C	CANOE CAMPSITE
H	H	HIKING CAMPSITE



MANAGEMENT

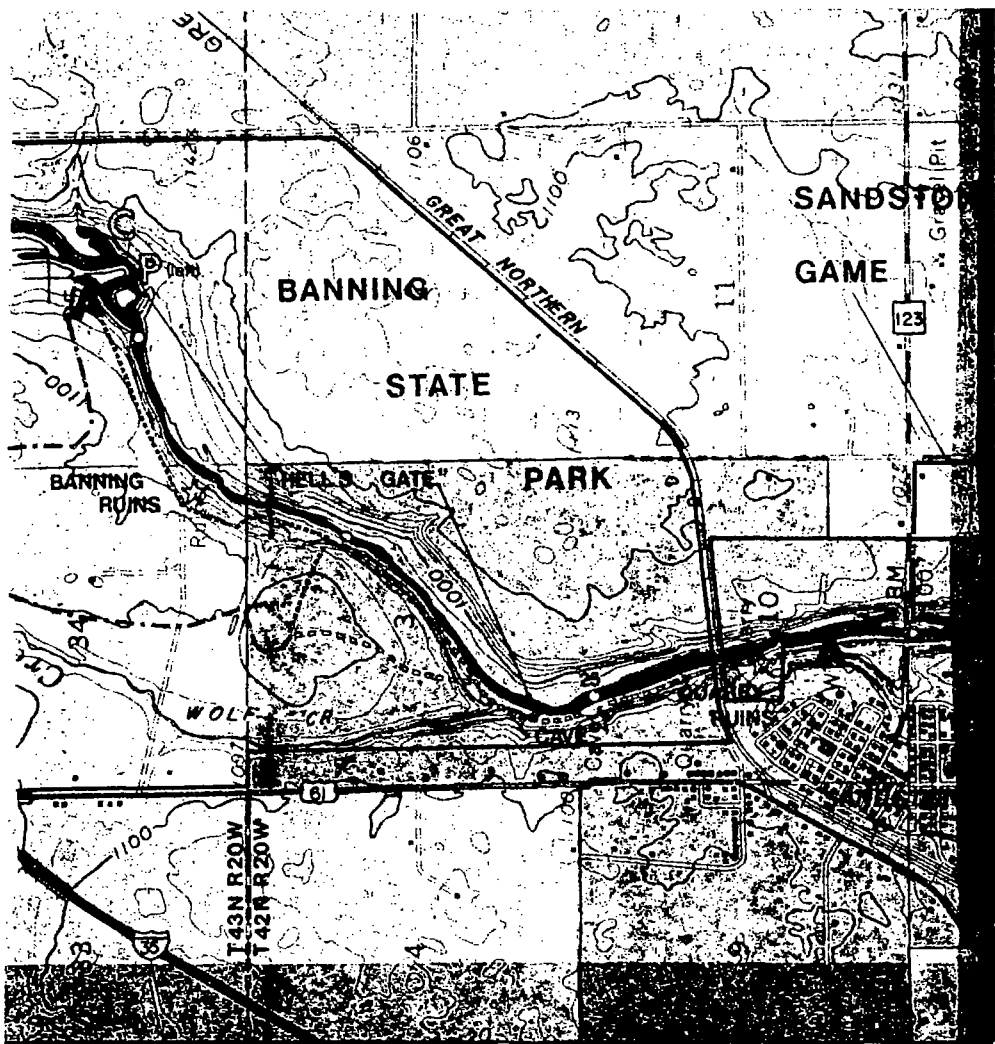
PROPOSED	EXISTING	FACILITY
		HIKING TRAIL
		MULTI-USE TRAIL
		TWIN CITY-DULUTH TRAIL
		HISTORIC SITE

NORTH

SCALE: 1" = 2000'

PLATE

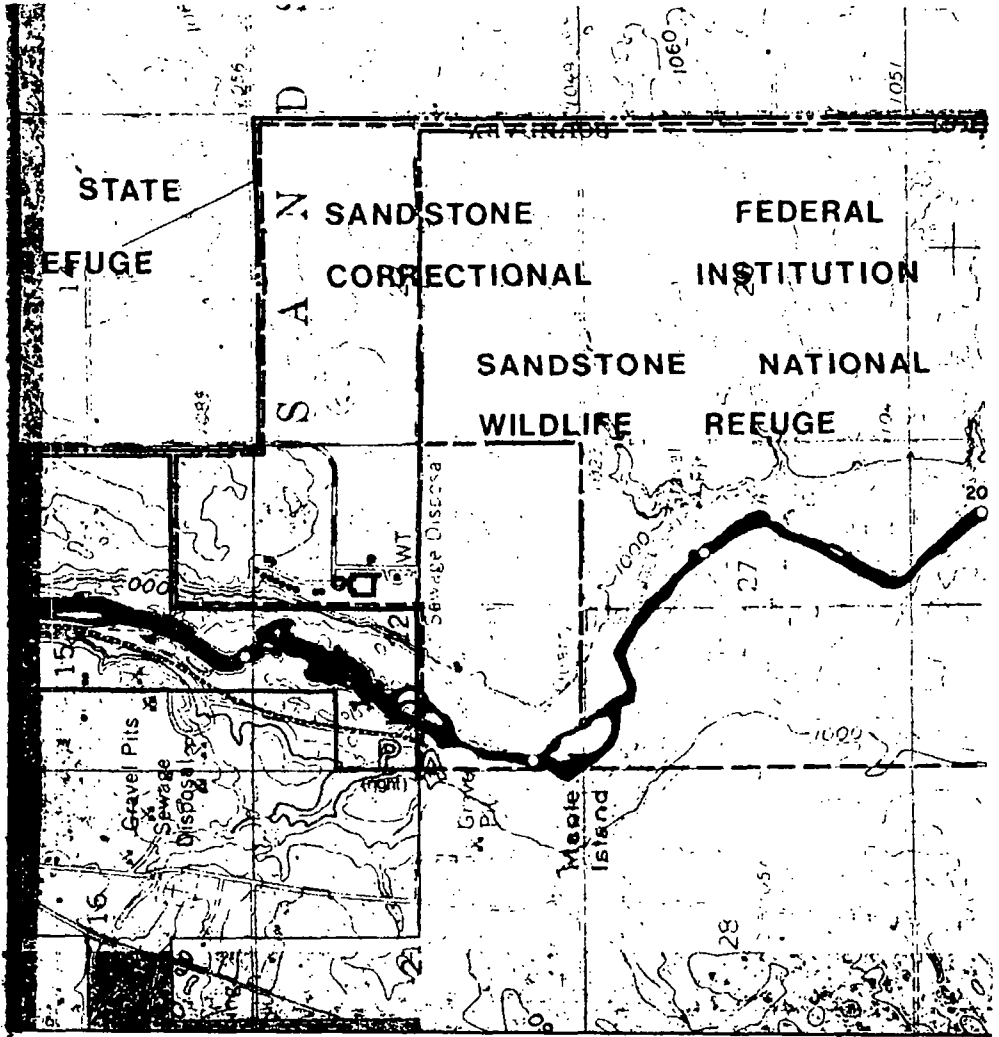
4



KETTLE RIVER
MANAGEMENT PLAN

R E C R E A T I O N

<u>PROPOSED</u>	EXISTING	FACILITY
P	P	PORTAGE
A	A	ACCESS
C	C	CANOE CAMPSITE
H	H	HIKING CAMPSITE



MANAGEMENT

PROPOSED	EXISTING	FACILITY
-----	-----	HIKING TRAIL
-----	-----	MULTI-USE TRAIL
-----	-----	TWIN CITY - DULUTH TRAIL
☆	★	HISTORIC SITE



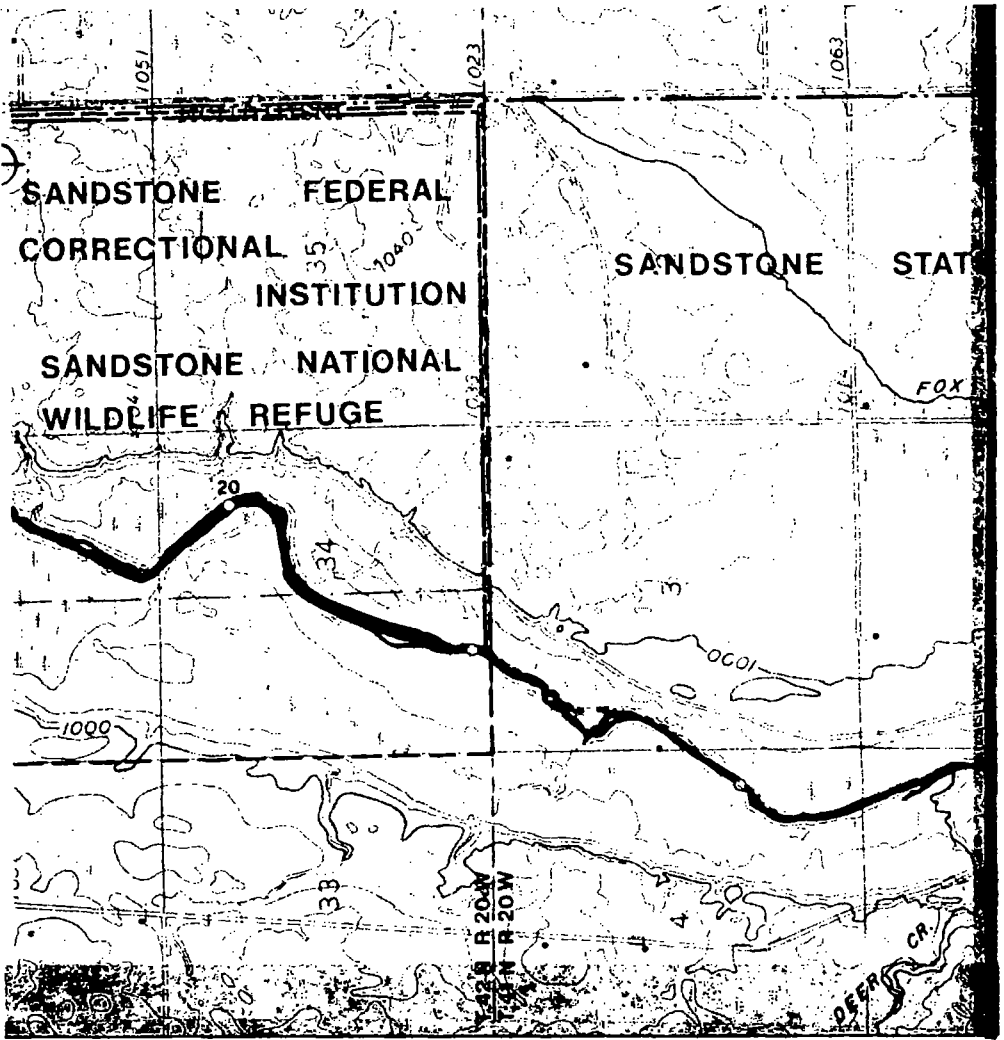
NORTH  SCALE: 1" = 2000'

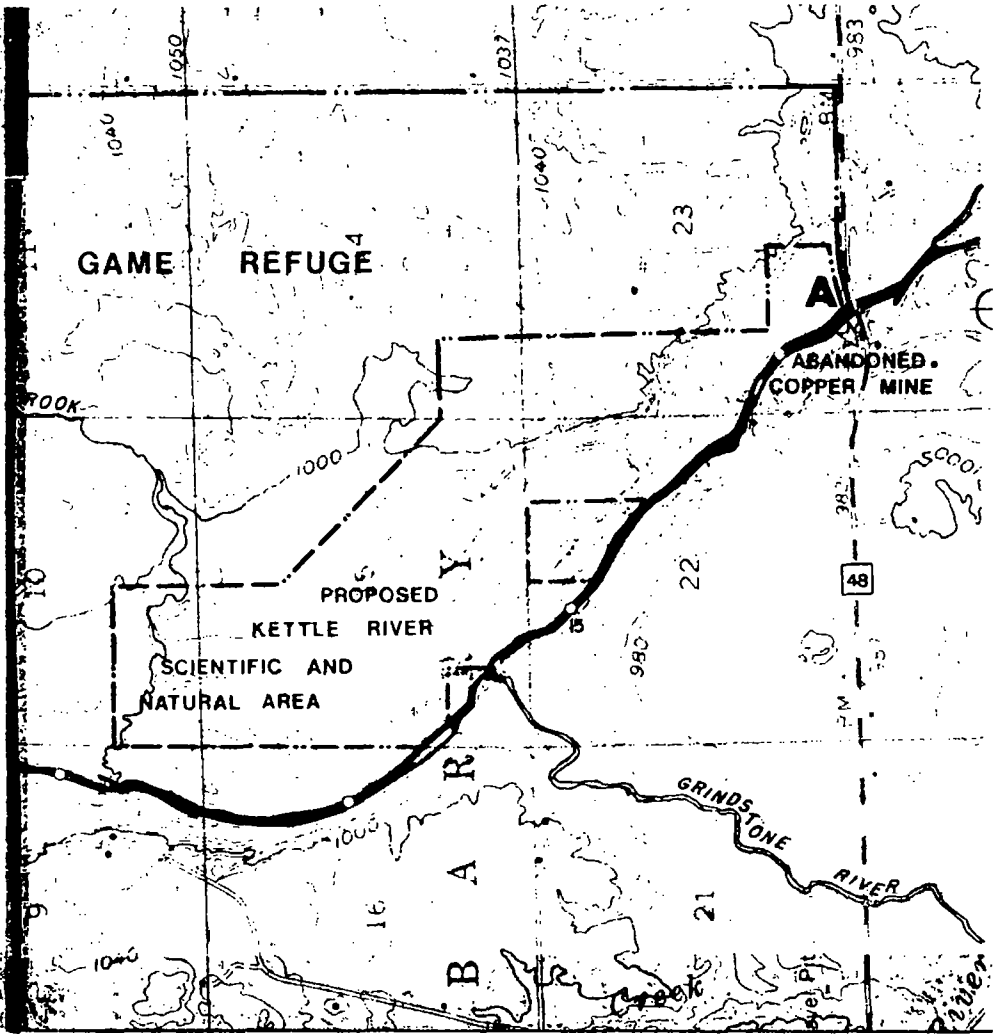
PLATE  **5**



KETTLE RIVER
MANAGEMENT PLAN


R E C R E A T I O N

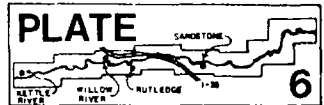
<u>PROPOSED</u>	<u>EXISTING</u>	<u>FACILITY</u>
P A C H	P A C H	PORTAGE ACCESS CANOE CAMPSITE HIKING CAMPSITE

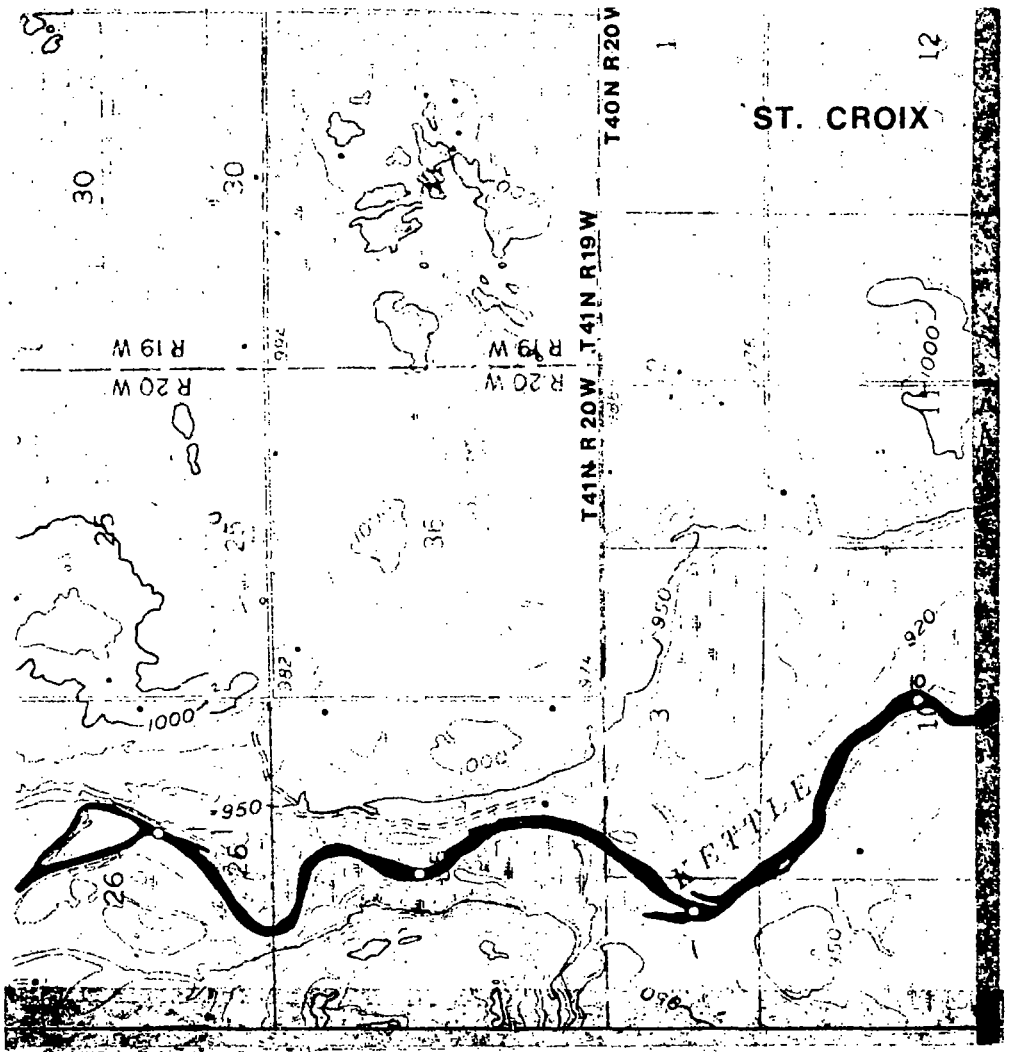


MANAGEMENT

PROPOSED	EXISTING	FACILITY
○○○○○	●●●●●	HIKING TRAIL
— — — — —	— — — — —	MULTI-USE TRAIL
— — — — —	— — — — —	TWIN CITY-DULUTH TRAIL
☆	★	HISTORIC SITE

NORTH  SCALE: 1" = 2000'

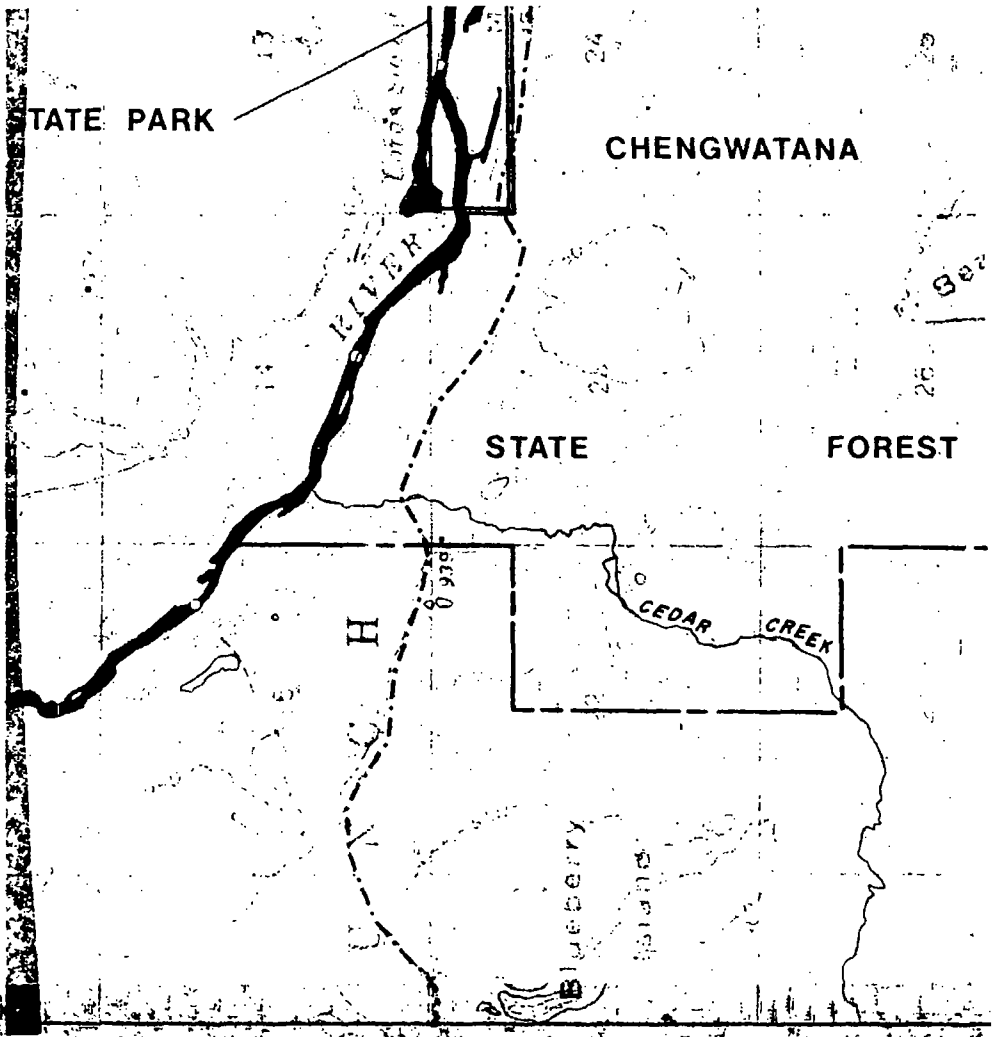




KETTLE RIVER
MANAGEMENT PLAN

RECREATION

<u>PROPOSED</u>	<u>EXISTING</u>	<u>FACILITY</u>
P	P	PORTAGE
A	A	ACCESS
C	C	CANOE CAMPSITE
H	H	HIKING CAMPSITE



MANAGEMENT		FACILITY
PROPOSED	EXISTING	
○ ○ ○ ○ ○ ○	● ● ● ● ● ●	HIKING TRAIL
○ ○ ○ ○ ○ ○	● ● ● ● ● ●	MULTI-USE TRAIL
○ ○ ○ ○ ○ ○	● ● ● ● ● ●	TWIN CITY - DULUTH TRAIL
☆	★	HISTORIC SITE



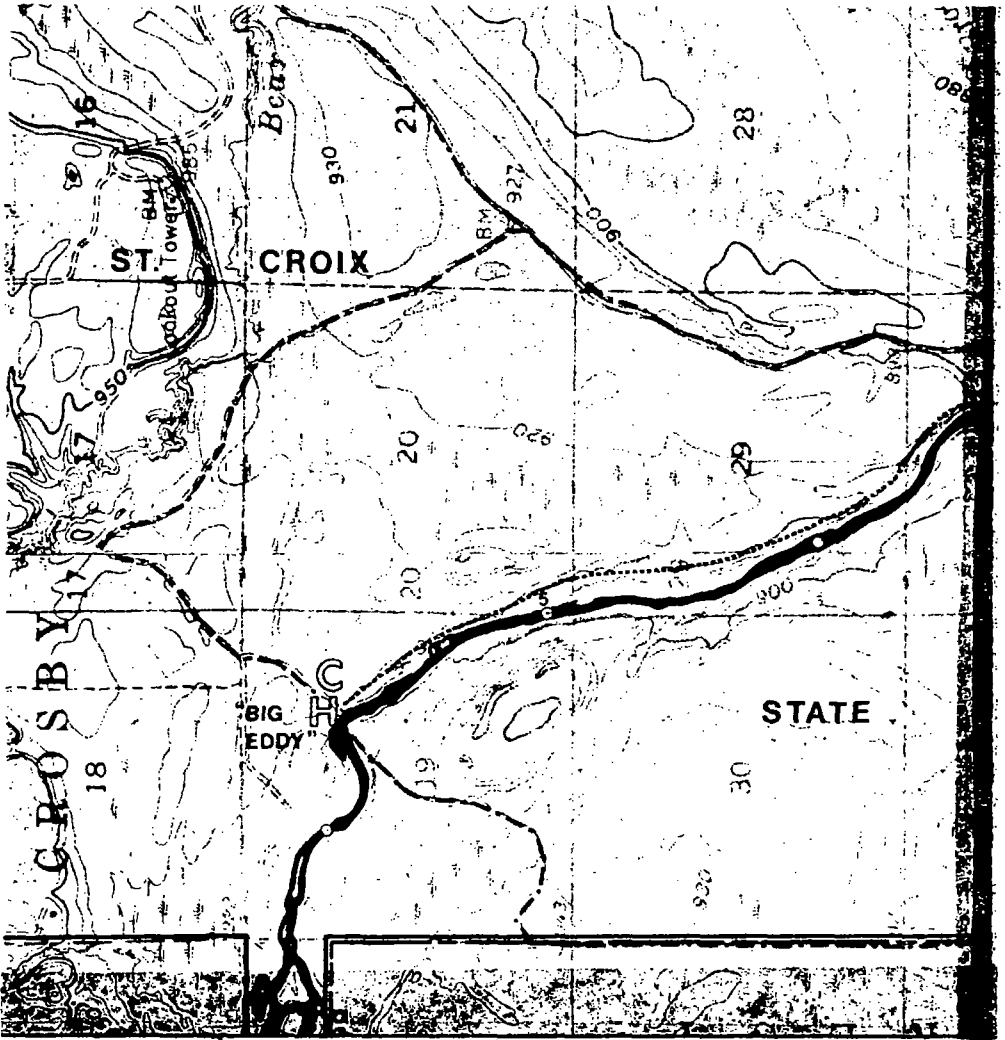
TWIN CITY  SCALE: 1" = 2000'

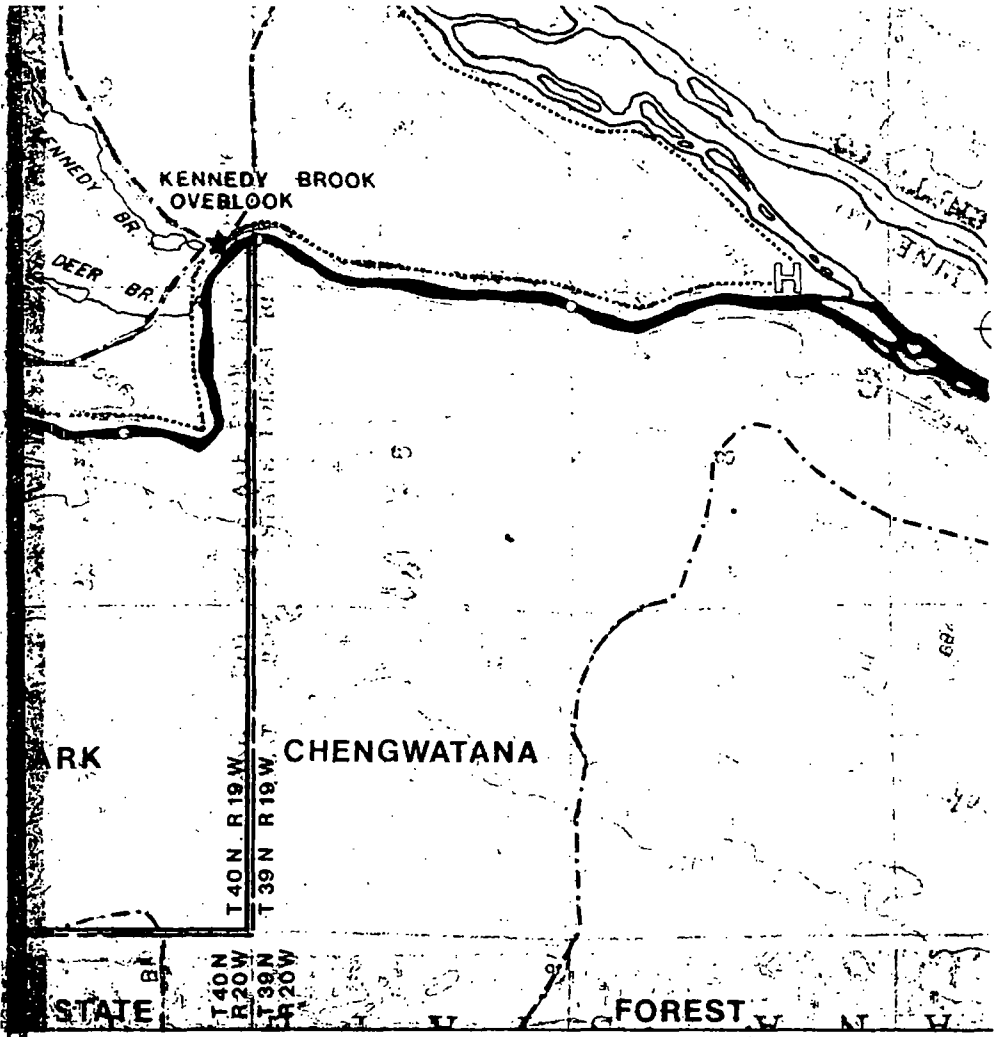
PLATE  7



K 

KETTLE RIVER
MANAGEMENT PLAN

RECREATION		
PROPOSED	EXISTING	FACILITY
P	P	PORTAGE
A	A	ACCESS
C	C	CANOE CAMPSITE
H	H	HIKING CAMPSITE



MANAGEMENT

PROPOSED	EXISTING	FACILITY
□□□□□	HIKING TRAIL
- - - - -	- - - - -	MULTI-USE TRAIL
— — — — —	— — — — —	TWIN CITY-DULUTH TRAIL
☆	★	HISTORIC SITE



ORTH  SCALE: 1" = 2000'

PLATE  **8**

PROPERTY DESCRIPTIONS AND ACREAGE

River Mile	Acreage		
0-1	106.74	27-28	286.36
1-2	263.77	28-29	316.44
2-3	300.20	29-30	258.89
3-4	316.02	30-31	242.11
4-5	319.50	31-32	305.23
5-6	288.05	32-33	316.66
6-7	301.56	33-34	299.36
7-8	320.00	34-35	295.49
8-9	300.00	35-36	265.81
9-10	320.00	36-37	294.59
10-11	310.00	37-38	226.81
11-12	268.45	38-39	301.62
12-13	320.00	39-40	311.81
13-14	319.00	40-41	289.22
14-15	317.00	41-42	285.66
15-16	320.00	42-43	244.46
16-17	300.00	43-44	303.37
17-18	310.00	44-45	317.65
18-19	309.89	45-46	311.78
19-20	310.00	46-47	319.11
20-21	310.00	47-48	310.95
21-22	310.00	48-49	316.95
22-23	296.00	49-50	318.27
23-24	265.00	50-51	289.20
24-25	271.50	51-52	299.74
25-26	280.00		
26-27	318.71		
		TOTAL - 15,298.93	

LAND USE DISTRICT ACREAGE

T 45 N - R 20 W

Section 4 - Government Lot 3	45.34 acres	Government Lot 8	39.90 acres
Government Lot 2	19.20 acres	Government Lot 14	12.00 acres
Government Lot 10	31.96 acres	Government Lot 9	34.25 acres
W $\frac{1}{2}$ SWNE	20.00 acres	Government Lot 10	17.00 acres
Government Lot 9	34.54 acres	Government Lot 11	22.00 acres
Government Lot 8	26.91 acres	S $\frac{1}{2}$ SW	80.00 acres
Government Lot 7	47.50 acres	SWSE	40.00 acres
Government Lot 6	41.50 acres	Section 23 - Government Lot 5	28.59 acres
Government Lot 5	42.75 acres	Government Lot 7	25.00 acres
Government Lot 4	25.75 acres	SWSESW	10.00 acres
Section 5 - Government Lot 1	38.70 acres	Government Lot 8	9.61 acres
Section 9 - Government Lot 1	30.63 acres	Government Lot 6	6.41 acres
Government Lot 2	16.98 acres	Section 26 - Government Lot 8	23.93 acres
Government Lot 3	26.83 acres	SWNW	40.00 acres
Government Lot 4	44.12 acres	Government Lot 7	24.26 acres
Government Lot 5	31.25 acres	Government Lot 1	51.65 acres
Government Lot 6	48.75 acres	Government Lot 6	38.99 acres
Government Lot 7	37.85 acres	Government Lot 3	38.34 acres
Government Lot 8	23.75 acres	Government Lot 5	36.85 acres
E $\frac{1}{2}$ NWNW	20.00 acres	W $\frac{1}{2}$ NWNE	17.50 acres
W $\frac{1}{2}$ SWNE	20.00 acres	Government Lot 2	42.84 acres
Section 15 - W $\frac{1}{2}$ W $\frac{1}{2}$ SW	40.00 acres	W $\frac{1}{2}$ NWNWSE	3.75 acres
Section 16 - W $\frac{1}{2}$ NE	80.00 acres	Government Lot 4	32.62 acres
N $\frac{1}{2}$ SE	80.00 acres	Section 27 - E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$	80.00 acres
Government Lot 1	32.50 acres	Section 34 - W $\frac{1}{2}$ SE	80.00 acres
Government Lot 2	20.37 acres	SWNE	40.00 acres
Government Lot 3	20.93 acres	Government Lot 1	39.90 acres
Government Lot 4	31.20 acres	Government Lot 2	28.50 acres
Government Lot 5	19.95 acres	Government Lot 3	7.50 acres
Government Lot 6	24.55 acres	Government Lot 4	27.54 acres
Government Lot 7	35.50 acres	Government Lot 5	8.05 acres
E $\frac{1}{2}$ SWSW	20.00 acres	Government Lot 6	30.44 acres
Government Lot 8	35.50 acres	Government Lot 7	3.40 acres
Government Lot 9	35.60 acres	Section 35 - Government Lot 1	5.67 acres
Government Lot 10	40.75 acres	Government Lot 2	31.25 acres
Section 21 - Government Lot 1	5.50 acres	Government Lot 3	39.98 acres
Government Lot 2	32.25 acres	Government Lot 4	0.17 acres
W $\frac{1}{2}$ NE	80.00 acres	Government Lot 5	38.80 acres
NENW	40.00 acres	Government Lot 6	39.69 acres
Government Lot 3	24.50 acres	E $\frac{1}{2}$ W $\frac{1}{2}$	70.00 acres
Government Lot 4	13.10 acres	West of Road	
Government Lot 5	38.60 acres	T 44 N - R 20 W	
NWSE	40.00 acres	Section 2 - NWNW	40.93 acres
SESE	40.00 acres	SWNW	40.00 acres
Section 22 - W $\frac{1}{2}$ NWNW	20.00 acres	All west of road in	
SWNW	40.00 acres	W $\frac{1}{2}$ SW	25.00 acres
Government Lot 12	36.56 acres	Section 3 - Government Lot 3	47.34 acres
Government Lot 13	23.30 acres	Government Lot 4	23.60 acres
Government Lot 2	9.35 acres	Government Lot 5	34.03 acres
Government Lot 3	13.74 acres	Government Lot 6	58.34 acres
Government Lot 4	4.10 acres	SESW	40.00 acres
Government Lot 5	19.35 acres	Government Lot 7	57.05 acres
Government Lot 6	17.25 acres	Government Lot 8	49.02 acres
Government Lot 7	39.40 acres	Government Lot 9	25.73 acres

Section 10 -	W½ NW	80.00 acres	NESE	40.00 acres
	Government Lot 1	21.20 acres	Government Lot 6	38.73 acres
	NENE	40.00 acres	E½ SESW	20.00 acres
	Government Lot 2	41.06 acres	Government Lot 7	33.35 acres
	Government Lot 3	27.17 acres	Government Lot 8	25.06 acres
	Government Lot 4	50.13 acres	Government Lot 9	28.36 acres
	Government Lot 5	25.96 acres	Section 10 -	Government Lot 2
	Government Lot 6	47.44 acres		Government Lot 1
	Government Lot 7	34.94 acres		E½ NWNE
	Government Lot 8	52.24 acres		SENE
	W½ NWSE	20.00 acres		
Section 15 -	Government Lot 1	47.20 acres	Section 11 -	Government Lot 1
	Government Lot 2	23.70 acres		NENW
	Government Lot 5	35.15 acres		Government Lot 2
	Government Lot 6	11.00 acres		Government Lot 3
	Government Lot 7	43.05 acres		Government Lot 4
	Government Lot 8	49.53 acres		Government Lot 5
	Government Lot 9	27.91 acres		Government Lot 6
	W½ NE			Government Lot 7
	West of road	70.00 acres		Government Lot 8
	Government Lot 3	26.69 acres		E½ SESW
	Government Lot 4	31.05 acres		NESW
	W½ NWSW		Section 14 -	Government Lot 1
	East of road	22.00 acres		Government Lot 2
Section 16 -	E½ E½ NENE	10.00 acres		Government Lot 3
Section 22 -	Government Lot 5	38.58 acres		Government Lot 4
	Government Lot 6	50.52 acres		Government Lot 5
	Government Lot 8	33.17 acres		Government Lot 6
	Government Lot 9	40.66 acres		Government Lot 7
	Government Lot 1	26.25 acres	Section 23 -	Government Lot 1
	Government Lot 2	21.25 acres		Government Lot 2
	Government Lot 3	21.85 acres		Government Lot 3
	Government Lot 4	26.72 acres		Government Lot 4
Section 27 -	W½ E½	160.00 acres		Government Lot 5
	Government Lot 1	47.23 acres		Government Lot 6
	Government Lot 2	34.43 acres		Government Lot 7
	Government Lot 3	27.83 acres		Government Lot 8
	Government Lot 4	49.06 acres	Section 26 -	Government Lot 1
	Government Lot 5	24.62 acres		Government Lot 2
	Government Lot 6	47.06 acres		Government Lot 3
	Government Lot 7	39.68 acres		Government Lot 4
	Government Lot 8	27.95 acres		Government Lot 5
Section 34 -	Government Lot 1	48.63 acres		Government Lot 6
	Government Lot 2	48.54 acres		E½ E½ W½
	Government Lot 3	43.93 acres	Section 34 -	Government Lot 2
	Government Lot 4	40.75 acres		NESE
	Government Lot 5	32.34 acres		Government Lot 1
	Government Lot 6	30.33 acres	Section 35 -	Government Lot 1
	Government Lot 7	26.38 acres		Government Lot 2
	Government Lot 8	25.86 acres		Government Lot 3
T 43 N - R 20 W				Government Lot 4
Section 2 -	W½ SWSW	20.00 acres		Government Lot 5
Section 3 -	Government Lot 2	43.58 acres		Government Lot 6
	Government Lot 3	49.35 acres		Government Lot 7
	Government Lot 4	38.56 acres		Government Lot 8
	Government Lot 5	36.68 acres		E½ NENW
				S½ NW
				SWSE
				W½ NESE

T 42 N - R 20 W

Section 3 -	NENE NWNE S½ NE N½ SE E½ SW E½ W½ SW	43.74 acres 43.77 acres 80.00 acres 80.00 acres 80.00 acres 40.00 acres
Section 10 -	E½ NW E½ E½ W½ NW SWNE W½ SE E½ E½ SWNW NWNESW E½ E½ SW	80.00 acres 20.00 acres 40.00 acres 80.00 acres 10.00 acres 9.00 acres 32.50 acres
Section 15 -	W½ E½ E½ SW E½ SWSW SENW E½ E½ NENW	160.00 acres 80.00 acres 20.00 acres 40.00 acres 10.00 acres
Section 21 -	E½ NESE SESE	20.00 acres 40.00 acres
Section 22 -	NW W½ SW W½ E½ SW NENESW W½ NWNE	160.00 acres 80.00 acres 40.00 acres 10.00 acres 20.00 acres
Section 27 -	NW E½ NESW E½ SESW W½ SE W½ E½ E½ SE SWNE W½ NWNE SENWNE SWNENE W½ SENE W½ SENENE W½ E½ SENE W½ E½ SE	160.00 acres 20.00 acres 20.00 acres 80.00 acres 20.00 acres 40.00 acres 20.00 acres 10.00 acres 10.00 acres 20.00 acres 5.00 acres 10.00 acres 40.00 acres
Section 28 -	NENE	40.00 acres
Section 34 -	NE E½ NENW E½ SENW E½ SW NWSE N½ SWSE SWSWSE NWNENE W½ SWNESE SENWSW SWSENW E½ SWSW	160.00 acres 20.00 acres 20.00 acres 80.00 acres 40.00 acres 20.00 acres 10.00 acres 10.00 acres 5.00 acres 10.00 acres 10.00 acres 20.00 acres

T 41 N - R 20 W

Section 3 -	N½ NW SWNW	111.59 acres 40.00 acres
-------------	---------------	-----------------------------

	W½ SENW W½ W½ SW NENWSW	20.00 acres 40.00 acres 10.00 acres
Section 4 -	E½ NENE SENE E½ SE E½ W½ SE	28.30 acres 40.00 acres 80.00 acres 40.00 acres
Section 9	E½ E½ E½ W½ E½ east of road	160.00 acres 60.00 acres
Section 10 -	W½ W½ W½ E½ NWSW SESWNW	80.00 acres 20.00 acres 10.00 acres
Section 15 -	W½ W½ NW W½ SW SESW W½ NWSW W½ SWSE	40.00 acres 80.00 acres 40.00 acres 20.00 acres 20.00 acres
Section 16 -	E½ E½ E½ W½ NE E½ W½ W½ NE	160.00 acres 40.00 acres 20.00 acres
Section 22 -	NWSENW N½ NW E½ SENW S½ NE W½ NWNE SENWNE NESE NENWSE NESESE	10.00 acres 80.00 acres 20.00 acres 80.00 acres 20.00 acres 10.00 acres 40.00 acres 10.00 acres 10.00 acres
Section 23 -	S½ SW S½ N½ SW N½ NWSW NWNESW S½ SWNW	80.00 acres 40.00 acres 20.00 acres 10.00 acres 20.00 acres
Section 26 -	NWNWNW North of road W½ E½ E½ W½ E½ NWNW W½ SENE E½ SWSW	6.00 acres 160.00 acres 160.00 acres 20.00 acres 20.00 acres 20.00 acres
Section 35 -	W½ E½ W½ SESE E½ W½ E½ NWNW	160.00 acres 20.00 acres 160.00 acres 20.00 acres

T 40 N - R 20 W

Section 3 -	SWSW NWSW	40.00 acres 34.49 acres
Section 4 -	SESE NESE	40.00 acres 33.96 acres
Section 9 -	NENE	40.00 acres

Section 10 -	NW	160.00 acres	Government Lot 5	21.30 acres
	E½ SW	80.00 acres	Government Lot 4	60.80 acres
	SWNE	40.00 acres	Government Lot 3	49.60 acres
	SWNWNE	10.00 acres	Government Lot 2	53.40 acres
	W½ SE	80.00 acres	Government Lot 1	45.55 acres
	W½ SESE	20.00 acres		

Section 13 -	S½ S½	160.00 acres
--------------	-------	--------------

Section 14 -	SW	160.00 acres
	S½ SE	80.00 acres
	NWSE	40.00 acres
	S½ NESE	20.00 acres
	SWNW	40.00 acres
	S½ NWNW	20.00 acres
	S½ SENW	20.00 acres

Section 15 -	E½ NE	80.00 acres
	NWNE	40.00 acres
	E½ SWNE	20.00 acres
	E½ NENW	20.00 acres
	E½ NESE	20.00 acres

Section 23 -	NENE	40.00 acres
	E½ NWNE	20.00 acres

Section 24 -	N½ N½	160.00 acres
	N½ S½ NE	40.00 acres

T 40 N - R 19 W

Section 18 -	S½ SWSW	19.56 acres
--------------	---------	-------------

Section 19 -	Government Lot 1	12.40 acres
	Government Lot 2	28.20 acres
	Government Lot 3	49.80 acres
	Government Lot 4	38.20 acres
	Government Lot 5	15.80 acres
	Government Lot 6	33.60 acres
	Government Lot 7	56.70 acres
	Government Lot 8	20.00 acres
	Government Lot 9	37.90 acres
	Government Lot 10	35.50 acres

Section 20 -	Government Lot 1	37.50 acres
	W½ NWSW	20.00 acres

Section 29 -	Government Lot 7	18.90 acres
	Government Lot 6	45.50 acres
	W½ NENW	20.00 acres
	Government Lot 5	47.50 acres
	Government Lot 4	21.84 acres
	SWSE	40.00 acres
	Government Lot 3	48.60 acres
	Government Lot 2	22.65 acres
	Government Lot 1	9.40 acres

Section 30 -	E½ NE	80.00 acres
	E½ E½ SE	40.00 acres

Section 32 -	N½ NWNW	20.00 acres
	Government Lot 9	24.90 acres
	Government Lot 8	19.60 acres
	Government Lot 6	33.70 acres
	Government Lot 7	34.66 acres

Section 33 -	Government Lot 1	5.20 acres
	Government Lot 2	29.80 acres
	S½ NWSW	20.00 acres

T 39 N - R 19 W

Section 4 -	Government Lot 7	16.00 acres
	Government Lot 9	30.30 acres
	Government Lot 10	35.60 acres
	Government Lot 11	38.87 acres
	Government Lot 8	13.40 acres

Section 5 -	Government Lot 1	36.54 acres
	Government Lot 2	35.78 acres
	SENE	40.00 acres
	NENE	34.55 acres
	NWNE	34.85 acres
	NENW	35.15 acres

Section 8 -	Government Lot 7	26.64 acres
	Government Lot 1	9.40 acres
	Government Lot 6	30.70 acres

Section 9 -	NWNW	40.00 acres
-------------	------	-------------

TOTAL - 15,298.93 acres

SCENIC EASEMENT ACREAGE

T 45 N - R 20 W

Section 4 -	Government Lot 3	45.34 acres
	Government Lot 10	31.96 acres
	Government Lot 9	34.50 acres
	Government Lot 8	26.91 acres

Section 9 -	Government Lot 1	30.63 acres
	Government Lot 2	16.98 acres
	Government Lot 3	26.83 acres
	W½ SWNE	20.00 acres
	Government Lot 4	44.12 acres
	Government Lot 5	31.25 acres

Section 16 -	Government Lot 4	31.20 acres
	Government Lot 5	19.95 acres
	Government Lot 3	20.93 acres

Section 15 -	W½ SWSW	20.00 acres
--------------	---------	-------------

Section 21 -	N½ NWNE	20.00 acres
	N½ NENW	20.00 acres
	Government Lot 1	5.50 acres
	Government Lot 2	16.13 acres

Section 22 -	W½ NWNW	20.00 acres
	Government Lot 2	19.35 acres
	Government Lot 5	19.35 acres

Section 23 -	Government Lot 5	28.59 acres
--------------	------------------	-------------

	Government Lot 7	25.00 acres
	Government Lot 6	6.41 acres
Section 26 -	Government Lot 1	39.15 acres
	Government Lot 3	18.34 acres
	Government Lot 4	19.62 acres

T 44 N - R 20 W

Section 2 -	SWNWSWNW	2.50 acres
	W½ SWSWNW	5.00 acres
Section 3 -	Government Lot 3	47.34 acres
	Government Lot 4	10.00 acres
	Government Lot 5	34.03 acres
Section 10 -	Government Lot 1	21.20 acres
	NENE	40.00 acres
	Government Lot 2	20.53 acres
	Government Lot 3	27.17 acres
	Government Lot 6	47.44 acres
	Government Lot 7	34.94 acres
	Government Lot 8	32.24 acres
	W½ NWSE	20.00 acres
Section 27 -	Government Lot 2	34.43 acres
Section 34 -	Government Lot 2	28.54 acres
	Government Lot 3	23.93 acres
	Government Lot 4	20.75 acres

T 41 N - R 20 W

Section 9 -	E½ E½	144.00 acres
	west of river	
	E½ W½ E½	65.00 acres
Section 15 -	S½ SESW	20.00 acres
Section 16 -	NESE	
	west of river	34.00 acres
	W½ W½ NE	40.00 acres
	E½ SESE	20.00 acres
Section 22 -	N½ NW	80.00 acres
	N½ SENW	20.00 acres
	SESENW	10.00 acres
	S½ NE	80.00 acres
	W½ NWNE	20.00 acres
	SEWNNE	10.00 acres
	NESE	40.00 acres
	NESESE	10.00 acres
Section 23 -	W½ W½ SW	40.00 acres
	SWSWNW	10.00 acres
	E½ SWSW	
	west of river	13.00 acres
Section 26 -	E½ NWNW	20.00 acres
	E½ SESW	
	east of river	13.00 acres
	SWSESW	
	east of river	3.00 acres
	NWNWNW	
	north of road	3.50 acres

	W½ NENW	
	west of river	16.00 acres
	SENW	40.00 acres
Section 35 -	W½ W½ E½ NE	40.00 acres
	N½ NENW	
	east of river	10.00 acres
	E½ SWSE	20.00 acres
	SENWSE	10.00 acres

T 40 N - R 20 W

Section 3 -	N½ NWSW	25.86 acres
	SWNWSW	10.00 acres
Section 4 -	SESE	40.00 acres
Section 9 -	S½ NENE	20.00 acres
	NWNENE	10.00 acres
Section 10 -	NWNW	
	south of river	21.00 acres
	NESWNW	10.00 acres
	E½ NESW	
	west of river	17.00 acres
	N½ SENW	
	west of river	15.00 acres
	SESENW	9.00 acres

TOTAL - 2,117.44 acres

13.84% of land use district

ACQUISITION ACREAGE

T 44 N - R 20 W

Section 3 -	Government Lot 4	13.60 acres
-------------	------------------	-------------

T 43 N - R 20 W

Section 3 -	Government Lot 2	37.58 acres
	Government Lot 3	43.35 acres
	Government Lot 4	32.56 acres
	Government Lot 5	30.68 acres
	Government Lot 6	32.73 acres
	Government Lot 7	27.35 acres
	Government Lot 8	19.06 acres
	Government Lot 9	22.36 acres
Section 11 -	Government Lot 1	37.63 acres
	Government Lot 3	34.36 acres
	Government Lot 7	20.08 acres
	Government Lot 2	5.00 acres

Section 34 -	Government Lot 2	12.00 acres
	NESE	40.00 acres

T 42 N - R 20 W

Section 3 -	NENWSW	10.00 acres
	E½ SWSW	20.00 acres
	S½ NE	80.00 acres
	N½ SE	80.00 acres
	SESW	40.00 acres

Section 10 - E $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ NW 20.00 acres
 E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ NW 10.00 acres
 W $\frac{1}{2}$ SE 80.00 acres
 NWNESW 9.00 acres
 S $\frac{1}{2}$ SWNE 17.00 acres
 south of railroad
 S $\frac{1}{2}$ SENW 13.00 acres
 south of railroad

Section 15 - NWNE 40.00 acres
 NESW 40.00 acres
 SENW 40.00 acres

Section 22 - NWNW 40.00 acres

T 41 N - R 20 W

Section 23 - SWSESW 10.00 acres

T 40 N - R 20 W

Section 9 - NENENE 10.00 acres

T 40 N - R 19 W

Section 33 - Government Lot 2 29.80 acres
 S $\frac{1}{2}$ NWSW 20.00 acres

T 39 N - R 19 W

Section 4 - Government Lot 7 16.00 acres
 Government Lot 9 30.30 acres
 Government Lot 10 35.60 acres
 Government Lot 11 38.87 acres
 Government Lot 8 13.40 acres

Section 5 - Government Lot 1 36.54 acres
 Government Lot 2 35.78 acres
 SENE 40.00 acres
 NENE 34.55 acres
 NWNE 34.85 acres
 NENW 35.15 acres

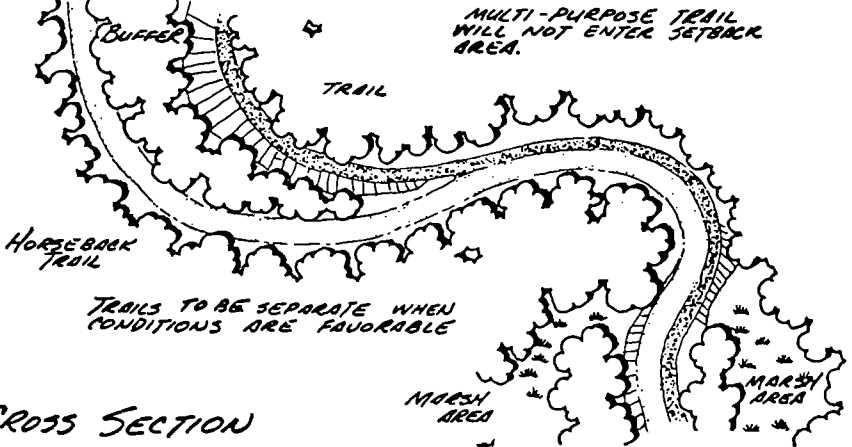
Section 8 - Government Lot 7 26.64 acres
 Government Lot 1 9.40 acres
 Government Lot 6 30.70 acres

TOTAL - 1,342.92 acres

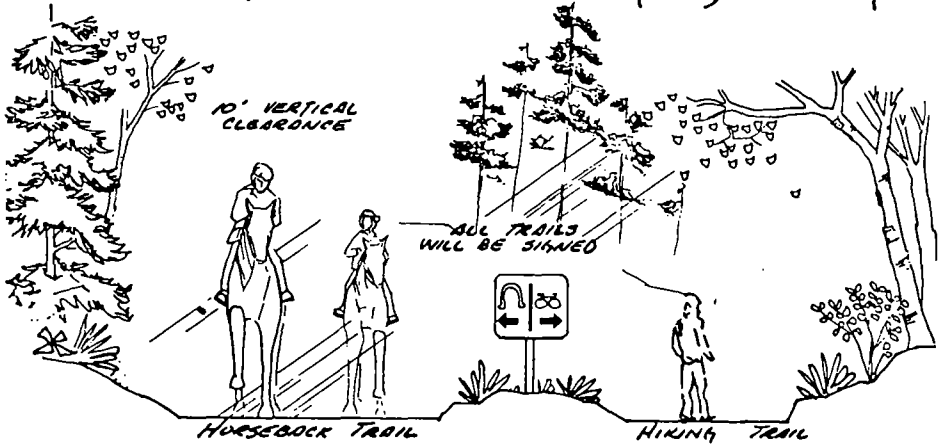
8.78% of land use district

FIGURE 1 TRAIL DESIGN TYPICAL

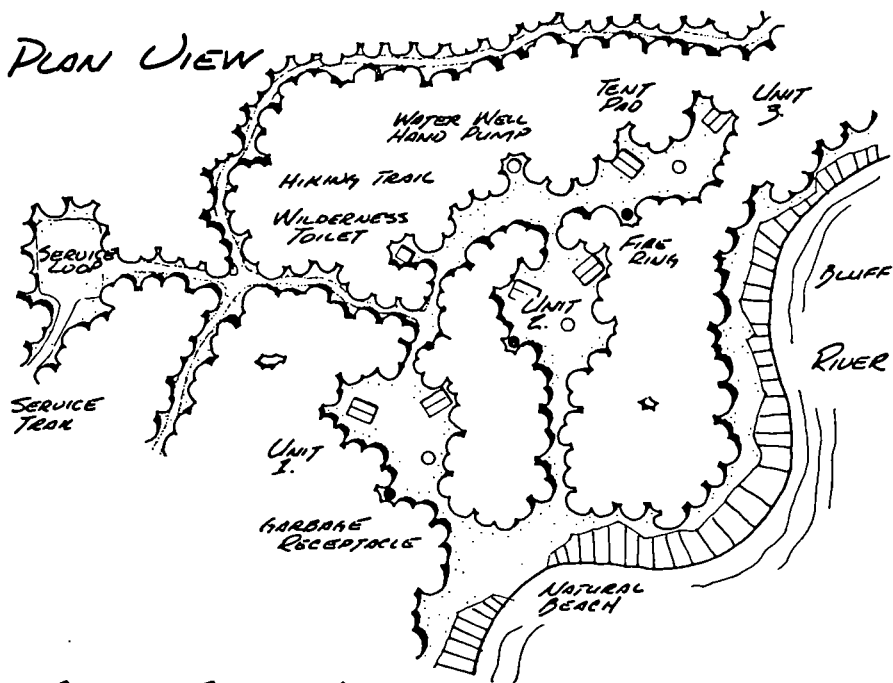
PLAN VIEW



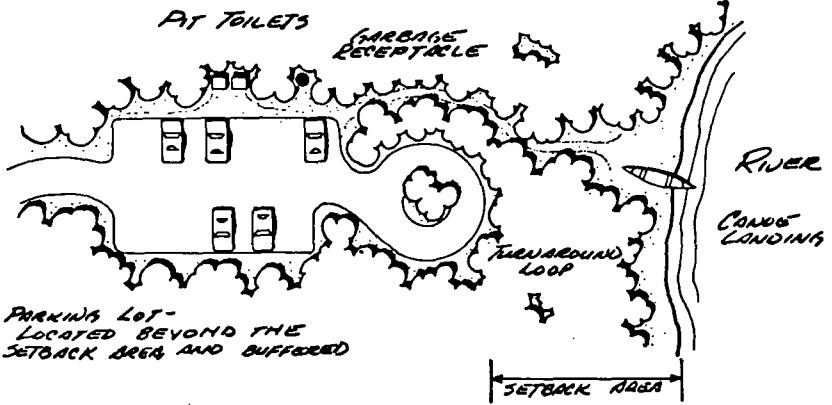
CROSS SECTION



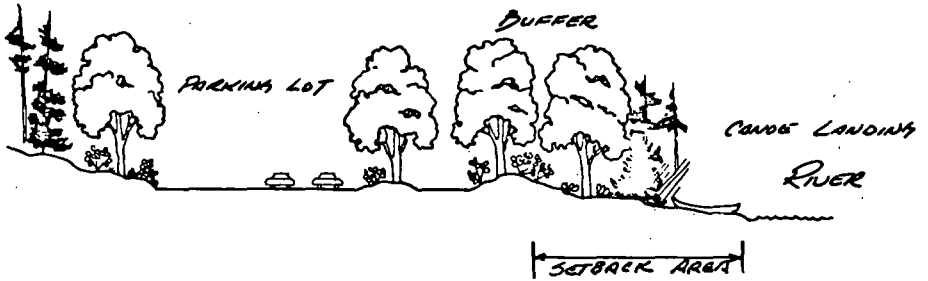
WIDTH OF EACH TRAIL WILL DEPEND ON THE ENVIRONMENTAL CHARACTERISTICS OF EACH SITE.



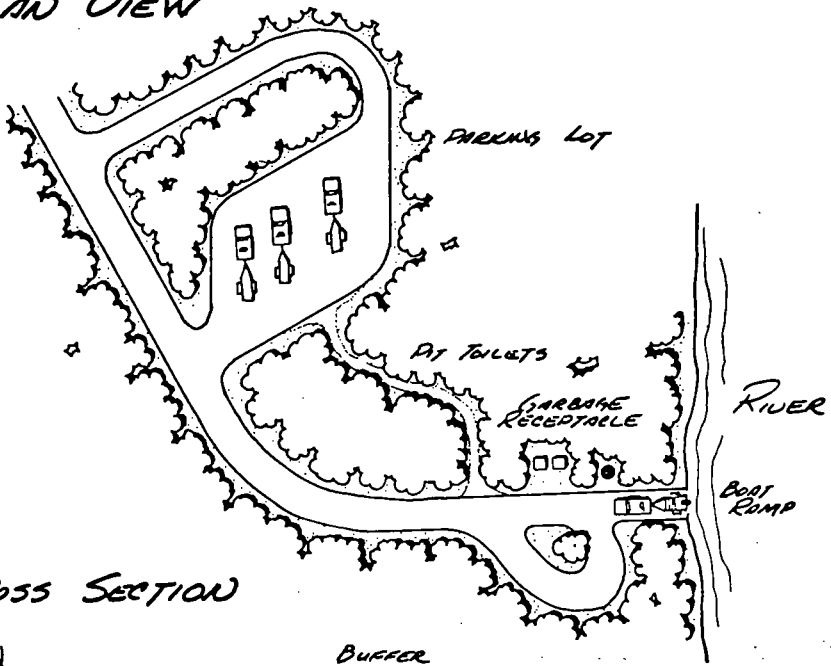
PLAN VIEW



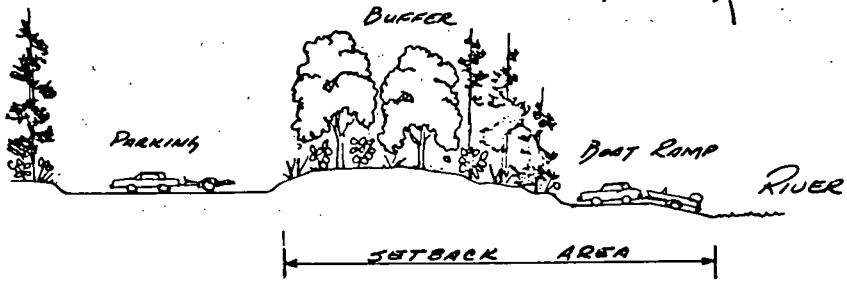
CROSS SECTION



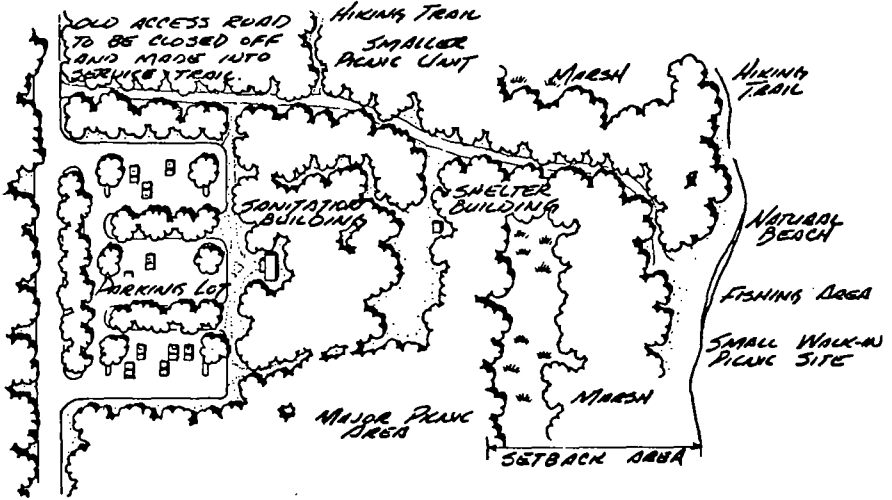
PLAN VIEW



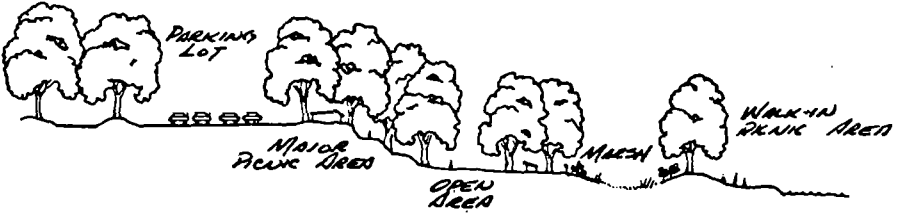
CROSS SECTION



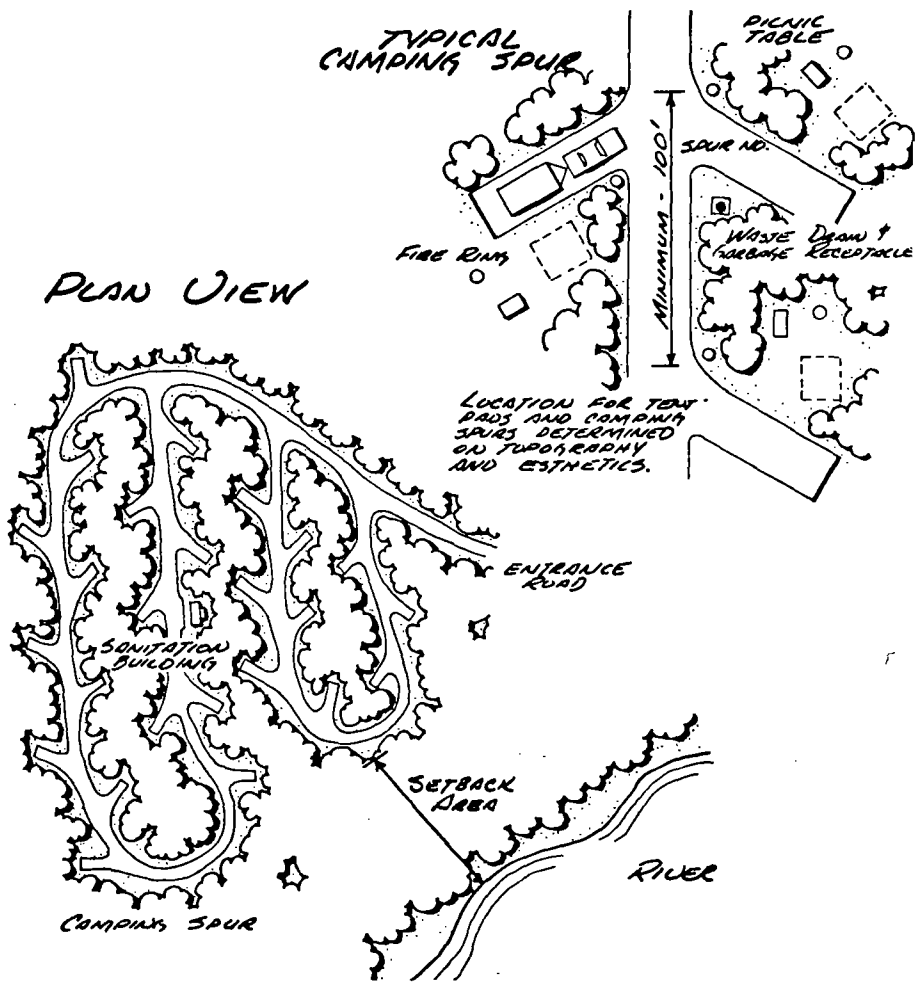
PLAN VIEW



CROSS SECTION



PLAN VIEW



✓

MINNESOTA CODE OF AGENCY RULES

RULES OF THE DEPARTMENT OF NATURAL RESOURCES

1982 Reprint



All rules as in effect on September 15, 1982

Prepared by

THE OFFICE OF REVISOR OF STATUTES
Room 3, State Capitol, St. Paul, Minnesota 55155

Distributed by

STATE REGISTER AND PUBLIC DOCUMENTS DIVISION
DEPARTMENT OF ADMINISTRATION
117 University Avenue, St. Paul, Minnesota 55155

For Table of Contents See Volume 31A.

**Chapter Twenty-four: Rules Relating to the Designation, Classification
and Management of the Mississippi River in Stearns, Sherburne,
Wright, Anoka and Hennepin Counties**

NR 2400 Designation.

A. The river. That portion of the Mississippi River from the County State Aid Highway No. 7 Bridge at St. Cloud to the northwestern boundaries of the city of Anoka and the city of Champlin is hereby designated a component of the Minnesota Wild, Scenic and Recreational Rivers System.

B. Authority. This designation is made by the Commissioner of Natural Resources pursuant to the authority of the Minnesota Wild and Scenic Rivers Act, Minn. Stat. § 104.31 to 104.40.

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

NR 2410 Classification. That portion of the Mississippi River and adjacent lands from the County State Aid Highway No. 7 Bridge at St. Cloud to the county line at the Clearwater River between Stearns and Wright Counties, and State Highway No. 24 in Sherburne County, is classified as Scenic.

That portion of the designated river and adjacent lands from the county line at the Clearwater River between Stearns and Wright Counties, and State Highway No. 24 in Sherburne County, to the northwestern boundaries of the city of Anoka and the city of Champlin is classified as Recreational, in accordance with the provision of Minn. Stat. § 104.33, subd. 2, and Minnesota Regulations NR 78 (f).

NR 2420 Management.

A. Recreation management.

1. As provided for in the Management Plan, the recreation management policy is to provide for the orderly use of public lands and waters within the Scenic and Recreational River Land Use District. The development of selected land and river-oriented recreational facilities and the maintenance of these will help "protect the rights of private landowners, ensure quietude, prohibit trespassing, and maintain the essential quality of Wild and Scenic River Land Use Districts as provided in NR 80 (a) (1).

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

3. No public river-oriented camping facilities will be provided in close

proximity to private recreational developments which are designed to serve the public demand for these.

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

5. The Commissioner of Natural Resources adopts the Recreation Management maps, plates 1-9, for the protection, recreational use and management of public lands or interests in land, for the Mississippi Scenic and Recreational River and its adjacent lands within the Recreational River Land Use Districts.

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

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

8. All islands acquired by or transferred to the Department of Natural Resources, shall be managed in a manner consistent with the policy established in the Minnesota Wild and Scenic Rivers Act, Minn. Stat. §§ 104.31-104.40 (1974).

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

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

B. Land management.

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

- a. St. Augusta Creek (Johnson Creek on U.S.G.S. quadrangles)
- b. Plum Creek
- c. Clearwater River
- d. Bend Creek (Fish Creek on U.S.G.S. quadrangles)

- e. Silver Creek
- f. Otter Creek
- g. Creek of Otsego
- h. Elk River
- i. North Fork Crow River

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

a. Minnesota Regulations NR 78-81 shall apply to all lands within the Scenic and Recreational River Land Use Districts that are within unincorporated areas of the counties at the time of designations. Federal lands, however, are not subject to these regulations.

b. The land or interests in land recommended to be acquired in this plan will be acquired where funds are available for such purchases, in the manner as provided for in Minn. Stat. § 104.37 (1974).

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

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

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

C. Administration.

1. The land use controls referenced herein shall apply to the entire area within the Land Use District boundaries as identified on the Land Management Maps, Plates 1-9, and the Land Use District property descriptions and determined in accordance with NR (g) (2) (bb). In accordance with the

Minnesota Wild and Scenic Rivers Act, Minn. Stat. § 104.36 (1974) each local government shall, within six (6) months of designation of the Scenic and Recreational River, adopt or amend its local ordinances and Land Use District maps to the extent necessary to comply with the statewide standards and criteria and the management plan as follows:

2. Stearns County shall enact or amend such ordinances and maps as necessary to:

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

b. Conform to the provisions of Minnesota Regulations NR 78-81.

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

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

b. Conform to the provisions of Minnesota Regulations NR 78-81.

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

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

b. Conform to the provisions of Minnesota Regulations NR 78-81.

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

a. Establish a Scenic River Land Use District as identified on the Land Management Maps, Plate 1, and the Land Use District property descriptions.

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

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

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

a. Establish a Recreational River Land Use District as identified on the Land Management Maps, Plates 1-9, and the Land Use District property descriptions.

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

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

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

a. Establish a Recreational River Land Use District as identified on the Land Management Maps, Plates 1-9, and the Land Use District property descriptions.

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

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

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

10. The portion of the land use district which is within the Orderly Annexation Area established by the Minnesota Municipal Board adjacent to the City of Monticello in 1972, legally described in the land use district as Government Lots 1, 2, 3 and 4 of Section 18 and Government Lots 1, 2 and 3 of Section 8, Township 121 N. Range 24 W. of Wright County, shall be governed by the Recreational Development Standards of 6 MCAR §§ 1.0082-1.0084 (NR 82-84). The zoning authority shall also conform to the provisions of 6 MCAR §§ 1.0078, 1.0079 G.-J., 1.0080 and 1.0081 (NR 78, 79 (g)-(j), 80 and 81).

D. Interagency recommendations:

1. Federal-State relations.

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

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

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

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

2. Other governmental units.

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

b. No Department of Natural Resources "corridor" trails are pro-

posed in this management plan for the Mississippi Scenic or Recreational River area. Local residents and landowners may desire specific recreational trails for their area. If so, it is recommended that such trails be developed through the Department of Natural Resources' trail assistance programs. Through the Department's trail assistance programs, funds for local trail development and maintenance are made available to local units of government.

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

d. To help insure that the outstanding heritage of the Mississippi River will be protected for future generations, it is recommended that the state Historical Society conduct an inventory of all historical and archaeological sites within the proposed Scenic and Recreational River Land Use Districts, and recommend appropriate methods for preservation of those having outstanding historical significance.

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

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

Land Management Totals

Land Use District Acreages		Scenic Easement Acreages		Fee Title Acreages	
East Bank					
Sherburne County	7,103.57	Sherburne County	3,114.07	Sherburne County	460.50
Anoka County	630.54	Anoka County	200.95	Anoka County	9.16
Total	7,734.11	Total	3,315.02	Total	469.66
West Bank					
Stearns County	1,594.80	Stearns County	603.49	Stearns County	51.45
Wright County	4,714.03	Wright County	1,111.12	Wright County	121.48
Hennepin County	964.25	Hennepin County	274.26	Hennepin County	149.96
Total	7,273.08	Total	1,988.87	Total	322.89
Grand Total	15,007.19	Grand Total	5,303.89	Grand Total	792.55

Land Use District Acreages

In Sherburne County

T 35 N - R 31 W			T 34 N - R 30 W		
Section 1			Section 5		
Government Lot 4	17.00 acres	West of Road	Government Lot 1	32.29 acres	
Section 12			NE $\frac{1}{4}$ NW $\frac{1}{4}$	19.00 acres	West of Road
Government Lot 1	30.00 acres	West of Road	Government Lot 2	45.10 acres	West of Road
Government Lot 2	37.20 acres	West of Road	Government Lot 3	41.42 acres	
Government Lot 3	41.20 acres	West of Road	Government Lot 4	44.00 acres	
Government Lot 4	23.50 acres	West of Road	Section 8		
Government Lot 5	4.73 acres	Island	Government Lot 1	72.60 acres	
Government Lot 6	15.34 acres	Island	Government Lot 2	61.60 acres	
Government Lot 7	7.45 acres	Island	Government Lot 3	9.39 acres	Island
Government Lot 8	14.88 acres	Island	Section 9		
Government Lot 9	44.95 acres	Island	Government Lot 1	42.75 acres	
Section 13			Government Lot 2	38.40 acres	
Government Lot 1	2.60 acres	Island	Government Lot 3	50.30 acres	
Government Lot 2	1.80 acres	Island	Section 16		
Government Lot 3	19.33 acres	Island	Government Lot 1	43.00 acres	
Government Lot 4	49.00 acres	West	Government Lot 2	38.70 acres	
Government Lot 5	57.10 acres	West	Section 15		
Government Lot 6	48.30 acres	West	Government Lot 1	2.52 acres	
Government Lot 7	23.47 acres	West	Government Lot 2	48.55 acres	South
Section 24			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00 acres	
Government Lot 1	53.60 acres		Government Lot 3	40.20 acres	
Government Lot 2	74.82 acres		Government Lot 4	38.60 acres	
Government Lot 3	72.85 acres		Government Lot 5	39.90 acres	
Government Lot 4	54.50 acres	West	Government Lot 6	30.85 acres	
Section 25			Section 14		
Government Lot 1	51.38 acres	West	S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	20.00 acres	
Government Lot 2	59.85 acres	West	Section 22		
Government Lot 3	64.57 acres	West	Government Lot 1	11.00 acres	
T 35 N - R 30 W			Section 23		
Section 30			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00 acres	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	44.24 acres		Government Lot 1	33.24 acres	
Government Lot 1	43.24 acres		Government Lot 2	44.30 acres	
Section 31			Government Lot 3	47.80 acres	
Government Lot 3	67.00 acres		Section 26		
Government Lot 2	23.74 acres	South	Government Lot 1	50.20 acres	
Government Lot 1	59.55 acres		Section 25		
Section 32			Government Lot 1	61.68 acres	
Government Lot 1	66.58 acres	West of Road	Government Lot 2	78.50 acres	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	3.00 acres	West of Road			
NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00 acres				

Government Lot 3	31.00 acres	South Part	Government Lot 2	41.36 acres	South
Government Lot 4	19.70 acres	South Part	Government Lot 3	19.28 acres	South
Section 36			Government Lot 4	56.10 acres	
Government Lot 1	54.00 acres		Government Lot 5	45.33 acres	
T 34 N - R 29 W			Section 13		
Section 30			Government Lot 1	32.55 acres	
Government Lot 1	24.05 acres	West	Government Lot 2	14.44 acres	
Government Lot 2	26.84 acres		T 33 N - R 28 W		
Government Lot 3	24.00 acres		Section 18		
Government Lot 4	30.57 acres		W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	23.40 acres	
Government Lot 5	34.50 acres		W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	23.40 acres	
Section 31			Government Lot 2	28.50 acres	All but NE 10
Government Lot 2	8.38 acres		S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	20.00 acres	
Government Lot 1	.77 acres		Government Lot 1	30.90 acres	
Section 32			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00 acres	
Government Lot 1	44.25 acres		All but NE $\frac{1}{4}$ of SE $\frac{1}{4}$ SE $\frac{1}{4}$	30.00 acres	
Government Lot 2	58.00 acres		T 33 N - R 28 W		
Government Lot 3	45.80 acres		Section 19		
Government Lot 4	35.10 acres		Government Lot 3	40.13 acres	
T 33 N - R 29 W			Government Lot 2	14.00 acres	Island
Section 5			Government Lot 1	2.68 acres	Island
Government Lot 1	8.38 acres		Section 20		
Section 4			Government Lot 6	52.81 acres	Island
Government Lot 4	34.25 acres		Government Lot 5	32.38 acres	South
Government Lot 3	51.32 acres		Government Lot 4	29.70 acres	South
NE $\frac{1}{4}$ NW $\frac{1}{4}$	35.40 acres		Government Lot 3	28.40 acres	South
Government Lot 2	19.91 acres		Government Lot 2	25.80 acres	South
Government Lot 1	33.38 acres		Government Lot 1	9.38 acres	Island
T 34 N - R 29 W			Section 21		
Section 33			Government Lot 6	45.97 acres	Island
S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	20.00 acres		Government Lot 5	31.42 acres	
Government Lot 1	36.95 acres		Government Lot 4	39.70 acres	
Section 34			Government Lot 3	26.74 acres	
Government Lot 1	39.70 acres		Government Lot 2	34.20 acres	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00 acres		Government Lot 1	56.27 acres	
Government Lot 2	31.90 acres		Section 28		
Government Lot 3	25.95 acres		Government Lot 1	25.20 acres	
T 33 N - R 29 W			Section 27		
Section 3			Government Lot 4	58.87 acres	
Government Lot 1	18.34 acres		Government Lot 3	39.72 acres	
T 34 N - R 29 W			Government Lot 2	36.58 acres	
Section 35			W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	20.00 acres	
Government Lot 1	37.75 acres		Government Lot 1	31.52 acres	
T 33 N - R 29 W			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00 acres	
Section 2			Section 34		
Government Lot 1	10.64 acres	Island	Government Lot 1	31.20 acres	
Government Lot 2	21.90 acres		T 33 N - R 28 W		
Government Lot 3	31.75 acres		Section 35		
Government Lot 4	17.00 acres	West	Government Lot 4	42.72 acres	
Government Lot 5	25.55 acres	West	Government Lot 3	57.30 acres	
Government Lot 6	56.20 acres		Government Lot 2	41.70 acres	
Section 11			Government Lot 1	67.00 acres	
Government Lot 1	17.80 acres		T 33 N - R 28 W		
Section 12			Section 36		
Government Lot 1	42.35 acres		Government Lot 2	55.63 acres	
			Government Lot 1	38.50 acres	

T 32 N - R 28 W					
Section 1					
Government Lot 2	31.88 acres				
Government Lot 1	36.67 acres				
T 32 N - R 27 W					
Section 6					
Government Lot 3	48.87 acres				
Government Lot 2	31.40 acres				
Government Lot 1	11.00 acres				
T 33 N - R 27 W					
Section 31					
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00 acres				
Government Lot 1	36.60 acres				
Section 32					
Government Lot 1	30.40 acres				
Government Lot 2	24.60 acres				
Government Lot 3	26.06 acres				
Government Lot 4	32.37 acres				
Section 33					
Government Lot 1	39.10 acres				
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00 acres				
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00 acres				
Government Lot 2	37.10 acres				
T 32 N - R 27 W					
Section 4					
Government Lot 2	6.20 acres				
Government Lot 1	6.80 acres				
T 33 N - R 27 W					
Section 34					
Government Lot 1	58.80 acres				
Government Lot 2	33.20 acres	South			
Government Lot 3	39.80 acres				
S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	20.00 acres				
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00 acres				
Government Lot 4	29.00 acres				
Section 35					
Government Lot 1	38.55 acres				
Government Lot 2	33.84 acres				
Government Lot 3	19.97 acres	South			
T 32 N - R 27 W					
Section 2					
Government Lot 4	45.25 acres	Island			
Government Lot 3	3.93 acres				
Government Lot 2	12.00 acres				
Government Lot 1	26.87 acres				
Section 1					
Government Lot 4	31.70 acres				
Government Lot 3	23.30 acres				
Government Lot 2	21.00 acres				
Government Lot 1	25.00 acres				
T 32 N - R 26 W					
Section 6					
Government Lot 4	21.93 acres				
Government Lot 3	24.15 acres				
Government Lot 2					
Government Lot 1					
Government Lot 5	35.32 acres				
Government Lot 1	50.54 acres				
Section 5					
Government Lot 5	24.00 acres				
Government Lot 4	17.59 acres				
Government Lot 3	6.10 acres				
Government Lot 2	41.27 acres				
Government Lot 1	8.29 acres	Island			
Section 4					
Government Lot 6	21.70 acres				
Government Lot 5	16.52 acres				
Government Lot 4	38.50 acres				
Government Lot 3	56.40 acres				
Government Lot 2	33.20 acres				
Government Lot 7	23.80 acres	Island			
Government Lot 8	18.76 acres				
Government Lot 1	2.85 acres	Island			
T 33 N - R 26 W					
Section 33					
Government Lot 2	39.97 acres				
Section 34					
Government Lot 1	18.88 acres	South			
Government Lot 2	7.00 acres	SW of Road			
Government Lot 3	2.00 acres	SW of Road			
T 32 N - R 26 W					
Section 3					
Government Lot 4	4.00 acres	SW of Road			
Government Lot 3	8.00 acres	SW of Road			
Government Lot 2	32.00 acres	SW of Road			
Government Lot 1	19.78 acres				
Government Lot 5	6.85 acres				
Section 10					
Government Lot 2	17.71 acres				
Government Lot 1	3.48 acres				
Section 11					
NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00 acres				
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00 acres				
NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00 acres				
Government Lot 1	37.00 acres				
Section 14					
Government Lot 4	32.77 acres				
Government Lot 3	41.42 acres	West Part (less 20 acres)			
Government Lot 2	29.45 acres				
NW $\frac{1}{4}$ SE $\frac{1}{4}$	30.00 acres	All but NE $\frac{1}{4}$ -10 acres			
Government Lot 1	32.77 acres				
SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00 acres				
Section 23					
Government Lot 1	6.67 acres				
Section 13					
SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.00 acres				
Section 24					
Government Lot 4	39.07 acres				
Government Lot 3	56.22 acres				
Government Lot 2	22.81 acres				
Government Lot 1	17.00 acres	South			
Sherburne County Total					7,103.57

In Anoka County

T 32 N - R 25 W					
Section 19					
Government Lot 4	29.00 acres	SW of Road			
NW $\frac{1}{4}$ SW $\frac{1}{4}$	11.00 acres	South of Road			
Government Lot 5	32.00 acres	SW of Road			
Government Lot 6	22.00 acres	SW of Road			
SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.00 acres	South of Road			

Section 30	
Government Lot 1	44.80 acres
Government Lot 2	45.80 acres
Section 29	
Government Lot 1	38.60 acres
Government Lot 2	50.70 acres
Government Lot 3	39.90 acres
Government Lot 4	35.55 acres
Section 32	
Government Lot 1	7.20 acres
Section 28	
Government Lot 1	36.84 acres

Section 33	
Government Lot 1	22.95 acres
Government Lot 2	40.30 acres
Government Lot 3	36.10 acres South
Section 34	
Government Lot 1	29.18 acres
Government Lot 2	38.30 acres South
Government Lot 3	27.82 acres South
Government Lot 4	28.50 acres South

Section 35	
Government Lot 1	10.00 acres

Anoka County Total	630.54
East Total	7,734.11

In Stearns County

T 124 N - R 28 W

Section 13	
Government Lot 3	3.88 acres
Government Lot 4	20.12 acres
Section 24	
Government Lot 1	57.58 acres
Government Lot 2	29.32 acres
Government Lot 3	22.92 acres
Government Lot 4	23.65 acres
Section 25	
Government Lot 1	17.15 acres East
Government Lot 2	19.82 acres East
E 1/2 NW 1/4 SW 1/4	15.33 acres Less the southerly 300 feet
Government Lot 3	40.00 acres Less the southerly 300 feet
Government Lot 4	22.85 acres
Government Lot 5	48.98 acres
Section 36	
Government Lot 1	44.66 acres
Government Lot 2	26.15 acres
Government Lot 3	29.20 acres
Government Lot 4	27.96 acres

T 123 N - R 28 W

Section 1	
Government Lot 1	31.26 acres
Government Lot 2	32.74 acres
Government Lot 3	35.07 acres

T 123 N - R 27 W

Section 6	
Government Lot 1	29.10 acres
Section 7	
Government Lot 3	30.08 acres
SE 1/4 NW 1/4	40.00 acres
Government Lot 2	40.00 acres
Government Lot 1	20.62 acres
NE 1/4 SE 1/4	40.00 acres

Section 8	
Government Lot 2	36.34 acres
Government Lot 1	25.82 acres
E 1/2 SW 1/4 SW 1/4	20.00 acres

Section 17	
Government Lot 4	40.52 acres
Government Lot 3	39.35 acres
Government Lot 2	34.65 acres
Government Lot 1	25.10 acres

Section 20	
Government Lot 2	26.43 acres
N 1/2 SW 1/4 NE 1/4	20.00 acres
Government Lot 1	25.18 acres
N 1/2 NE 1/4 SE 1/4	20.00 acres

Section 21	
Government Lot 3	41.92 acres
Government Lot 2	37.96 acres
Government Lot 1	48.10 acres

Section 28	
Government Lot 2	60.62 acres
SE 1/4 NW 1/4	32.00 acres
SW 1/4 NE 1/4	40.00 acres
Government Lot 1	41.26 acres

NE of Road

T 123 N - R 27 W

Section 27	
Government Lot 4	60.97 acres
Government Lot 3	31.58 acres
Government Lot 2	11.72 acres
Government Lot 1	23.95 acres

North

Section 26	
Government Lot 2	33.25 acres
Government Lot 1	29.42 acres

Section 35	
Government Lot 5	40.00 acres

Stearns County Total	1,594.80
----------------------	----------

In Wright County

T 123 N - R 27 W

Section 35	
Government Lot 4	19.00 acres East of Road

Government Lot 5	3.65 acres	East of Road
Government Lot 3	11.00 acres	East of Road
Government Lot 1	16.45 acres	East of Road

Government Lot 2	27.15 acres	East of Road	Government Lot 2	55.56 acres	
SE 1/4 NW 1/4	2.00 acres	East of Road	Government Lot 3	47.48 acres	
T 122 N - R 27 W			Government Lot 4	45.35 acres	All but SW 10
Section 2			Section 31		
NE 1/4 NE 1/4	36.00 acres		Government Lot 1	39.88 acres	
Section 1			Section 32		
Government Lot 5	15.95 acres		Government Lot 4	22.35 acres	
Government Lot 4	39.93 acres		NW 1/4 SW 1/4 NW 1/4	10.00 acres	
Government Lot 3	27.35 acres		Government Lot 3	29.00 acres	
Government Lot 2	46.10 acres		NW 1/4 NW 1/4 SW 1/4	10.00 acres	
Government Lot 1	41.05 acres		Government Lot 2	19.56 acres	
T 122 N - R 26 W			Government Lot 1	32.72 acres	North
Section 6			T 122 N - R 25 W		
Government Lot 2	58.76 acres		Section 33		
Section 7			Government Lot 4	32.28 acres	
Government Lot 9	28.20 acres		Government Lot 3	32.05 acres	
Government Lot 8	12.00 acres	North Half	Government Lot 2	27.15 acres	
Government Lot 6	11.05 acres	North	Government Lot 1	48.12 acres	
Government Lot 4	8.65 acres	Northwest Corner	Section 34		
Government Lot 3	16.15 acres	West	Government Lot 1	36.26 acres	
Government Lot 2	19.32 acres	All but SE 10	T 121 N - R 25 W		
Section 6			Section 3		
Government Lot 1	24.45 acres		NW 1/4 NW 1/4	41.40 acres	
Section 5			Government Lot 4	33.06 acres	
Government Lot 1	14.82 acres		Government Lot 3	31.18 acres	East
Section 8			Government Lot 2	43.75 acres	
Government Lot 5	33.36 acres		Government Lot 1	20.00 acres	North of 152 & West & North of Side Streets
Government Lot 4	51.82 acres		Section 2		
Government Lot 3	36.00 acres		Government Lot 1	7.82 acres	
Government Lot 1	56.95 acres		Section 11		
Section 9			Government Lot 1	42.00 acres	North of Street, one block North of Main
Government Lot 1	27.56 acres		Section 12		
Section 16			Government Lot 3	10.00 acres	North
Government Lot 4	59.55 acres		Government Lot 2	34.10 acres	North
Government Lot 3	39.10 acres		Government Lot 1	40.65 acres	
Government Lot 2	34.82 acres		Section 13		
Government Lot 1	17.85 acres		NW 1/4 NE 1/4	40.00 acres	
Section 15			NE 1/4 NE 1/4	40.00 acres	
Government Lot 4	38.56 acres	North	T 121 N - R 24 W		
Government Lot 3	30.42 acres		Section 18		
Government Lot 2	29.90 acres		Government Lot 4	38.08 acres	
Government Lot 1	33.45 acres		Government Lot 3	22.10 acres	
Section 14			Government Lot 2	22.75 acres	
Government Lot 5	43.30 acres		Government Lot 1	38.42 acres	
Government Lot 4	41.22 acres		Section 7		
Government Lot 3	40.62 acres		Government Lot 1	.52 acres	
Government Lot 2	25.18 acres		Government Lot 2	3.69 acres	
Government Lot 1	38.00 acres		Section 8		
SE 1/4 SE 1/4	40.00 acres		Government Lot 1	23.10 acres	
Section 13			Government Lot 2	39.20 acres	
Government Lot 1	21.58 acres		Government Lot 3	40.48 acres	
Section 24			Government Lot 4	42.00 acres	
NW 1/4 NW 1/4	40.00 acres		Section 15		
Government Lot 3	28.35 acres		NW 1/4 NW 1/4 NW 1/4	10.00 acres	
Government Lot 2	49.08 acres		Section 9		
Government Lot 1	29.28 acres		Government Lot 2	29.70 acres	
NE 1/4 SE 1/4	40.00 acres		Government Lot 3	16.22 acres	Island
T 122 N - R 25 W			Government Lot 4	24.47 acres	Island
Section 19			Government Lot 1	4.00 acres	
Government Lot 1	16.26 acres		Section 16		
Government Lot 2	20.32 acres		NE 1/4 NW 1/4	39.50 acres	
Section 30					
Government Lot 1	36.15 acres				

NW¼ NE¼	33.62 acres				
NE¼ NE¼	38.46 acres				
Section 10					
Government Lot 1	28.16 acres				
Government Lot 2	41.00 acres				
Government Lot 3	22.10 acres				
Government Lot 4	54.50 acres				
N¼ SW¼ SE¼	20.00 acres				
Section 11					
Government Lot 1	57.50 acres				
Government Lot 2	19.42 acres				
Section 14					
N¼ NE¼ NW¼	20.00 acres				
Government Lot 2	35.10 acres				
Government Lot 1	31.46 acres				
Section 13					
Government Lot 4	36.55 acres				
Government Lot 3	31.87 acres				
Government Lot 2	23.75 acres				
Government Lot 1	34.62 acres				
T 121 N - R 23 W					
Section 18					
Government Lot 5	34.46 acres				
Government Lot 4	61.15 acres				
Government Lot 3	45.20 acres				
N¼ SE¼ NE¼	20.00 acres				
Government Lot 2	25.20 acres				
Government Lot 1	6.57 acres				
Section 7					
Government Lot 1	11.80 acres				
Section 17					
Government Lot 4	30.00 acres				
SW¼ NW¼	40.00 acres				
Government Lot 3	46.50 acres				
Government Lot 2	36.47 acres				
Government Lot 1	35.86 acres				
Section 16					
Government Lot 4	37.12 acres				
Government Lot 3					
				20.14 acres	North
Government Lot 2					
				37.00 acres	
Government Lot 1					
				40.32 acres	
Section 15					
Government Lot 5	44.00 acres				
Government Lot 4	49.20 acres				
SW¼ NE¼	40.00 acres				
Government Lot 3	32.22 acres				
Government Lot 2	27.50 acres				
Government Lot 1	35.87 acres				
E¼ E¼ SE¼	40.00 acres				
Section 10					
Government Lot 1	53.75 acres				
Section 14					
Government Lot 1	24.18 acres				
Government Lot 2	32.70 acres				
Section 23					
Government Lot 1	38.18 acres				
Government Lot 2	38.20 acres				
Government Lot 3	44.84 acres				
Government Lot 4	46.10 acres				
Section 26					
Government Lot 1	35.00 acres				West
Government Lot 2	53.70 acres				
Government Lot 3	36.40 acres				
Government Lot 4	44.07 acres				
Section 25					
Government Lot 3	10.90 acres				
Government Lot 2	18.90 acres				
Government Lot 1	6.48 acres				
Section 36					
Government Lot 2	37.50 acres				
Government Lot 1	36.20 acres				
Government Lot 3	31.00 acres				North
Government Lot 4	31.88 acres				North
NW¼ SE¼	9.00 acres				North of Road
Government Lot 5	16.70 acres				North of Road
				Wright County Total	4,714.03
In Hennepin County					
T 121 N - R 23 W					
Section 36					
Government Lot 5	10.00 acres				
T 121 N - R 22 W					
Section 31					
Government Lot 1	17.00 acres				North of Road
Government Lot 2	27.00 acres				Northeast of Road
Government Lot 3	43.30 acres				Northeast of Road
Government Lot 4	53.00 acres				Island
T 120 N - R 22 W					
Section 6					
Government Lot 1	11.83 acres				Island
Government Lot 2	3.00 acres				
Government Lot 3	56.08 acres				
Section 5					
Government Lot 1	14.46 acres				Island
Government Lot 2					
				28.00 acres	
NW¼ SW¼					
				40.00 acres	
Government Lot 3					
				33.60 acres	
Government Lot 4					
				34.40 acres	
Government Lot 5					
				10.90 acres	
Section 8					
N¼ NE¼ NE¼	20.00 acres				
Section 4					
Government Lot 1	9.22 acres				
Government Lot 2	18.17 acres				
Section 9					
NW¼ NW¼	40.00 acres				
NE¼ NW¼	40.00 acres				
Government Lot 1	36.88 acres				
Section 10					
Government Lot 3	52.00 acres				
Government Lot 4	28.00 acres				

Government Lot 5	20.63 acres	North
Government Lot 6	30.50 acres	North
Government Lot 1	36.62 acres	Island
Government Lot 2	33.85 acres	Island
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.00 acres	
Section 11		
Government Lot 1	28.82 acres	
Government Lot 2	41.25 acres	
Government Lot 3	29.14 acres	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00 acres	

Government Lot 4	26.60 acres		
Section 14			
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00 acres		
Hennepin County Total			964.25
West Total			7,273.08
East Total			7,734.11
GRAND TOTAL			15,007.19

Scenic Easements

In Sherburne County

T 35 N - R 31 W

Section 13		
Government Lot 4	49.00	the west
Government Lot 5	37.10	the south
Government Lot 6	48.30	
Government Lot 7	23.47	the south
Section 24		
Government Lot 1	33.60	
Government Lot 2	48.82	except the island
Government Lot 3	30.85	except the island
Government Lot 4	18.50	except the island (the west)
Section 25		
Government Lot 1	8.38	except the island (the west)
Government Lot 2	10.85	except the island
Government Lot 3	54.57	except the island

T 35 N - R 30 W

Section 30		
Government Lot 1	43.24	
Section 31		
Government Lot 3	27.00	all but NE 40
Government Lot 2	13.74	
Government Lot 1	39.55	the south
Section 32		
SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	10.00	
Government Lot 1	41.58	

T 34 N - R 30 W

Section 5		
Government Lot 1	32.29	
Government Lot 2	27.10	
Government Lot 3	21.42	
Government Lot 4	44.00	
Section 8		
Government Lot 1	52.60	the west
Section 9		
Government Lot 1	42.75	the south
Government Lot 2	38.40	
Government Lot 3	50.30	
Section 16		
Government Lot 1	43.00	
Government Lot 2	38.70	
Section 15		
Government Lot 2	28.55	the south
S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	20.00	
Government Lot 3	40.20	
Government Lot 4	18.60	the south
Government Lot 5	9.90	
Government Lot 6	30.85	

T 34 N - R 30 W

Section 14		
S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	20.00	
Section 22		
Government Lot 1	11.00	
Section 23		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	
Government Lot 1	33.24	
Government Lot 3	43.80	All but 4 acres-Stickney wayside
Section 26		
Government Lot 1	30.20	all but NE 20 acres
Section 25		
Government Lot 1	21.68	just the SW
Government Lot 2	11.00	
Government Lot 3	31.00	south
Government Lot	19.70	south
Section 36		
Government Lot 1	54.00	

T 34 N - R 29 W

Section 30		
Government Lot 1	24.05	the west
Government Lot 2	26.84	
Government Lot 3	24.00	
Government Lot 4	30.57	
Government Lot 5	34.50	
Section 31		
Government Lot 1	.77	
Government Lot 2	8.30	
Section 32		
Government Lot 1	24.25	the west
Government Lot 2	18.00	the south
Government Lot 3	5.80	the south
Section 34		
Government Lot 2	21.90	
Section 35		
Government Lot 1	14.00	south of road
T 33 N - R 29 W		
Section 3		
Government Lot 1	18.34	
Section 2		
Government Lot 2	10.00	south of road
Government Lot 3	3.00	south of road
Government Lot 4	17.00	the west
Government Lot 5	25.55	
Government Lot 6	56.20	

Section 11					
Government Lot 1	18.34				
T 33 N - R 29 W					
Section 12					
Government Lot 1	42.35				
Government Lot 2	41.16	south			
Government Lot 3	19.28	south			
Government Lot 4	36.10	the west			
Government Lot 5	15.33	the west			
Section 13					
Government Lot 1	32.55				
Government Lot 2	14.44				
T 33 N - R 28 W					
Section 18					
W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	23.40				
W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	23.40				
Government Lot 2	28.50				
Government Lot 1	30.90				
S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	20.00				
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00				
SE $\frac{1}{4}$ SE $\frac{1}{4}$	30.00	all but NE $\frac{1}{4}$			
Section 19					
Government Lot 3	40.13				
Section 20					
Government Lot 5	32.38	south			
Government Lot 4	29.70				
Government Lot 3	28.40	south			
Government Lot 2	25.80	south			
Section 21					
Government Lot 5	31.42				
Government Lot 4	39.70				
Government Lot 3	26.74				
Government Lot 2	34.20				
Government Lot 1	36.27				
Section 28					
Government Lot 1	25.20				
Section 27					
Government Lot 4	58.87				
Government Lot 3	19.72	west			
Government Lot 2	36.58				
Government Lot 1	21.52				
Section 34					
Government Lot 1	31.20				
T 32 N - R 27 W					
Section 6					
Government Lot 2	31.40				
Government Lot 1	11.00				
T 33 N - R 27 W					
Section 31					
SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.00				
Government Lot 1	36.60				
Section 32					
Government Lot 1	30.40				
Government Lot 2	24.60				
Section 33					
Government Lot 1	19.10	south			
S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	20.00				
S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	20.00				
Government Lot 2	17.10	south			
T 32 N - R 27 W					
Section 4					
Government Lot 2	6.20				
Government Lot 1	6.80				
T 33 N - R 27 W					
Section 34					
Government Lot 1	12.80				
Government Lot 3	19.80				
Government Lot 4	29.00				
Section 35					
Government Lot 2	13.84	south			
T 32 N - R 26 W					
Section 5					
Government Lot 2	18.00	south			
Section 4					
Government Lot 6	9.00	south			
Government Lot 3	16.40	south			
Government Lot 2	33.20				
Government Lot 8	18.70				
Section 10					
Government Lot 2	17.71				
Government Lot 1	3.48				
Sherburne County Total					3,114.07

In Anoka County

T 32 N - R 25 W					
Section 29					
Government Lot 2	30.70				
Government Lot 3	19.90	south			
Section 32					
Government Lot 1	7.20				
Section 33					
Government Lot 1	22.95				
Government Lot 2	20.30	the south			
Government Lot 3	16.10	the southwest			
Section 34					
Government Lot 1	19.18	the south			
Government Lot 2	28.30	the south			
Government Lot 3	17.82	the south			
Government Lot 4	18.50	the south			
Anoka County Total					200.95
East Total					3,315.02

In Stearns County

T 134 N - R 28 W			Section 20		
Section 24			Government Lot 2	26.43	
Government Lot 3	22.92		Government Lot 1	25.18	
Government Lot 4	23.65		N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	20.00	
Section 36			Section 21		
Government Lot 4	27.96		Government Lot 2	6.00	
			Government Lot 1	8.10	
T 123 N - R 28 W			Section 28		
Section 1			Government Lot 2	20.62	
Government Lot 1	11.26		E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	32.00	
Government Lot 2	12.74	the east	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00	
Government Lot 3	35.07		Government Lot 1	41.26	
T 123 N - R 27 W			Section 27		
Section 6			Government Lot 4	60.97	
Government Lot 1	19.10		Government Lot 3	31.58	
Section 7			Government Lot 2	11.72	
Government Lot 3	10.08		Government Lot 1	23.85	
Section 17			Section 26		
Government Lot 2	34.65		Government Lot 2	33.25	
Government Lot 1	25.10				
			Stearns County Total		603.49

In Wright County

T 122 N - R 27 W			Section 30		
Section 1			Government Lot 1	33.15	NE of road
Government Lot 3	27.35		Government Lot 2	26.56	NE of road
T 122 N - R 26 W			Government Lot 3	47.48	
Section 7			Government Lot 4	45.35	
Government Lot 3	16.15	west	Section 31		
Government Lot 2	5.00		Government Lot 1	9.88	
Section 8			T 122 N - R 25 W		
Government Lot 5	13.36	west	Section 32		
Government Lot 4	11.82		Government Lot 4	22.35	
Government Lot 3	6.00		Government Lot 3	16.00	
Government Lot 1	16.95		Government Lot 2	12.56	north
Section 16			Government Lot 1	12.72	
Government Lot 2	34.82		Section 33		
Government Lot 1	17.85		Government Lot 1	28.12	north
Section 15			T 121 N - R 24 W		
Government Lot 4	18.56		Section 9		
Government Lot 3	30.42		Government Lot 2	4.00	
Government Lot 2	9.90		Section 16		
Government Lot 1	13.45		NE $\frac{1}{4}$ NW $\frac{1}{4}$	19.50	
Section 14			NW $\frac{1}{4}$ NE $\frac{1}{4}$	13.62	
Government Lot 5	23.30		Section 10		
Government Lot 2	5.18		Government Lot 2	21.00	
Government Lot 1	18.00		Government Lot 3	22.10	
E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	20.00		Section 11		
Section 13			Government Lot 2	9.42	
Government Lot 1	21.58		Section 14		
Section 24			Government Lot 2	35.10	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00		Government Lot 1	31.46	
Government Lot 3	28.35		Section 13		
Government Lot 2	19.08		Government Lot 4	36.55	
Government Lot 1	19.28		Government Lot 3	11.87	
E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	20.00		Government Lot 2	3.75	
T 122 N - R 25 W			Government Lot 1	14.62	
Section 19					
Government Lot 1	16.26				
Government Lot 2	20.32				

T 121 N - R 23 W

Section 18		
Government Lot 4	20.00	southern 20 acres
Government Lot 3	15.20	
Government Lot 2	25.20	
Section 26		
Government Lot 2	13.70	
Government Lot 3	10.00	NE of road
Government Lot 4	7.00	NE of road

Section 25

Government Lot 3	5.00	NE of road
Section 36		
Government Lot 2	7.00	NE of road
Government Lot 3	12.00	North and NE of road
Government Lot 4	32.88	
Government Lot 5	13.00	North of road & west of Crow River

Wright County Total 1,111.12

In Hennepin County

T 120 N - R 22 W

Section 5		
Government Lot 5	9.10	N of road
Section 8		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	2.00	N of road
Section 4		
Government Lot 1	9.22	
Section 9		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	12.00	N of road
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	12.00	N of road
Section 10		
Government Lot 3	25.00	NE of road
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.00	NE of road
Government Lot 4	16.00	NE of road

Government Lot 5	20.63	North
Government Lot 6	30.50	North

Section 11

Government Lot 1	28.82
Government Lot 2	41.25
Government Lot 3	29.14
Government Lot 4	26.20

Section 14

NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	10.00
--	-------

Hennepin County Total 274.26
 West Total 1,988.87
 East Total 3,315.02
 GRAND TOTAL 5,303.89

Fee Acquisitions

In Sherburne County

T 35 N - R 31 W

Section 24		
Government Lot 2	26.00	Island
Government Lot 3	42.00	Island
Government Lot 4	36.00	Island
Section 25		
Government Lot 1	43.00	Island
Government Lot 2	29.00	Island
Government Lot 3	10.00	Island

Section 21

Government Lot 6	45.97	Island
------------------	-------	--------

T 33 N - R 29 W

Section 2		
Government Lot 1	10.64	Island
Section 19		
Government Lot 2	14.00	
Government Lot 1	2.68	
Section 20		
Government Lot 6	52.81	Island
unsurveyed	4.50	Island
unsurveyed	5.00	Island
Government Lot 1	9.38	Island

T 33 N - R 26 W

Section 35		
Government Lot 1	38.55	

T 32 N - R 27 W

Section 2		
Government Lot 4	45.25	Island
Government Lot 3	3.93	Island

T 32 N - R 26 W

Section 4		
Government Lot 7	23.80	Island
Government Lot 1	2.85	Island

Section 5		
Government Lot 1	8.29	Island

Section 3		
Government Lot 5	6.85	Island

Sherburne County Total 460.50

In Anoka County

T 32 N - R 25 W			Anoka County Total	9.16
Section 33	9.16		East Total	469.66

In Stearns County

T 124 N - R 28 W			Section 17	
Section 13	1.45		unsurveyed island	2.00
unsurveyed island	5.00	Island	Section 20	
unsurveyed island	2.00		unsurveyed island	12.00
Section 25	28.00		Section 21	
			unsurveyed island	1.00
T 123 N - R 27 W			Stearns County Total	51.45

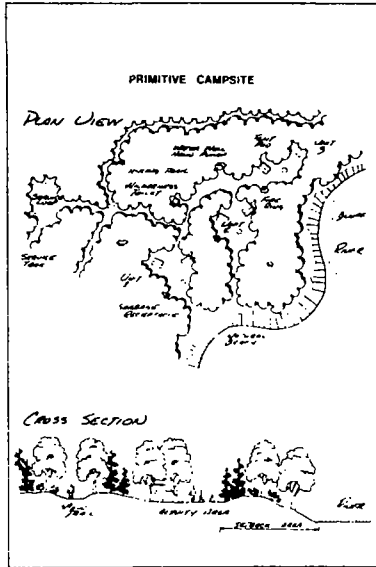
In Wright County

T 121 N - R 24 W			Section 7	
Section 16			Government Lot 1	11.80 Island
Government Lot 3	16.22		Section 25	
Government Lot 2	24.47		Government lot 1	6.48 Island
T 121 N - R 23 W			Government Lot 2	18.90 Island
Section 9			Section 36	
unsurveyed island	6.90		Government Lot 1	30.20 Island
Section 18			Wright County Total	121.48
Government Lot 1	6.51	Island		

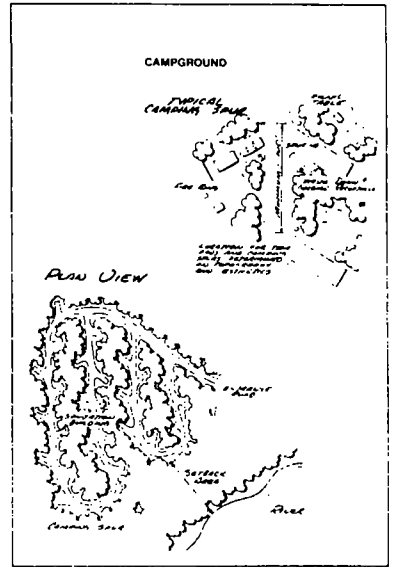
In Hennepin County

T 121 N - R 22 W			Section 10	
Section 31			Government Lot 1	36.82 Island
Government Lot 4	53.00	Island	Government Lot 2	33.85 Island
T 120 N - R 22 W			Hennepin County Total	149.96
Section 6			West Total	322.89
Government Lot 1	11.83	Island	East Total	469.66
Section 5			GRAND TOTAL	792.55
Government Lot 1	14.46	Island		

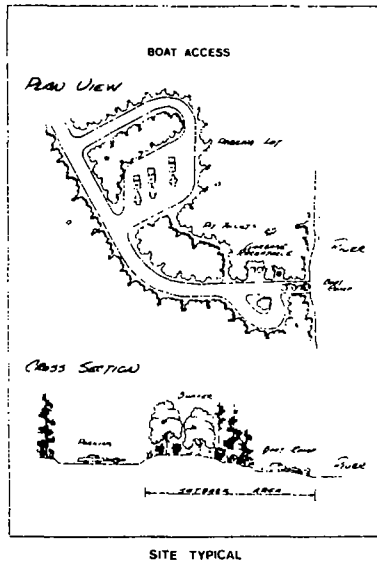
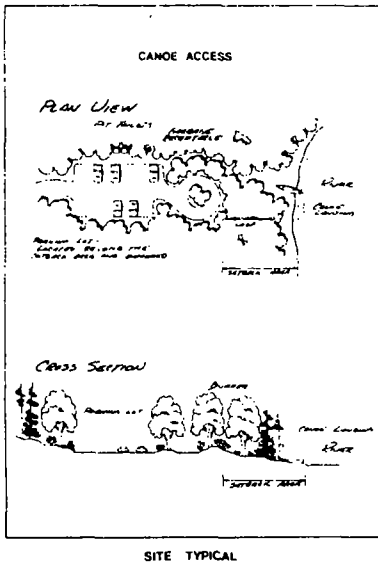
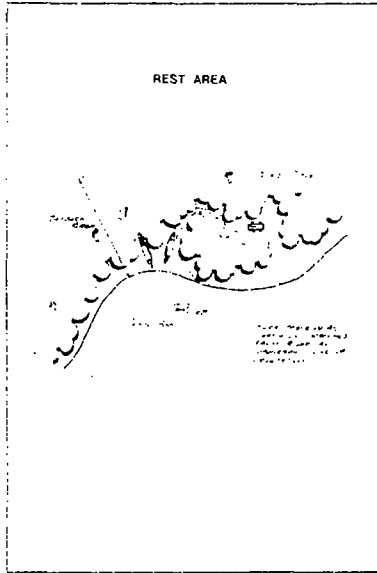
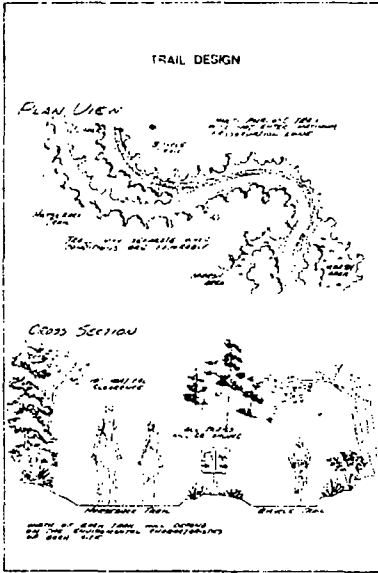
Sites Typical




SITE TYPICAL



SITE TYPICAL



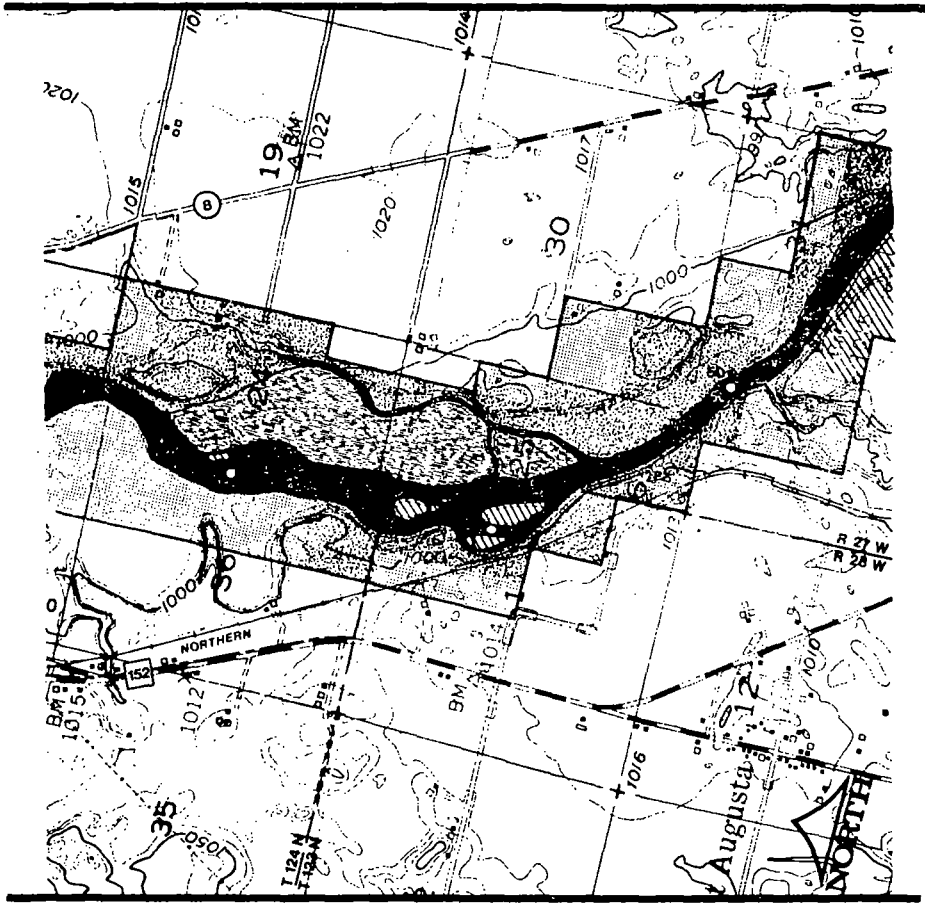



a management plan for the
MISSISSIPPI RIVER

LAND

 LAND USE DISTRICT

 PUBLIC OWNERSHIP



MANAGEMENT




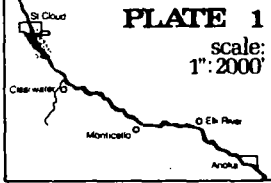
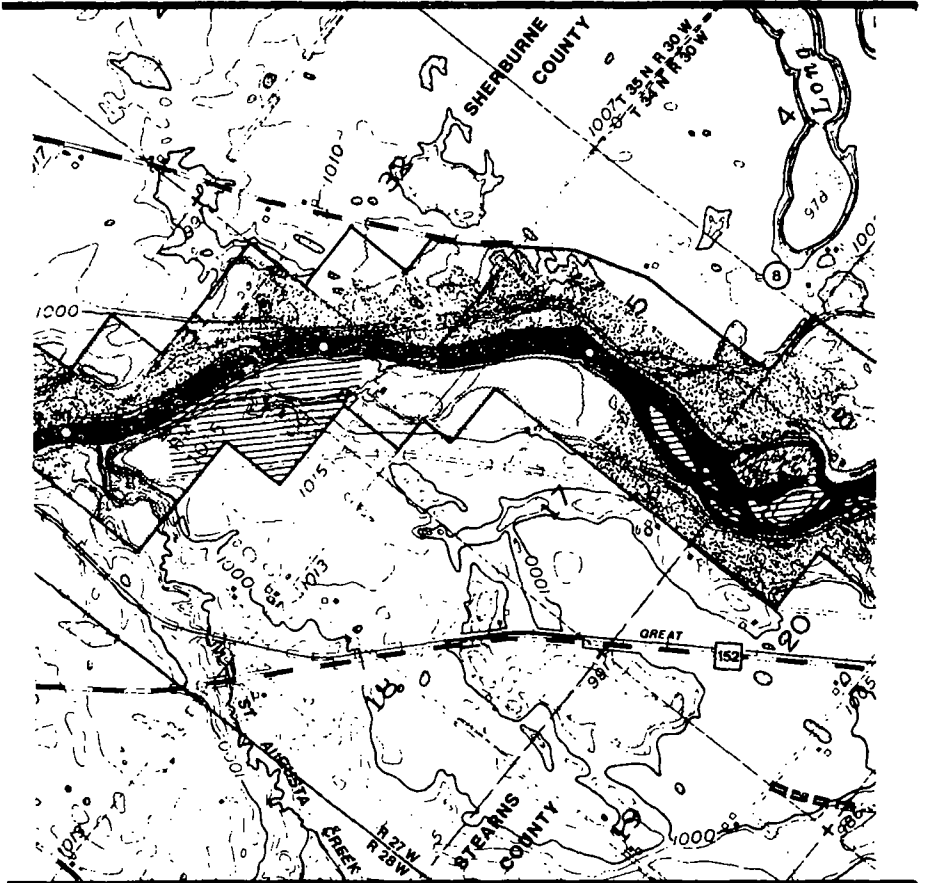
-  FEE TITLE
-  SCENIC EASEMENT
-  ZONING

PLATE 1

scale:
1" = 2000'

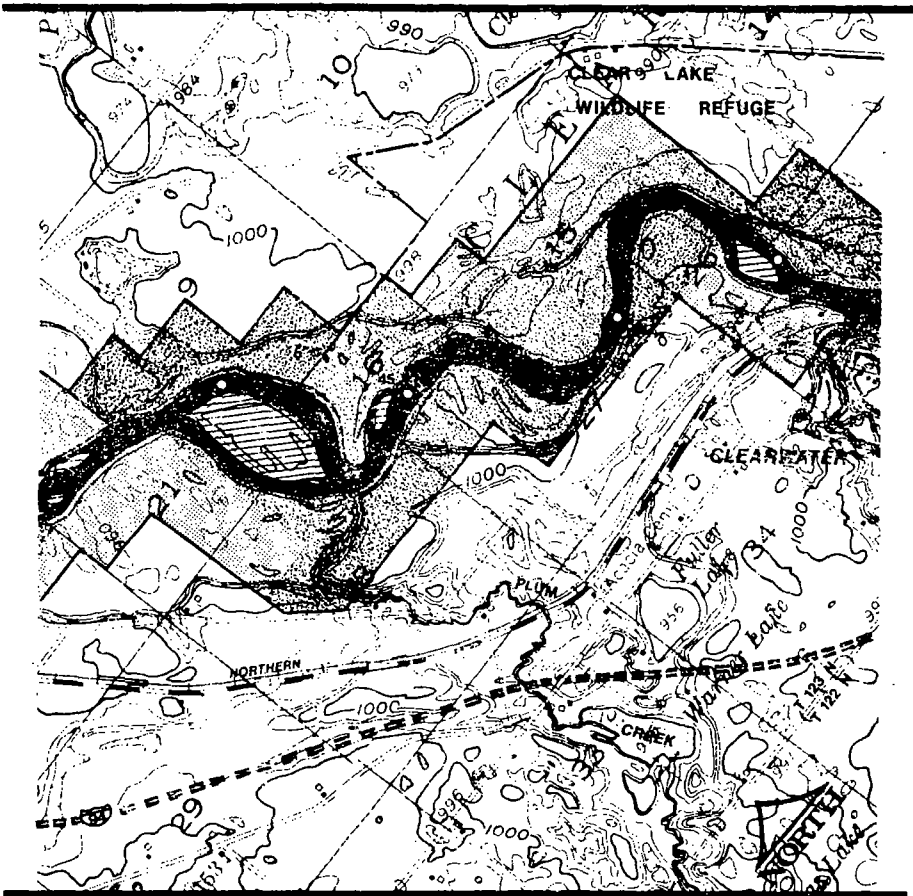







LAND

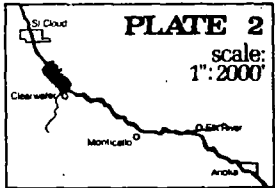
 **LAND USE DISTRICT**

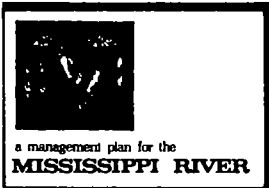
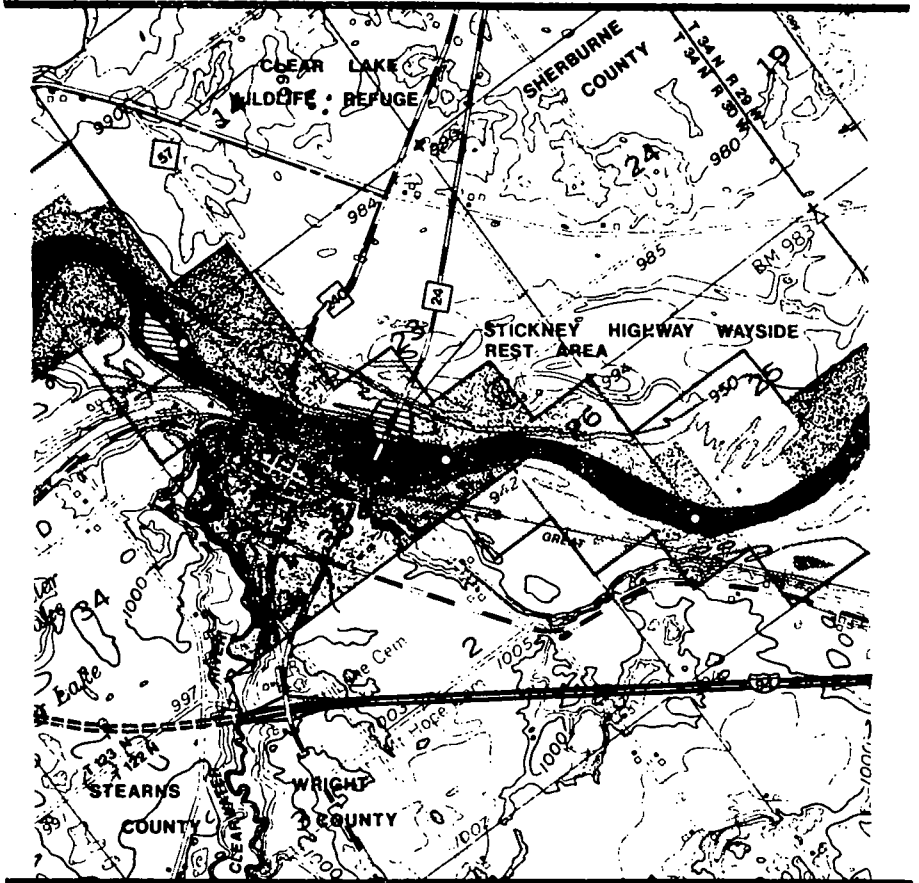
 **PUBLIC OWNERSHIP**



MANAGEMENT

-  FEE TITLE
-  SCENIC EASEMENT
-  ZONING





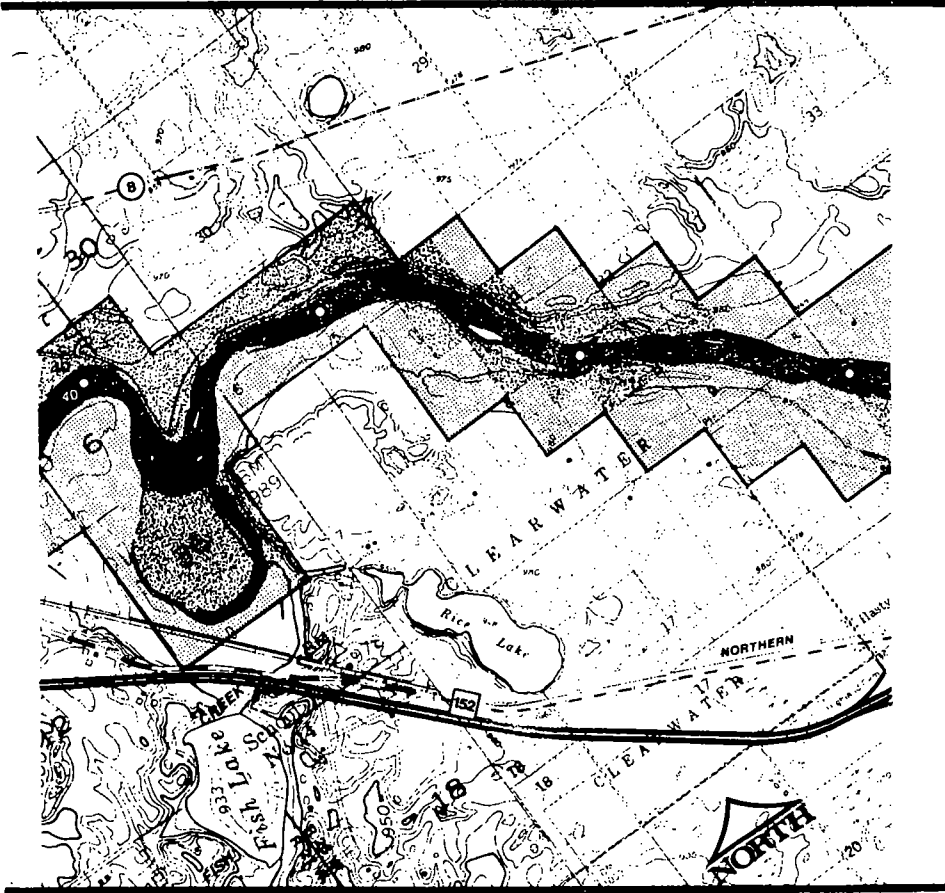
LAND






LAND USE DISTRICT

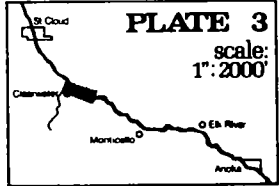


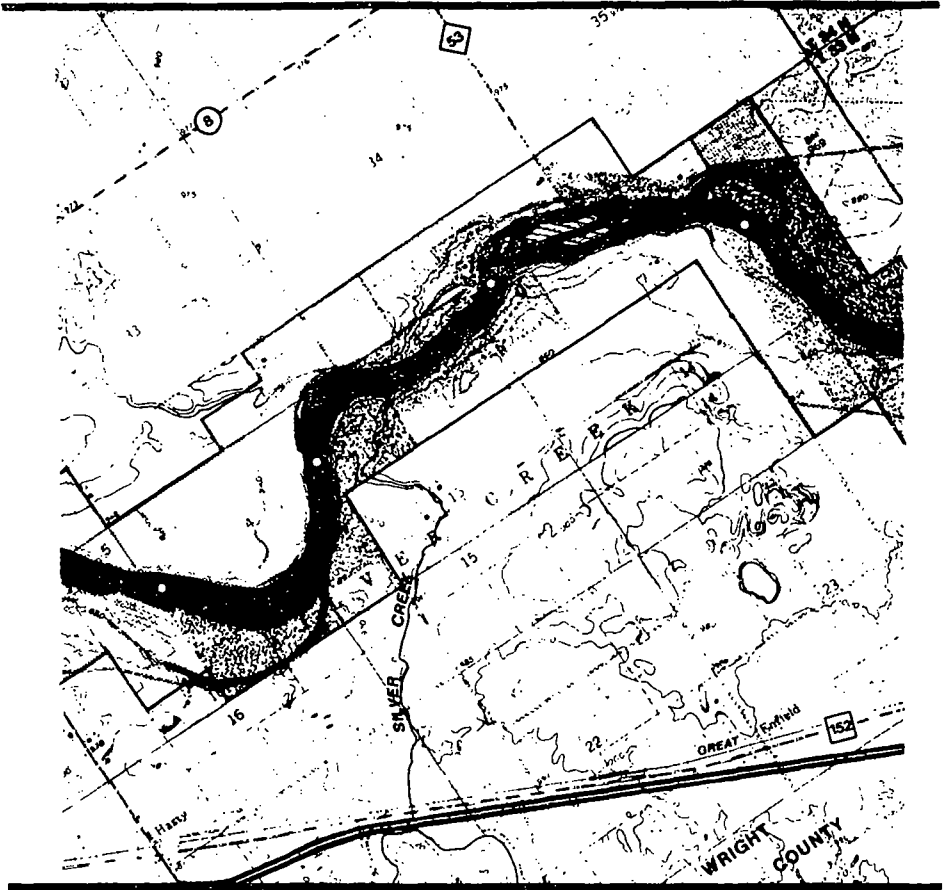
PUBLIC OWNERSHIP



MANAGEMENT

-  FEE TITLE
-  SCENIC EASEMENT
-  ZONING






a management plan for the
MISSISSIPPI RIVER

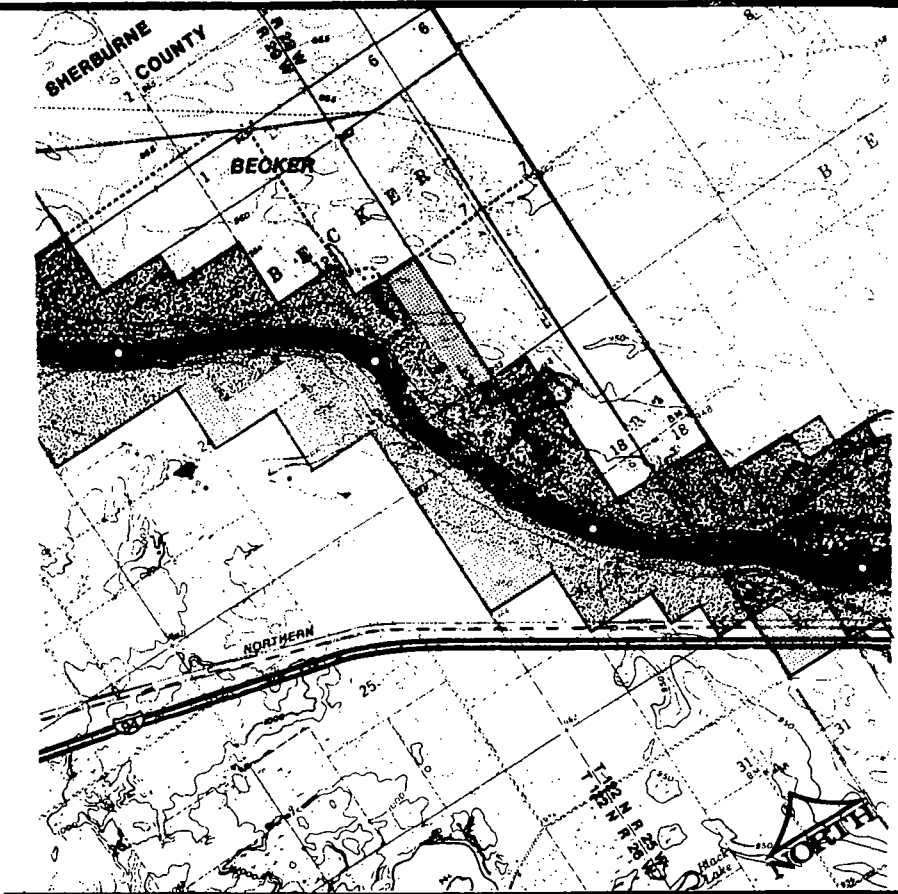
LAND






LAND USE DISTRICT

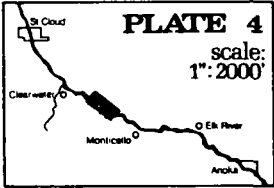


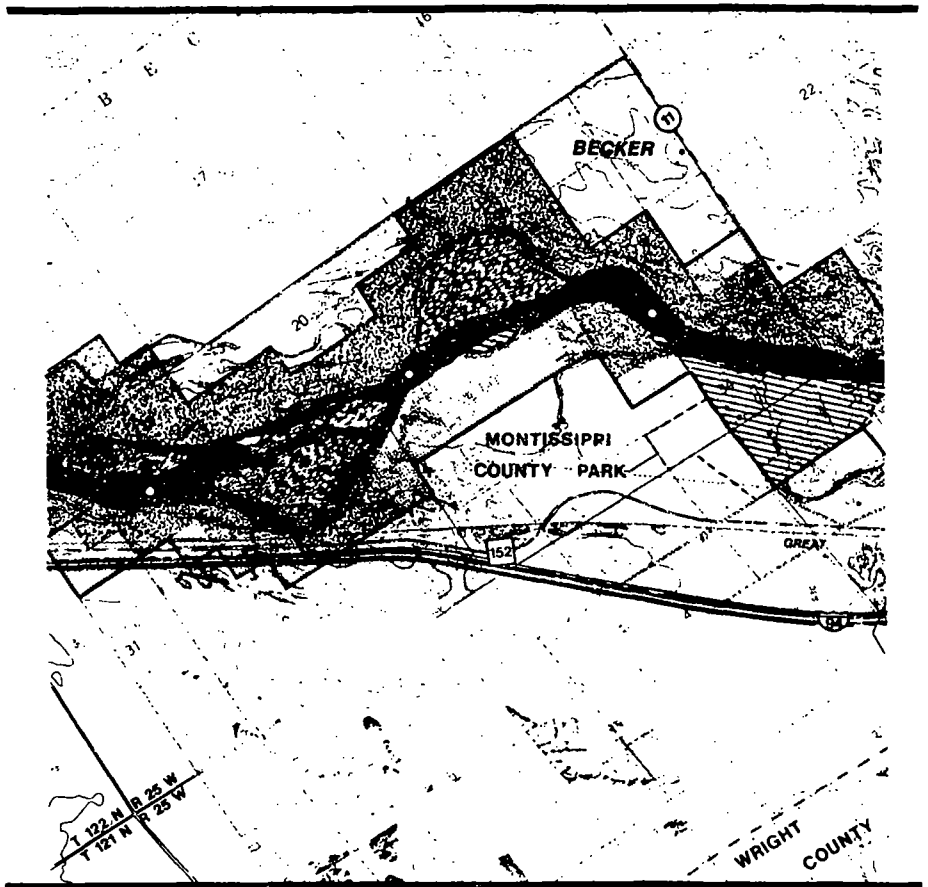
PUBLIC OWNERSHIP




MANAGEMENT


-  FEE TITLE
-  SCENIC EASEMENT
-  ZONING




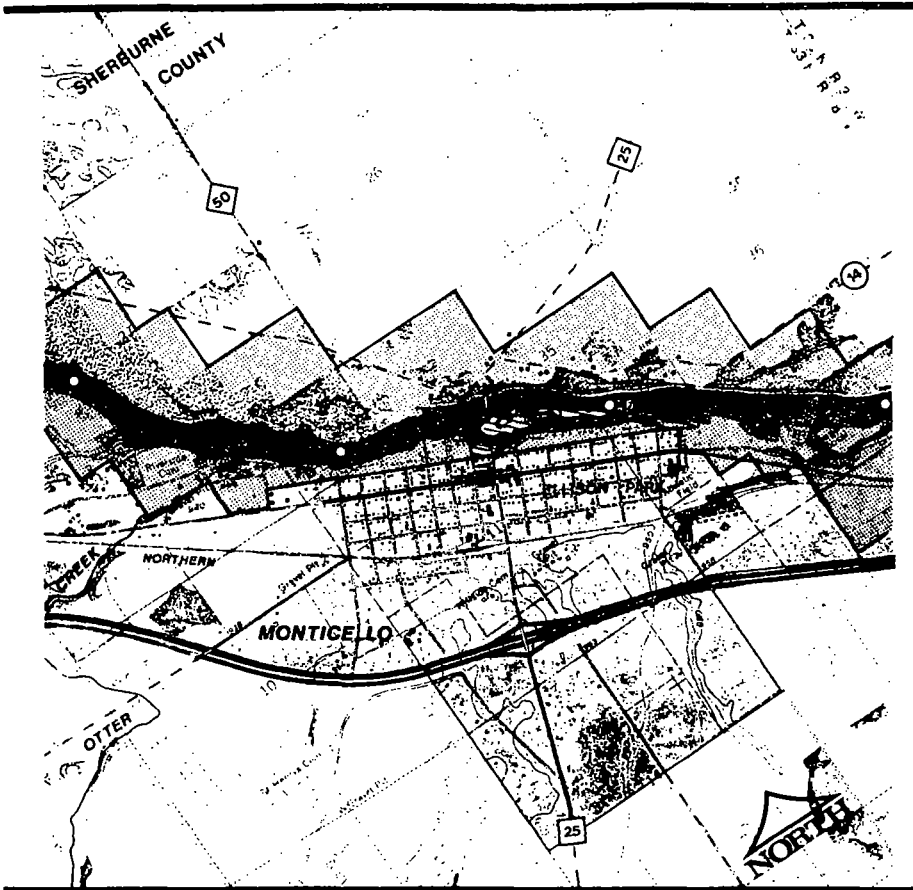



a management plan for the
MISSISSIPPI RIVER




LAND

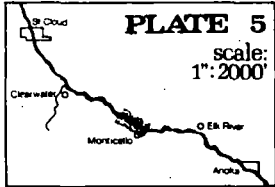
 LAND USE DISTRICT

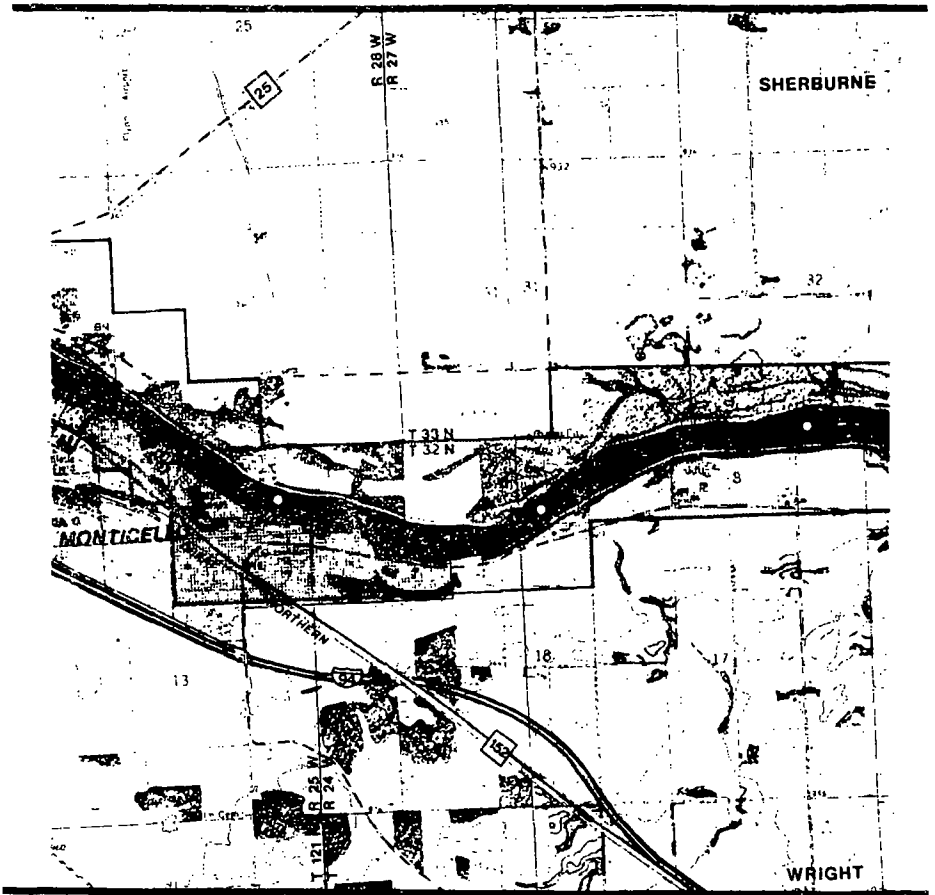
 PUBLIC OWNERSHIP





MANAGEMENT

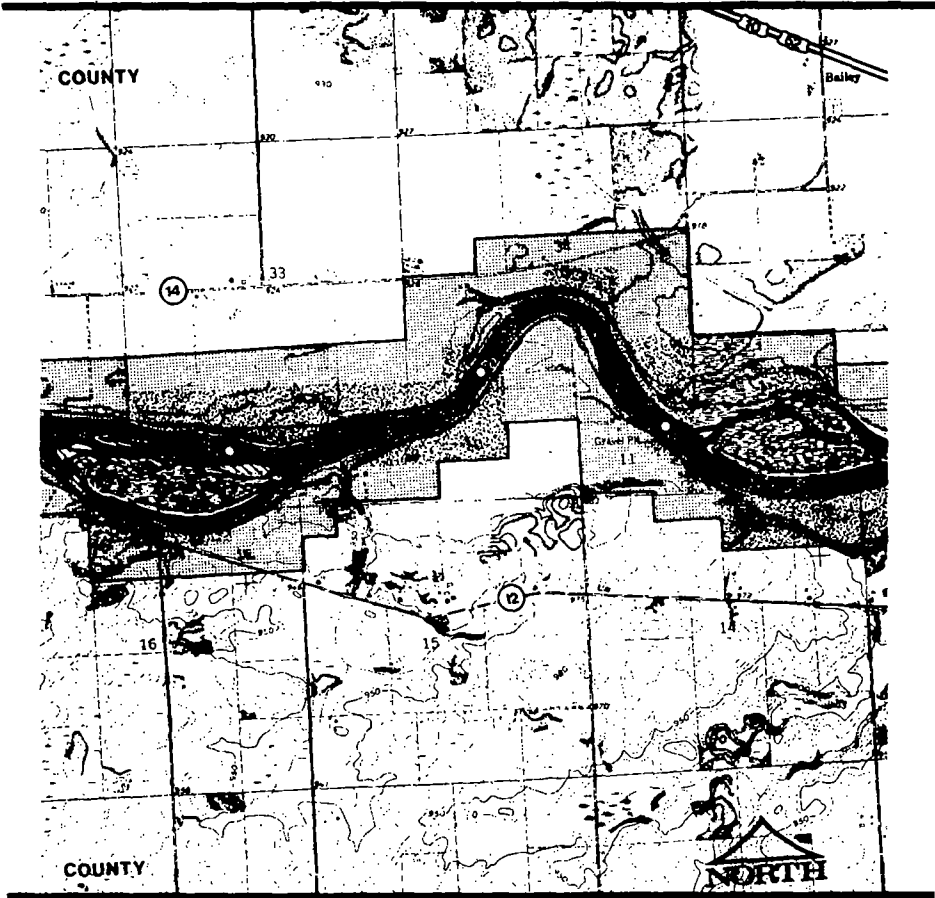
-  FEE TITLE
-  SCENIC EASEMENT
-  ZONING








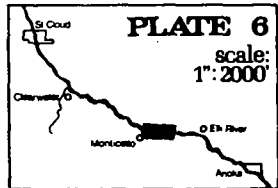
LAND

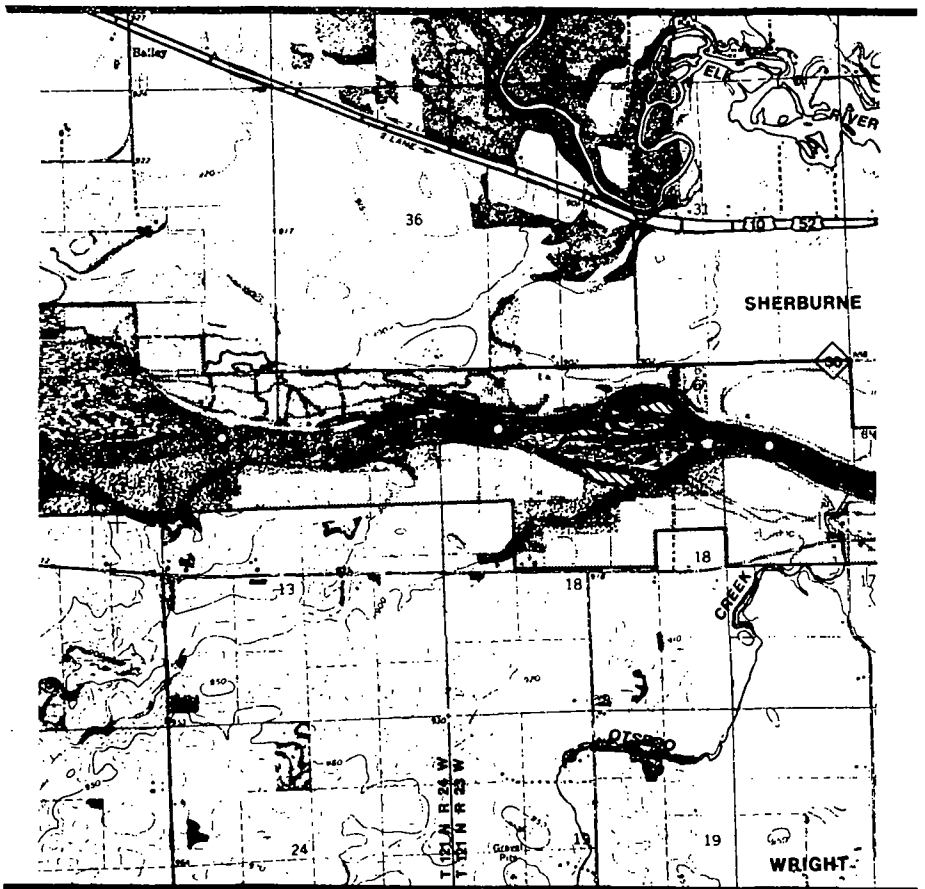
-  LAND USE DISTRICT
-  PUBLIC OWNERSHIP




MANAGEMENT

-  FEE TITLE
-  SCENIC EASEMENT
-  ZONING






a management plan for the
MISSISSIPPI RIVER

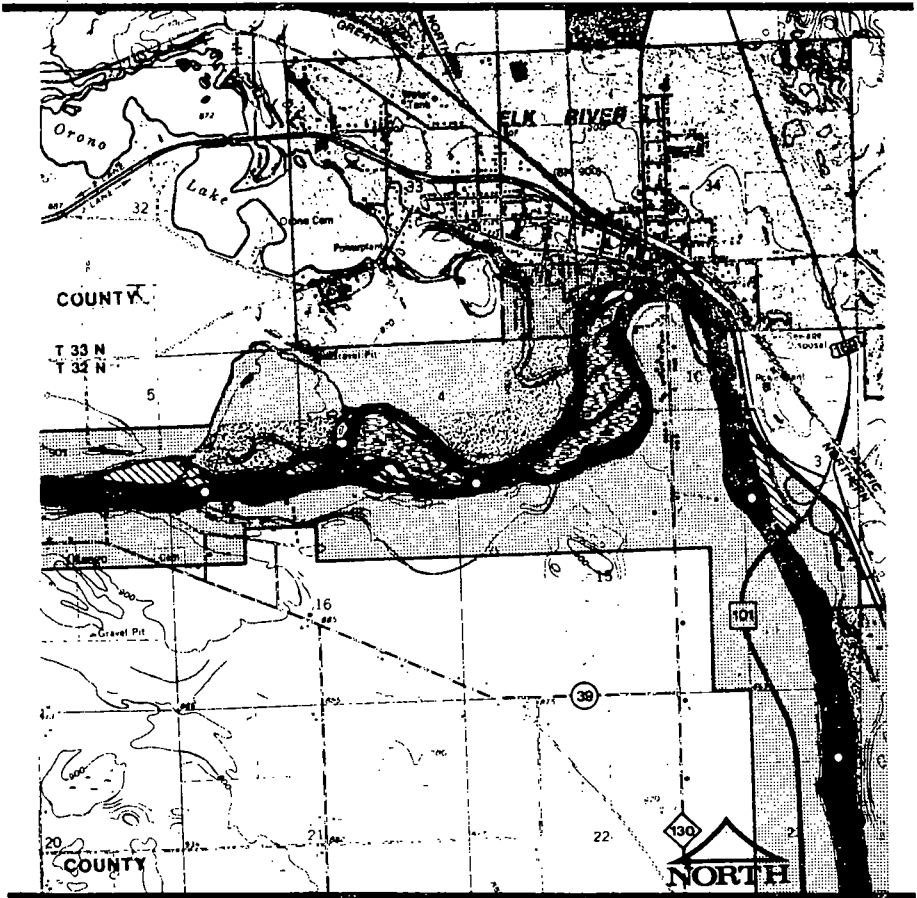
LAND






LAND USE DISTRICT

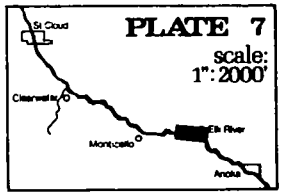


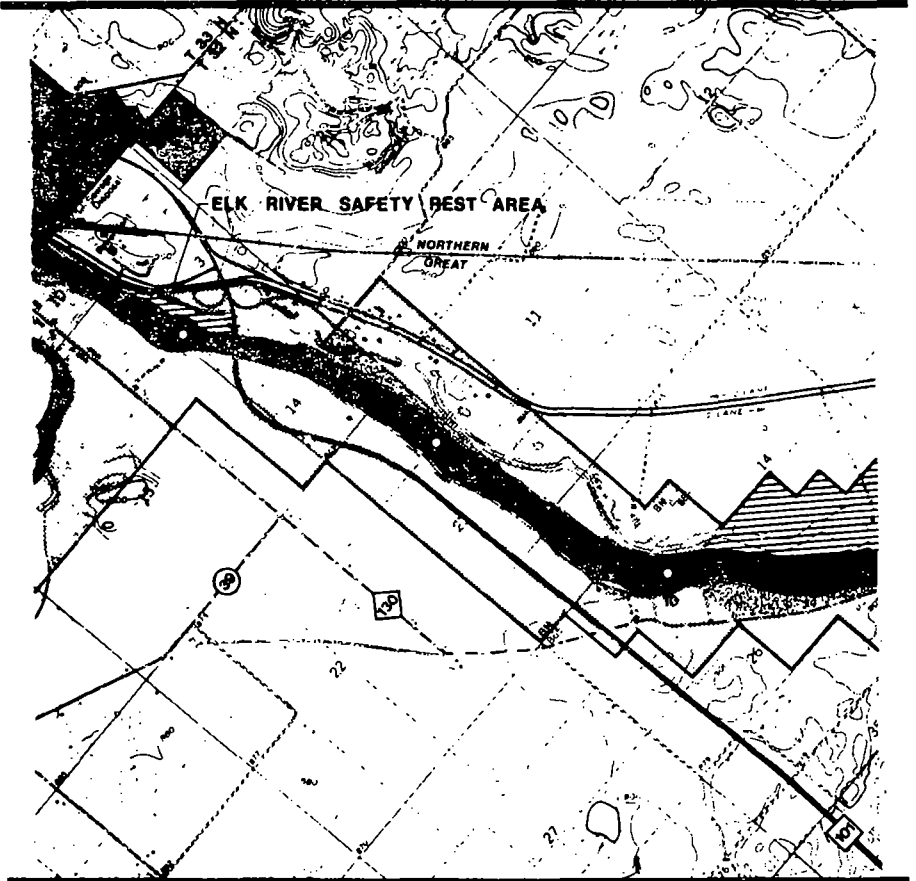
PUBLIC OWNERSHIP



MANAGEMENT

-  FEE TITLE
-  SCENIC EASEMENT
-  ZONING



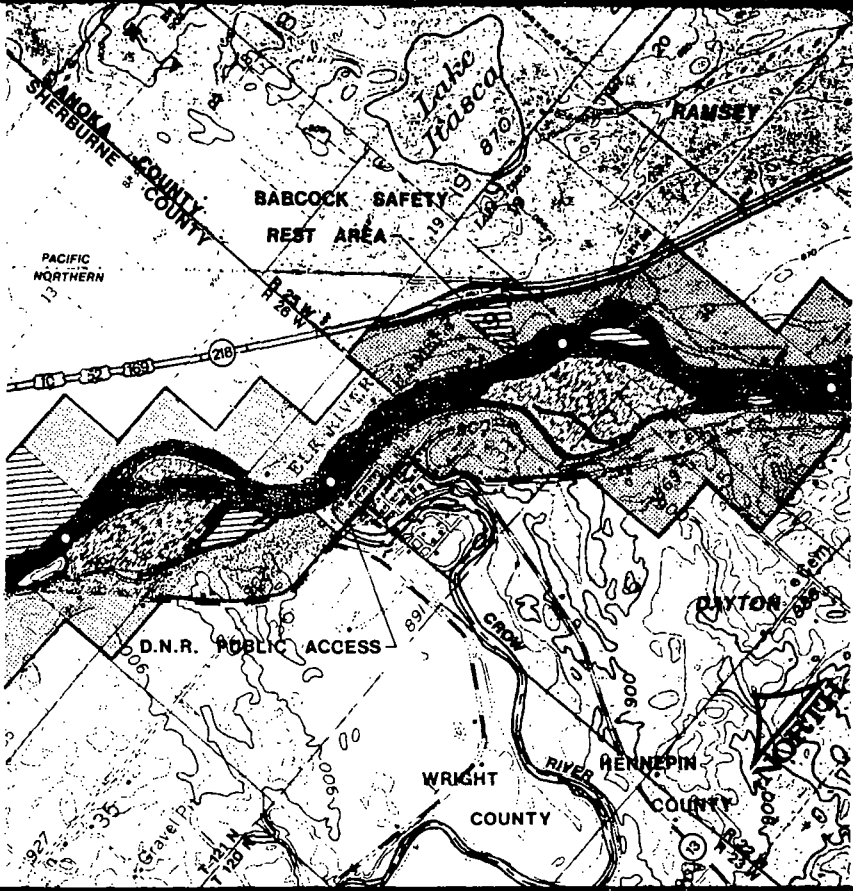



a management plan for the
MISSISSIPPI RIVER




LAND

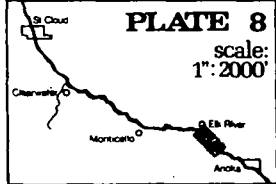
 LAND USE DISTRICT

 PUBLIC OWNERSHIP




MANAGEMENT


-  FEE TITLE
-  SCENIC EASEMENT
-  ZONING




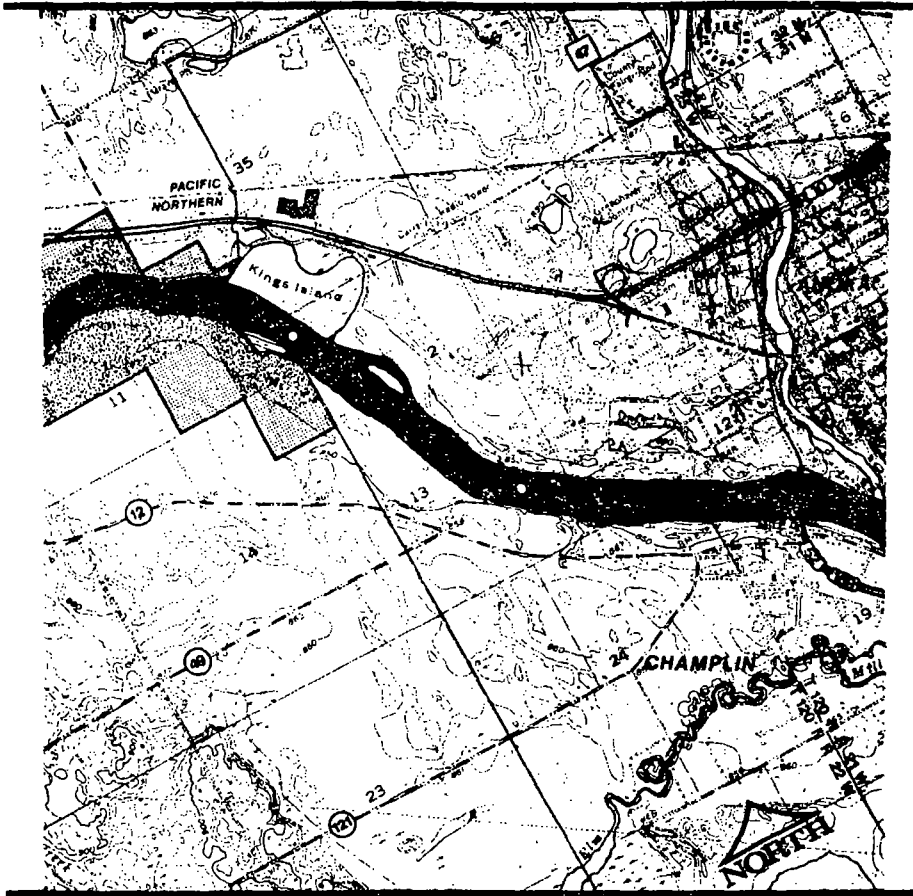



a management plan for the
MISSISSIPPI RIVER




LAND

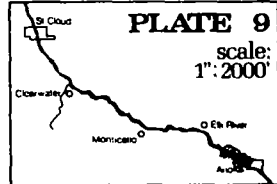
 LAND USE DISTRICT

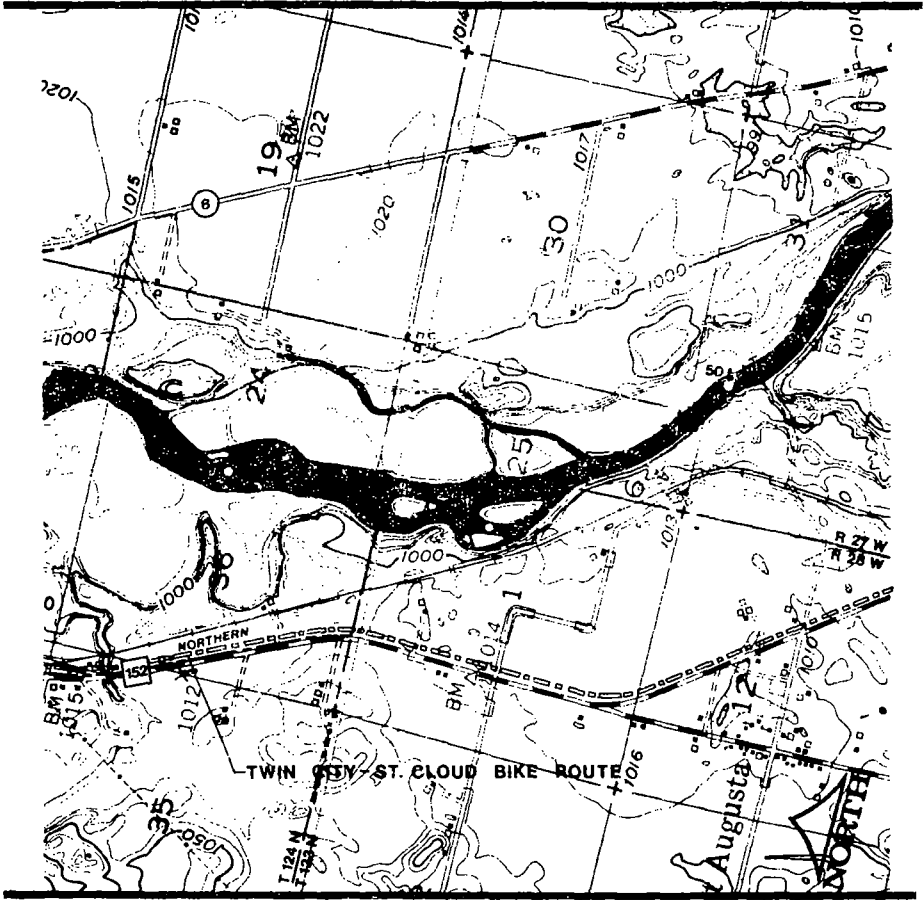
 PUBLIC OWNERSHIP



MANAGEMENT

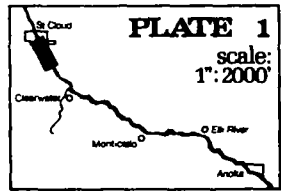
-  FEE TITLE
-  SCENIC EASEMENT
-  ZONING

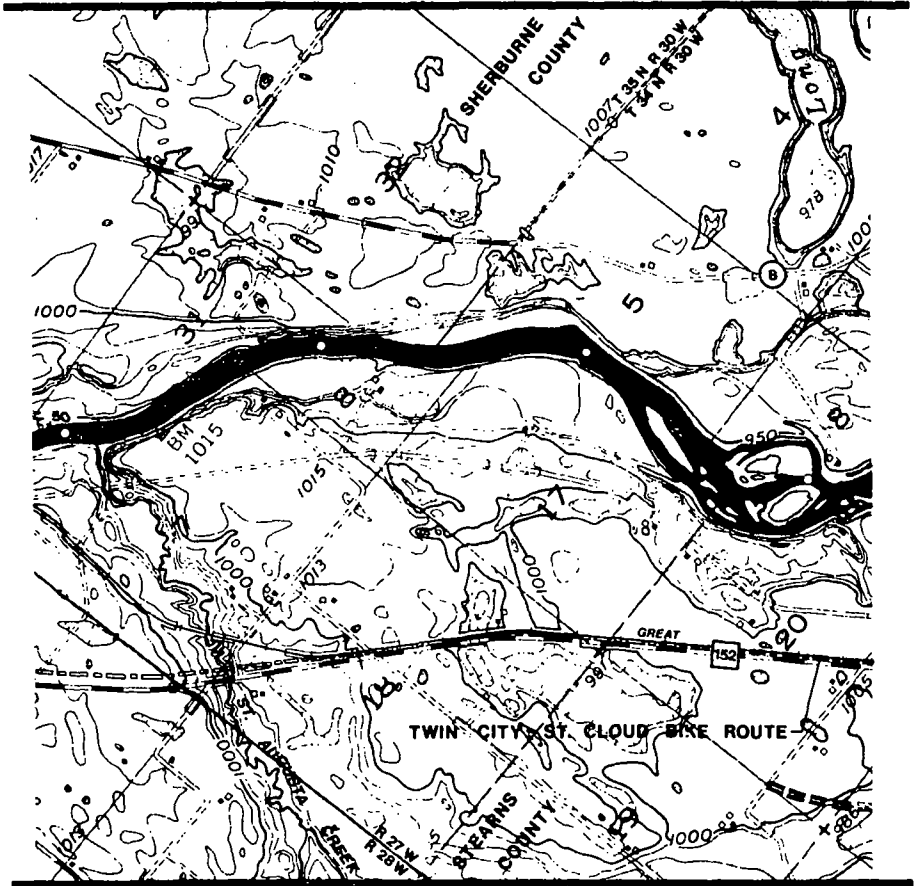




MANAGEMENT

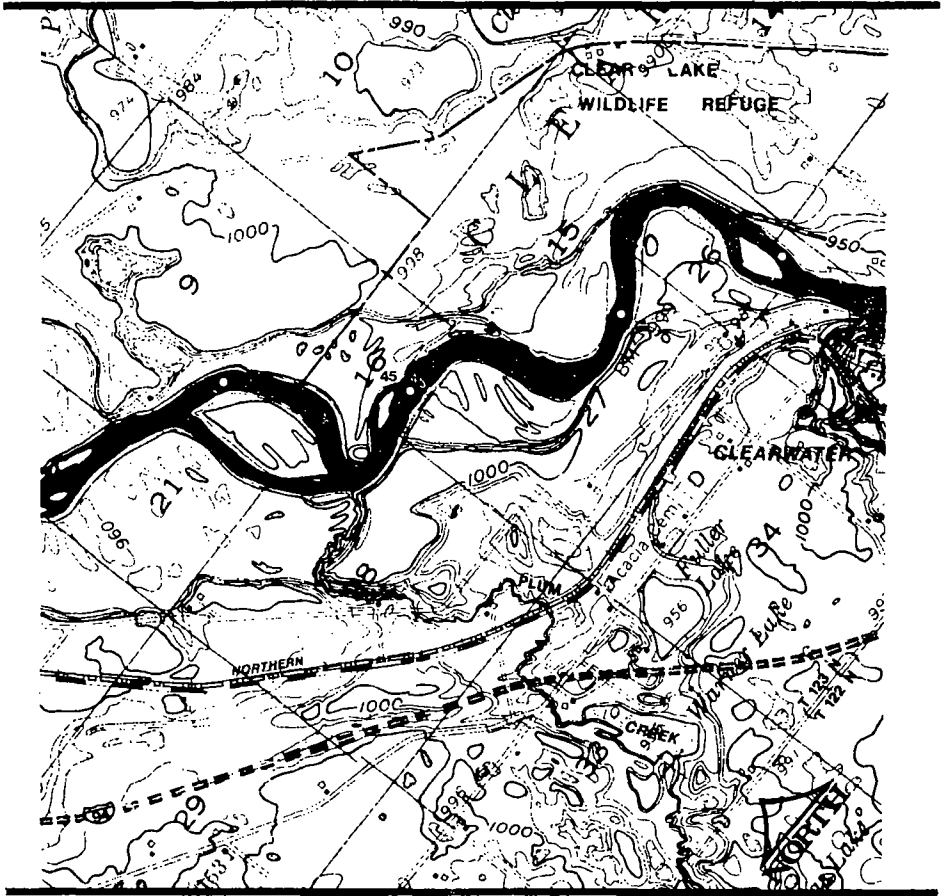
PROPOSED	EXISTING	FACILITY
R	R	REST AREA
□□□□	.....	HIKING TRAIL
□□□	- - - -	BIKING ROUTE
☆	★	HISTORIC SITE





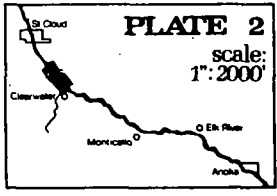

a management plan for the
MISSISSIPPI RIVER

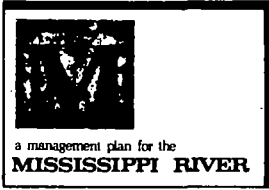
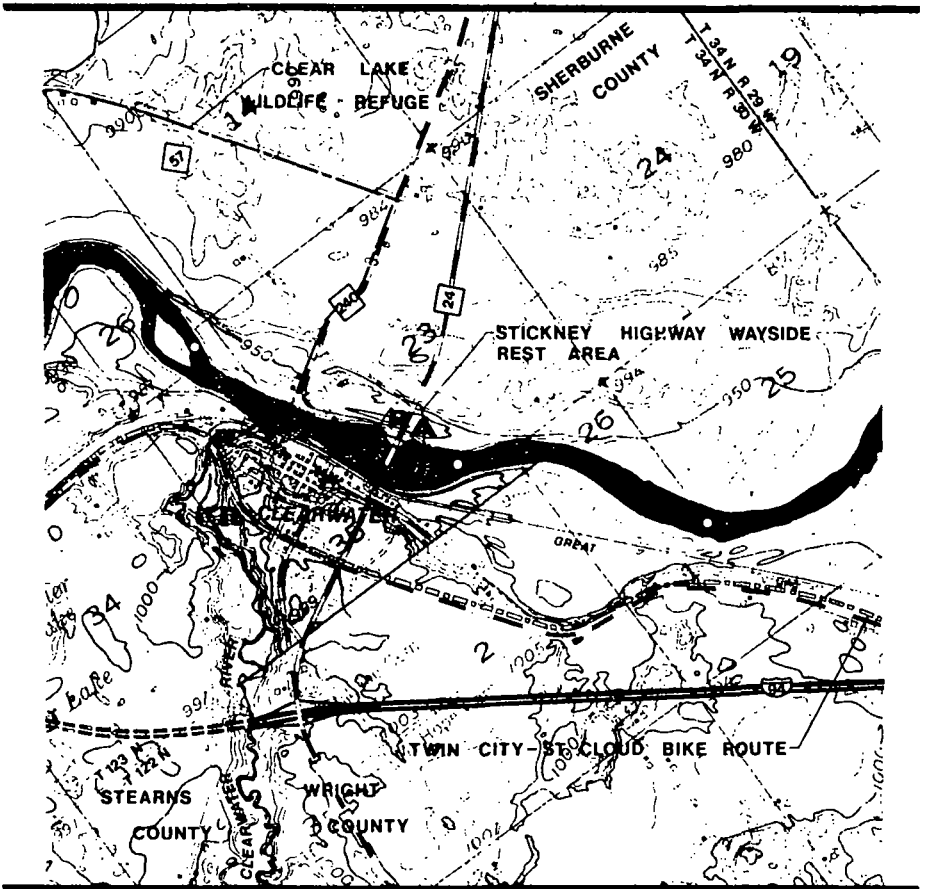
RECREATION		
PROPOSED	EXISTING	FACILITY
P	P	PORTAGE
A	A	ACCESS
C	C	CANOE CAMPSITE
H	H	HIKING CAMPSITE



MANAGEMENT

PROPOSED	EXISTING	FACILITY
R	R	REST AREA
□□□□□	.....	HIKING TRAIL
□—□	- - - - -	BICYCLE ROUTE
☆	★	HISTORIC SITE





RECREATION

PROPOSED

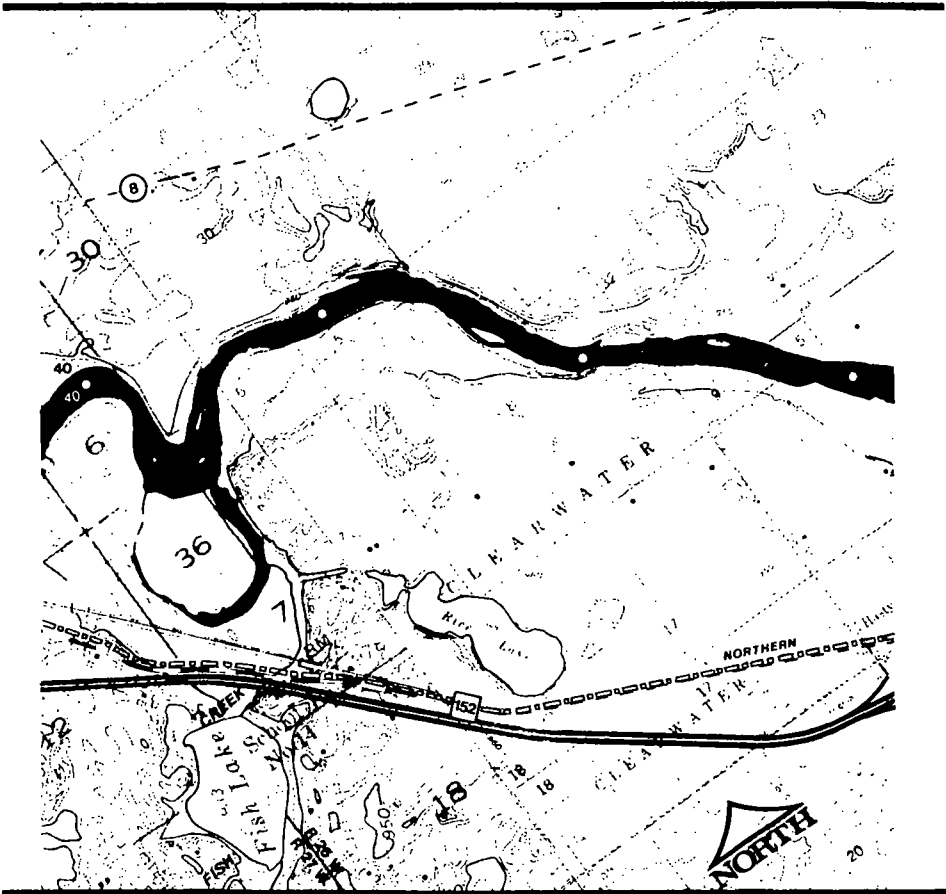
P
A
C
H

EXISTING

P
A
C
H

FACILITY

PORTAGE
ACCESS
CANOE CAMPSITE
HIKING CAMPSITE



MANAGEMENT

PROPOSED

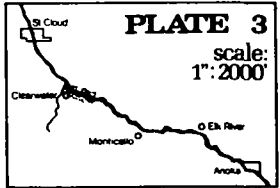
EXISTING

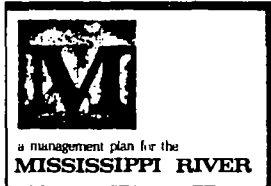
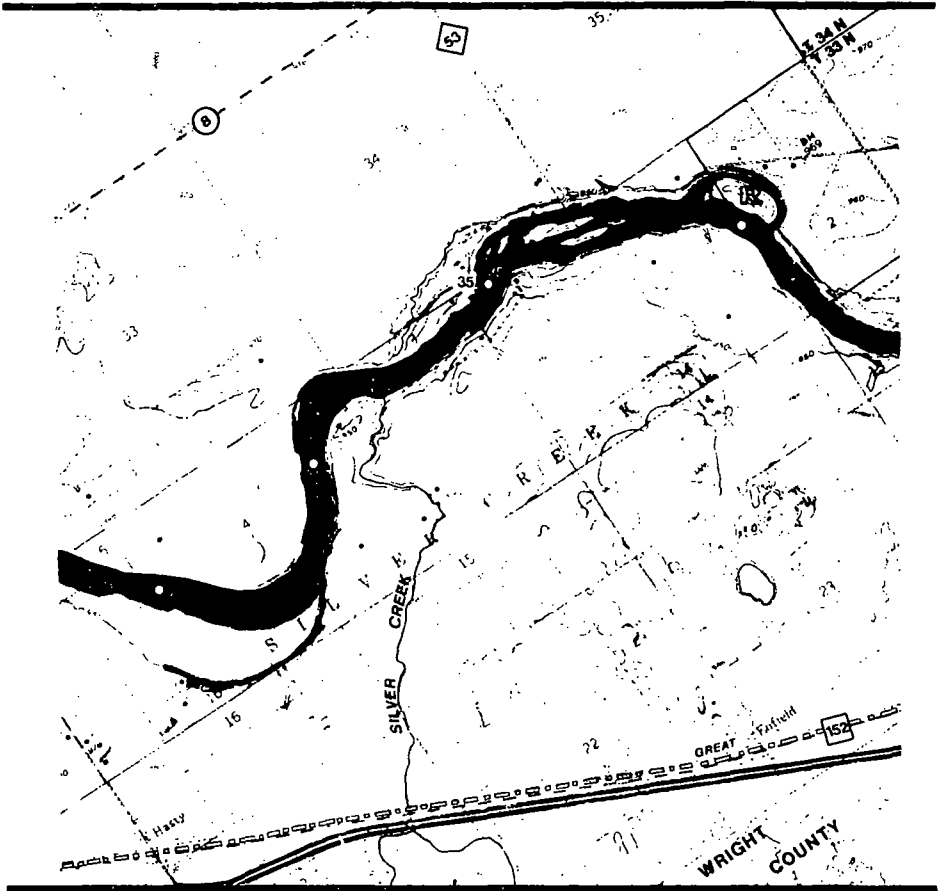
FACILITY

- R
- o o o o
- — — —
- ☆

- R
- o o o o o
- — — —
- ☆

- REST AREA
- HIKING TRAIL
- BICYCLE ROUTE
- HISTORIC SITE





PROPOSED

**P
A
C
H**

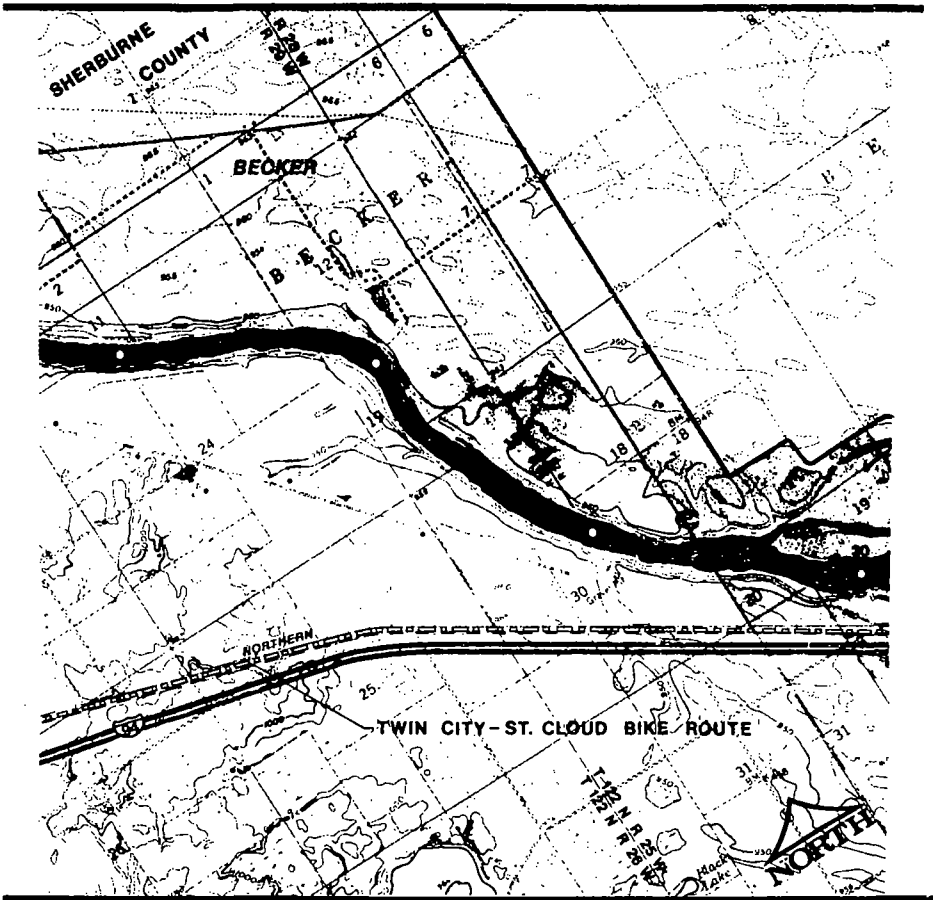
EXISTING

**P
A
C
H**

RECREATION

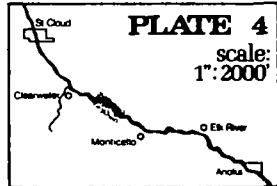
FACILITY

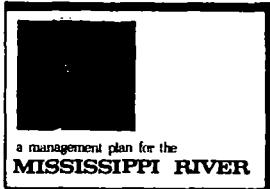
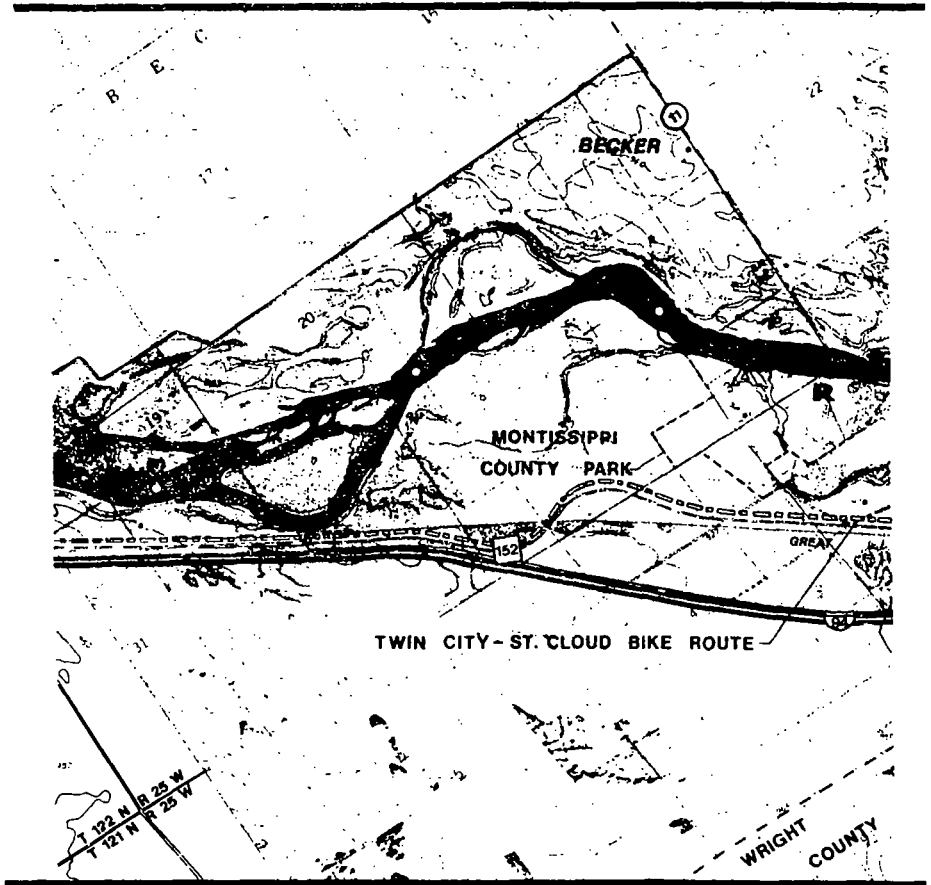
- PORTAGE**
- ACCESS**
- CANOE CAMPSITE**
- HIKING CAMPSITE**



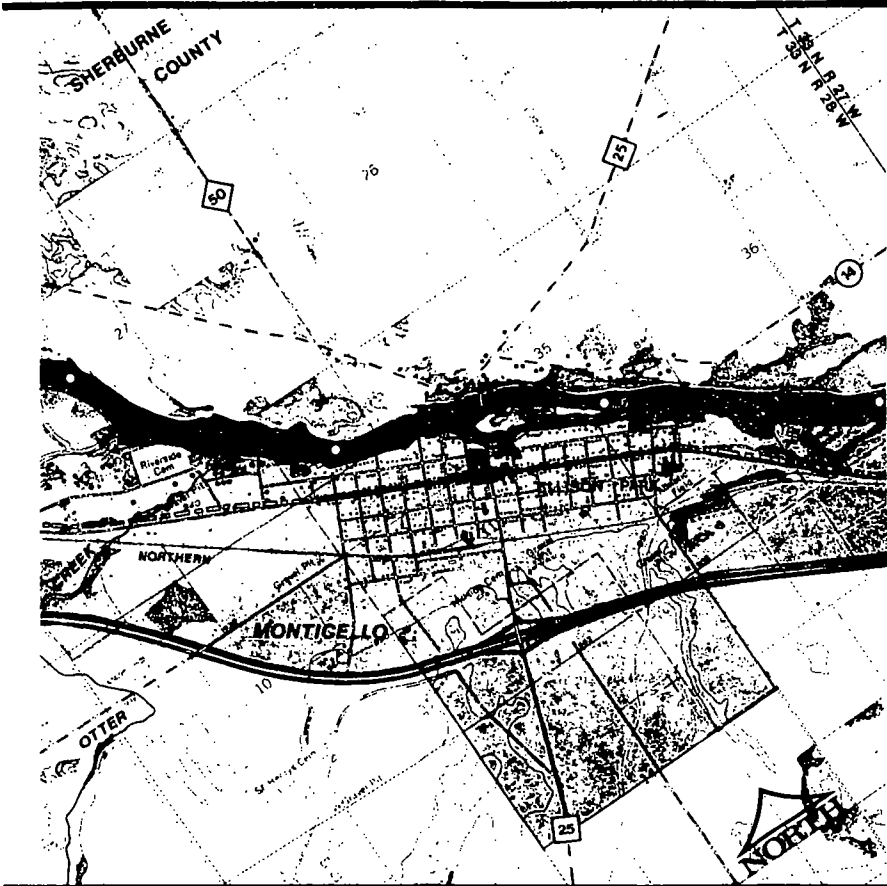
MANAGEMENT

PROPOSED	EXISTING	FACILITY
R	R	REST AREA
o o o o o	.....	HIKING TRAIL
o o o o o	- - - - -	BICYCLE ROUTE
☆	★	HISTORIC SITE



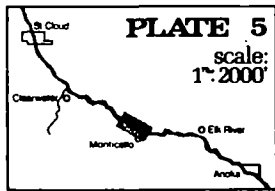


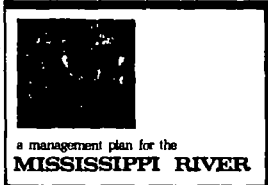
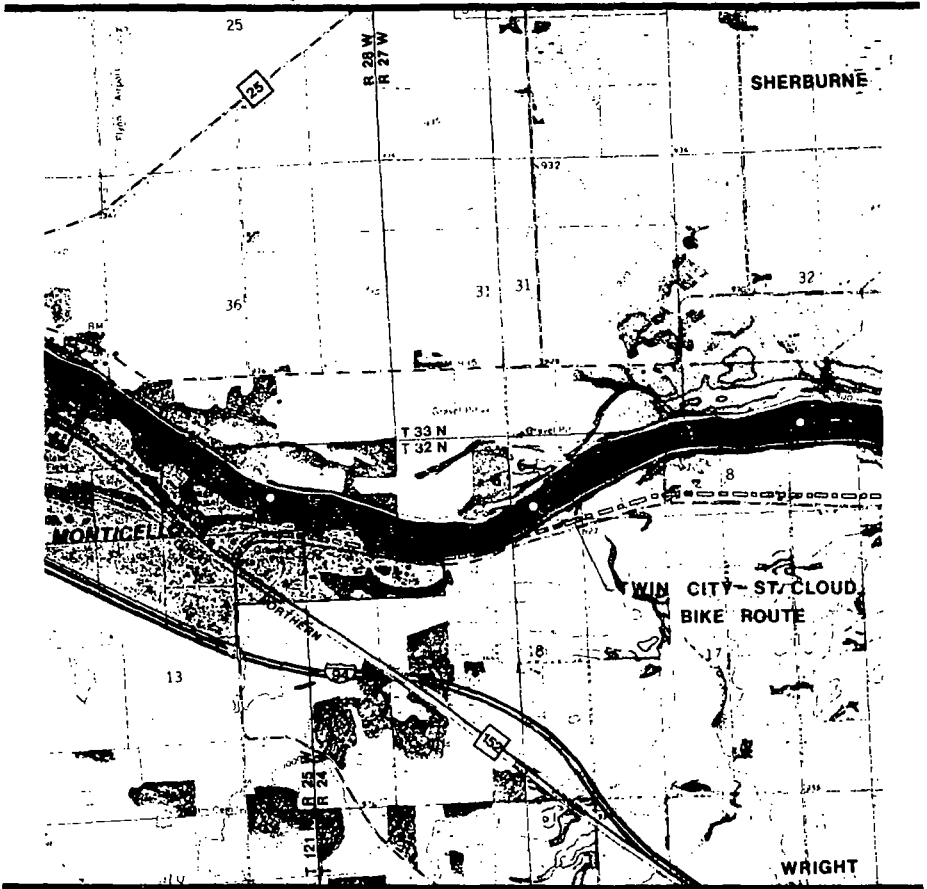
R E C R E A T I O N		
<u>PROPOSED</u>	<u>EXISTING</u>	<u>FACILITY</u>
P	P	PORTAGE
A	A	ACCESS
C	C	CANOE CAMPSITE
H	H	HIKING CAMPSITE



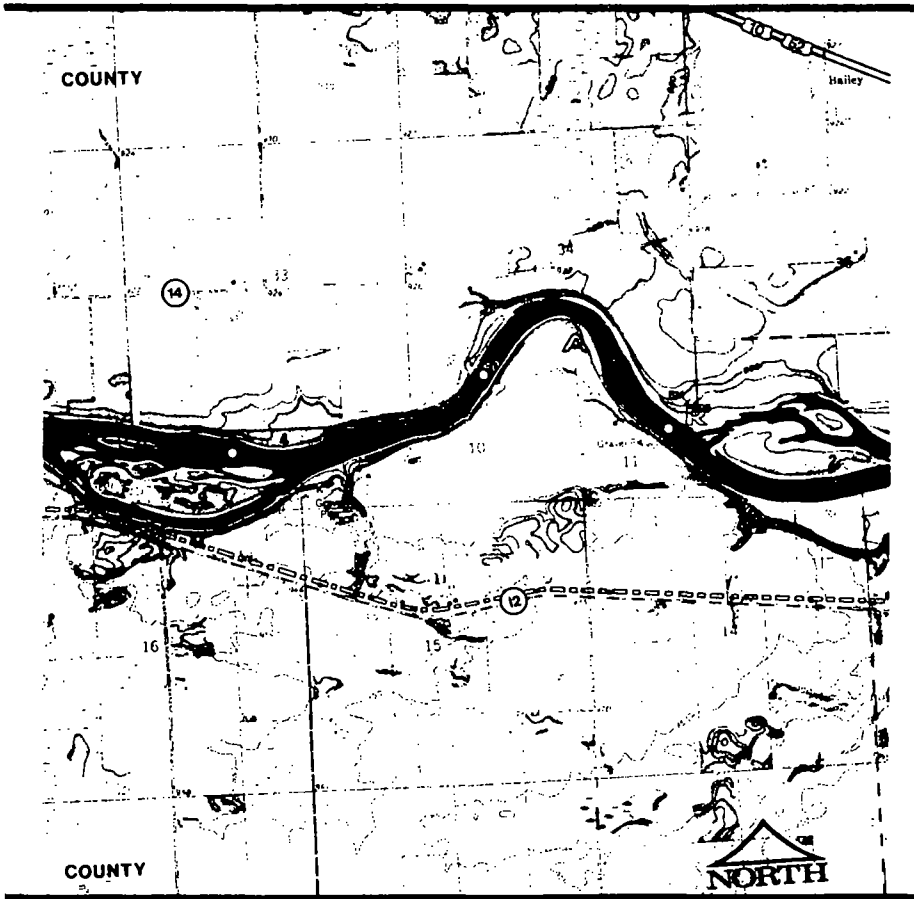
MANAGEMENT

PROPOSED	EXISTING	FACILITY
		REST AREA
		HIKING TRAIL
		BICYCLE ROUTE
		HISTORIC SITE



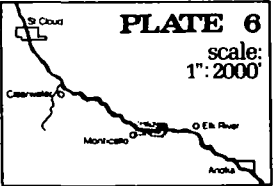


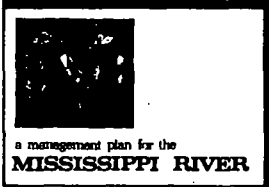
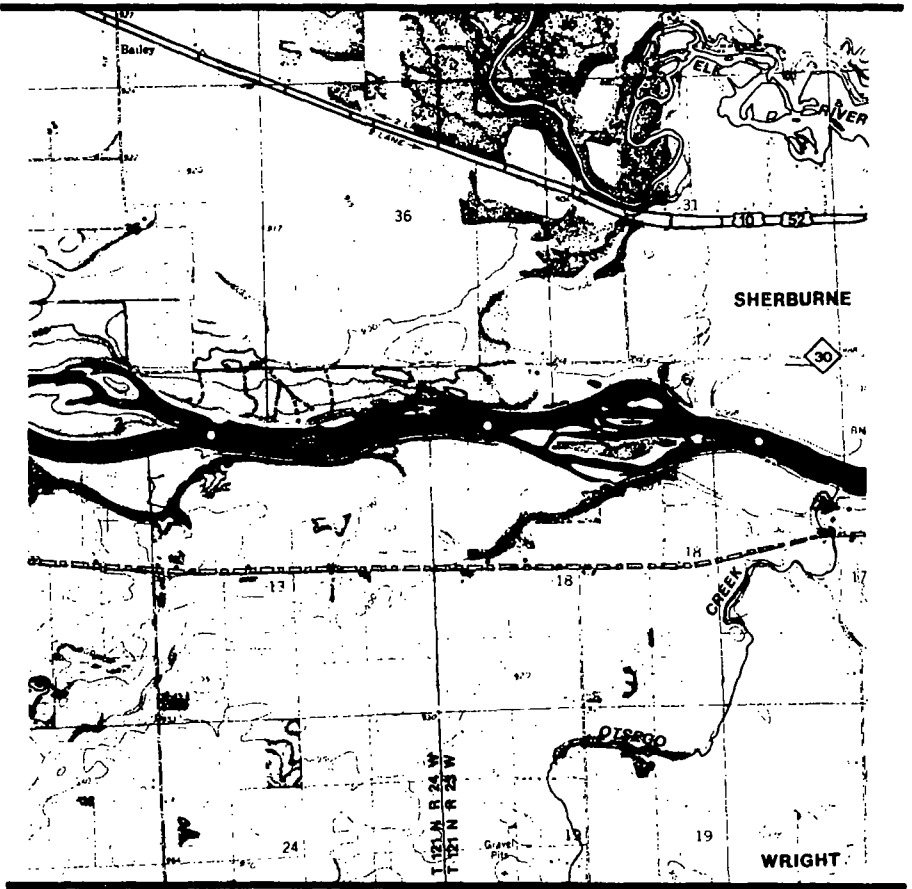
RECREATION		
PROPOSED	EXISTING	FACILITY
P	P	PORTAGE
A	A	ACCESS
C	C	CANOE CAMPSITE
H	H	HIKING CAMPSITE



MANAGEMENT FACILITY

PROPOSED	EXISTING	FACILITY
R	R	REST AREA
□□□□□	.....	HIKING TRAIL
□□□□	---|---	BICYCLE ROUTE
☆	★	HISTORIC SITE





R E C R E A T I O N

PROPOSED

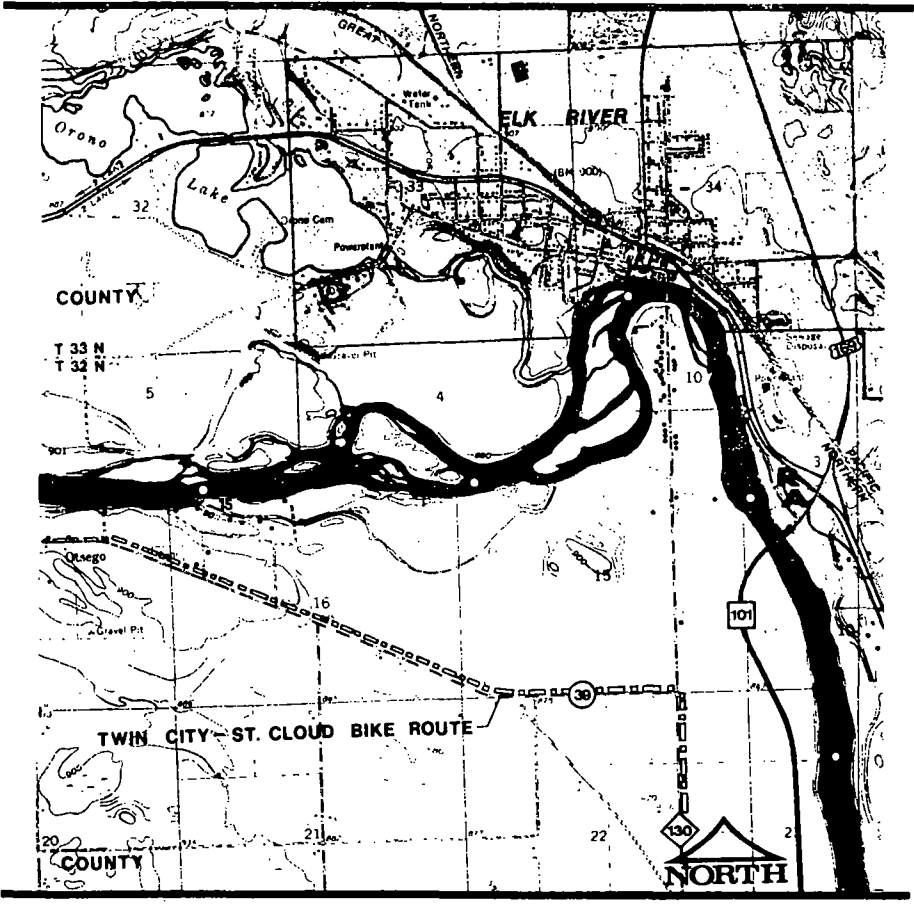
**P
A
C
H**

EXISTING

**P
A
C
H**

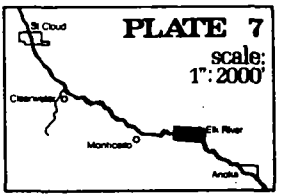
FACILITY

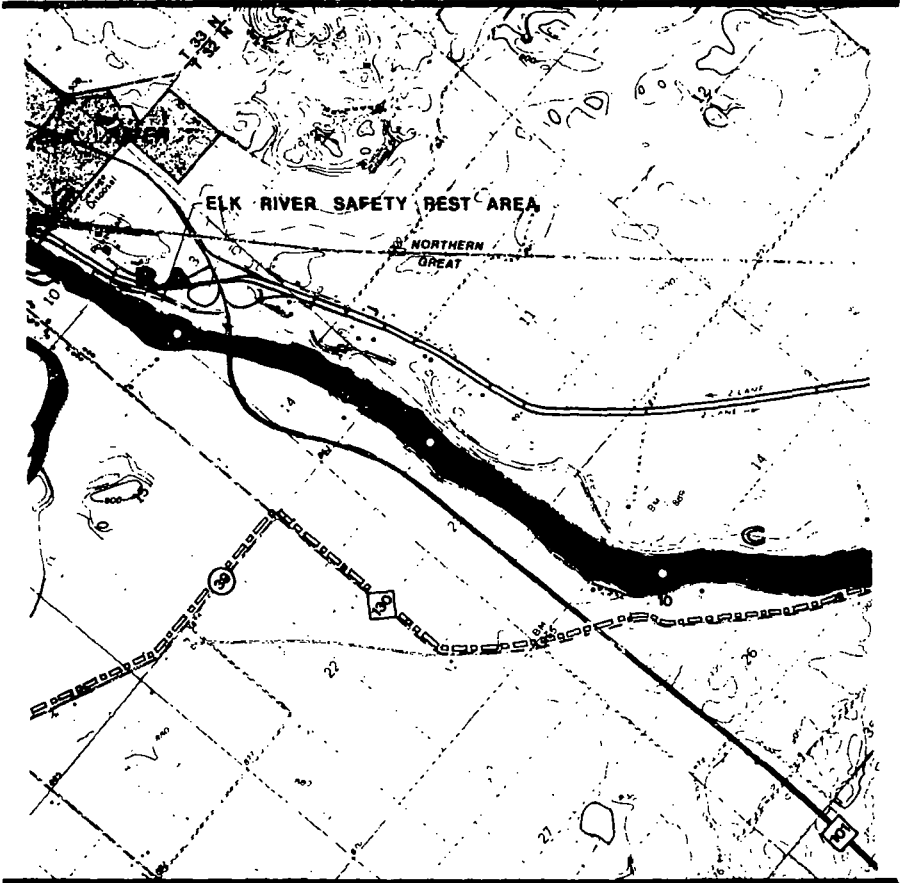
**PORTAGE
ACCESS
CANOE CAMPSITE
HIKING CAMPSITE**




MANAGEMENT

PROPOSED	EXISTING	FACILITY
		REST AREA
		HIKING TRAIL
		BICYCLE ROUTE
		HISTORIC SITE






 a management plan for the
MISSISSIPPI RIVER

RECREATION

PROPOSED

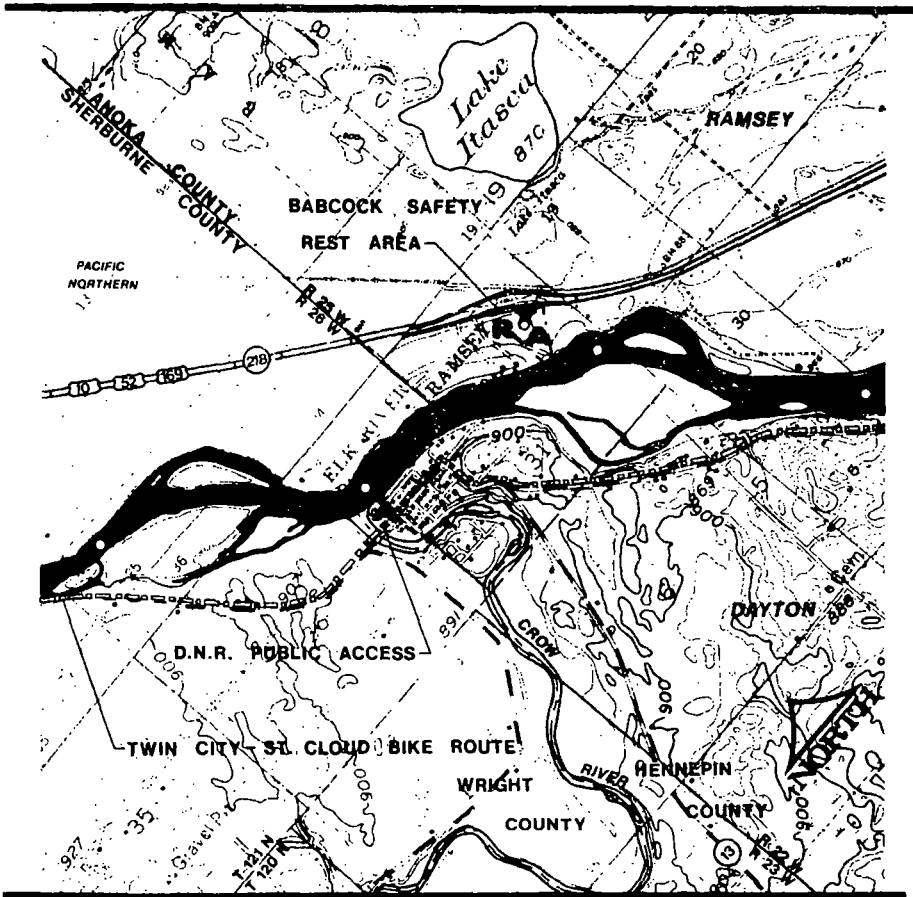
EXISTING

FACILITY

P
A
C
H

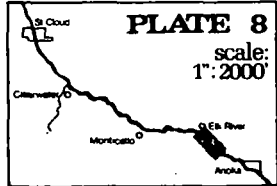
P
A
C
H

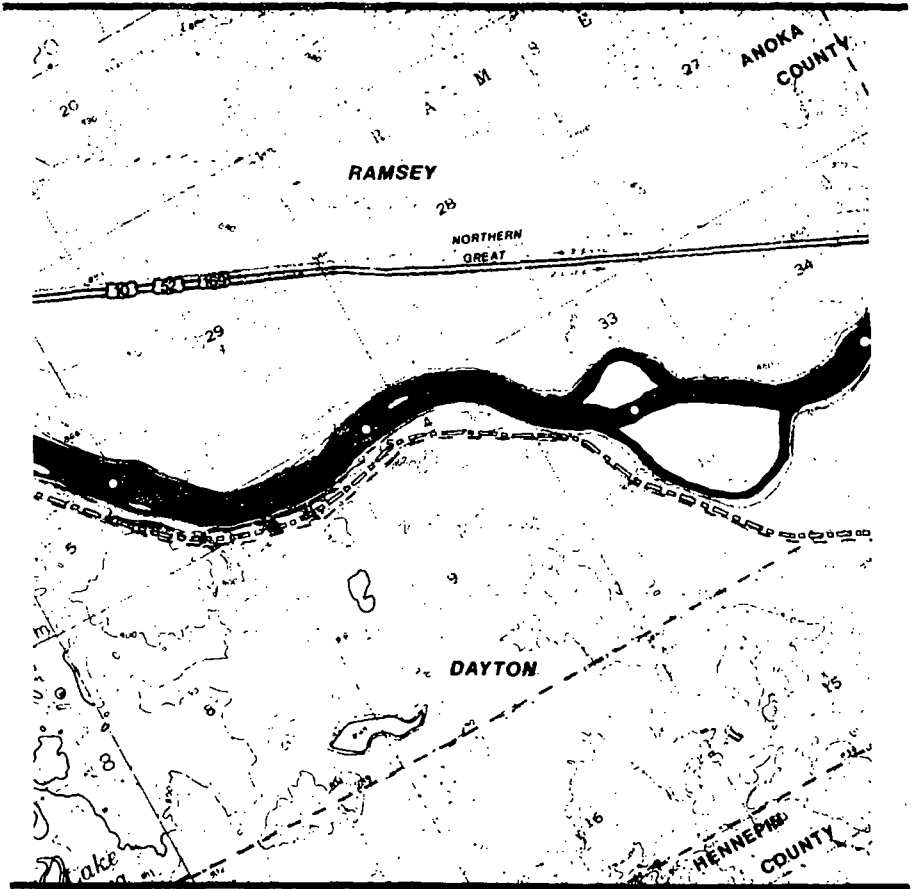
PORTAGE
ACCESS
CANOE CAMPSITE
HIKING CAMPSITE



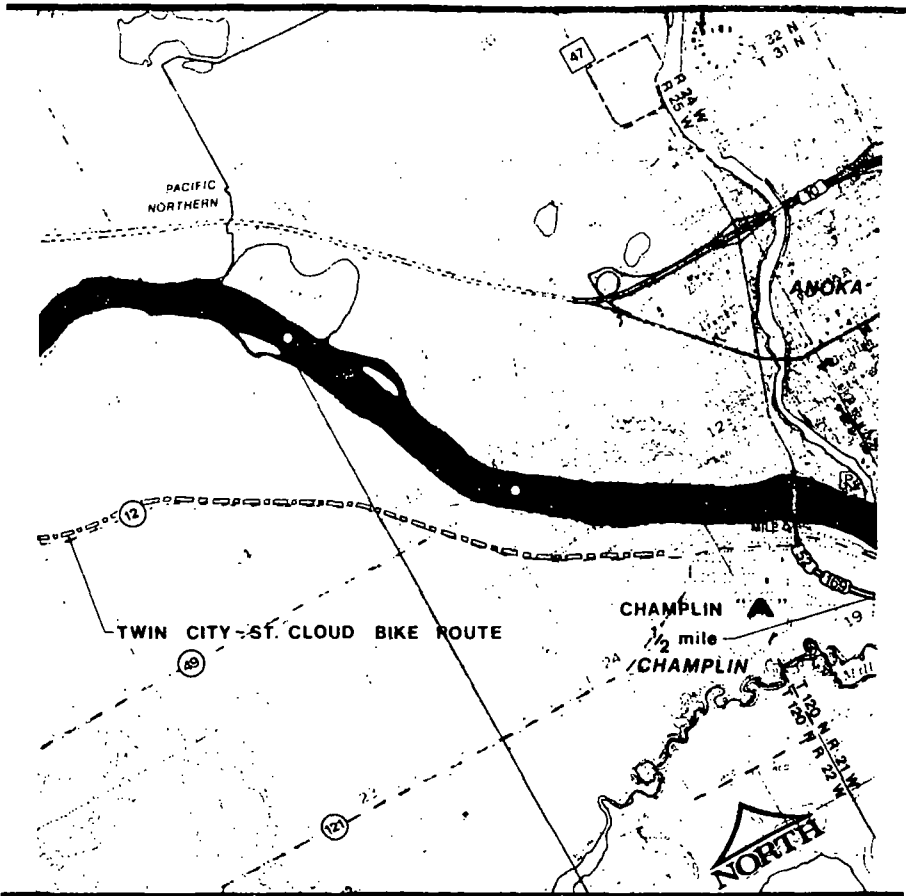
MANAGEMENT

PROPOSED	EXISTING	FACILITY
R	R	REST AREA
□□□□	.....	HIKING TRAIL
—○—○—	— — —	BICYCLE ROUTE
☆	★	HISTORIC SITE



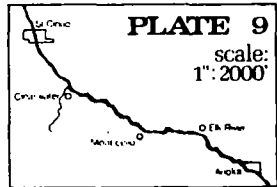


RECREATION FACILITY		
PROPOSED	EXISTING	
P	P	PORTAGE
A	A	ACCESS
C	C	CANOE CAMPSITE
H	H	HIKING CAMPSITE



MANAGEMENT

PROPOSED	EXISTING	FACILITY
R	R	REST AREA
o o o o o	.....	HIKING TRAIL
o - - - o	- - - -	BICYCLE ROUTE
☆	★	HISTORIC SITE



tions. The Land Use District was derived in accordance with NR 78 (g) (2) (bb).

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

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

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

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

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

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

B. Land acquisition.

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

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

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

c. Other forms of acquisition, such as use ease-

Chapter Twenty-Five:

NR 2500 Designation.

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

B. Authority. This designation is made by the Commissioner of Natural Resources pursuant to the authority of the Minnesota Wild and Scenic Rivers Act, Minn. Stat. §§104.31 to 104.40 (1974).

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

NR 2510 Classification. That portion of the North Fork of the Crow River in Meeker County from the spillway at the southern end of Lake Koronis to the Meeker-Wright County line, is classified as Recreational, in accordance with provisions of Minn. Stat. § 104.33, subd. 2, and NR 78 (f).

NR 2520 Management.

A. Land use provisions.

1. The Commissioner of Natural Resources hereby adopts the Recreational River Land Use Districts as identified in the Land Use District Property Descrip-

ments or leases, may be used to acquire land interests in the Scenic Areas if considered feasible or necessary by the Commissioner of Natural Resources.

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

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

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

C. Recreation management.

1. As provided for in this management plan, the recreation management policy is to provide for the orderly use of public lands and waters within the Recreational River Land Use District. The development of selected land and river-oriented recreational facilities and the maintenance to these could help "protect the rights of private landowners, ensure quietude, prohibit trespassing, and maintain the essential quality of Wild and Scenic River Land Use Districts" as provided in NR 80 (a) (1).

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

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

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

5. The Commissioner of Natural Resources adopts the Recreation Management Maps for the protection,

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

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

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

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

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

D. Administration.

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

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

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

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

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

b. Conform to the provisions of NR 82-84 within

the Land Use District, and administer these provisions according to NR 80-81, as applicable.

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

4. The Department of Natural Resources shall assist the local units of government in the implementation of NR 78-81 and this management plan, in accordance with the provisions of Minn. Stat. § 104.36, subd. 2, (1974). The Department of Natural Resources shall delineate the Land Use District boundaries on the appropriate zoning maps, for the affected local units of government.

E. Recommendations.

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

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

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

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

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

6. To insure that the historical heritage of the Crow River will be protected for the enjoyment of present and future generations, it is recommended that the State His-

torical Society consider the feasibility of conducting a study of historical and archaeological sites within the management area.

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

Land Use District Acreage per River Mile

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

Total Acreage 11,519.02

Property Descriptions — Land Use District

(Area in which Land Use Provisions Apply)

Starting from Lake Koronis

T 121 N — R 32 W

Section 3 — Government lot 5	16.48 East
Government lot 4	38.88
Section 10 — Government lot 4	31.30
Government lot 1	32.60
E½ of SE¼ of NW¼	20.00
Government lot 3	41.56
Government lot 2	39.53
Government lot 8	35.32
NE¼ of SE¼	40.00
Government lot 7	40.00 East
Section 11 — S½ of SW¼ of NW¼	20.00
SW¼ of SE¼ of NW¼	10.00
NW¼ of SW¼	40.00
SW¼ of SW¼	40.00
W½ of NE¼ of SW¼	20.00
W½ of SE¼ of SW¼	20.00

Section 14 — NW¼ of NW¼	40.00	SE¼ of SW¼	40.00
NE¼ of NW¼	40.00	W½ of NE¼ of SW¼	20.00
S½ of NW¼ of NE¼	20.00	SW¼ of SE¼	40.00
N½ of SE¼ of NW¼	20.00	S½ of SE¼ of SE¼	20.00
SW¼ of NE¼	40.00		
W½ of SE¼ of NE¼	20.00	Section 34 — N½ of NW¼ of NW¼	20.00
NW¼ of SE¼	40.00	NE¼ of NW¼	40.00
NE¼ of SE¼	40.00	NW¼ of NE¼	40.00
SE¼ of SE¼	40.00	NE¼ of NE¼	40.00
		SE¼ of NE¼	40.00
Section 13 — NW¼ of SW¼	40.00	Section 26 — S½ of SW¼ of SW¼	20.00
SW¼ of SW¼	40.00		
Section 23 — NE¼ of NE¼	40.00	Section 35 — NW¼	160.00
SE¼ of NE¼	40.00	NW¼ of SW¼	40.00
NE¼ of NE¼ of SE¼	10.00	NE¼ of SW¼	40.00
		SE¼ of SW¼	40.00
Section 24 — NW¼ of NW¼	40.00	S½ of SW¼ of NE¼	20.00
SW¼ of NW¼	40.00	SE¼	160.00
SW¼	160.00		
SE¼	160.00	T 120 N — R 31 W	
Section 25 — NE¼ of NE¼	40.00	Section 2 — NE¼ of NW¼	34.66
SE¼ of NE¼	40.00	E½ of SE¼ of NW¼	20.00
T 121 N — R 31 W		NW¼ of NE¼	34.64
Section 19 — Government lot 12	38.47	NE¼ of NE¼	34.61
Government lot 13	38.42	SW¼ of NE¼	40.00
		SE¼ of NE¼	40.00
Section 30 — Government lot 4	38.37	NE¼ of SE¼	40.00
Government lot 5	38.31	SE¼ of SE¼	40.00
Government lot 12	38.25	Section 1 — W½ of NW¼ of NW¼	17.58
Government lot 3	40.00	SW¼ of NW¼	40.00
Government lot 6	40.00	W½ of SE¼ of NW¼	20.00
Government lot 11	40.00	NW¼ of SW¼	40.00
Government lot 7	40.00	W½ of NE¼ of SW¼	20.00
Government lot 8	40.00	SW¼ of SW¼	40.00
Government lot 9	40.00	W½ of SE¼ of SW¼	20.00
Government lot 10	40.00	Section 11 — NE¼ of NE¼	40.00
Government lot 16	40.00	E½ of SE¼ of NE¼	20.00
SW¼ of NE¼	40.00	E¼ of NE¼ of SE¼	20.00
NW¼ of SE¼	40.00	Section 12 — NW¼	160.00
SW¼ of SE¼	40.00	SW¼	160.00
SE¼ of SE¼	40.00	W½ of SW¼ of SE¼	20.00
S½ of NE¼ of SE¼	20.00	Section 13 — NW¼	160.00
Section 31 — NW¼ of NE¼	40.00	SW¼	160.00
NE¼ of NE¼	40.00	W½ of NW¼ of NE¼	20.00
SE¼ of NE¼	40.00	W½ of SW¼ of NE¼	20.00
Section 32 — NW¼	160.00	W½ of SW¼ of NE¼	20.00
NW¼ of NE¼	40.00	W½ of NW¼ of SE¼	20.00
SW¼ of NE¼	40.00	SE¼ of NW¼ of SE¼	10.00
Section 29 — SW¼ of SW¼	40.00	S½ of NE¼ of SE¼	20.00
SE¼ of SW¼	40.00	SW¼ of SE¼	40.00
NE¼ of SW¼	40.00	SE¼ of SE¼	40.00
NE¼	160.00	Section 24 — N½ of NE¼ of NE¼	20.00
SE¼	160.00		
Section 28 — NW¼	160.00	T 120 N — R 30 W	
NW¼ of SW¼	40.00	Section 18 — NW¼ of SW¼	36.78
NE¼ of SW¼	40.00	W½ of NE¼ of SW¼	20.00
N½ of SE¼ of SW¼	20.00	SW¼ of SW¼	36.83
S½ of SW¼ of NE¼	20.00	SE¼ of SW¼	40.00
SE¼	160.00	SW¼ of SE¼	40.00
Section 27 — SW¼ of SW¼	40.00	SE¼ of SE¼	40.00
NW¼ of SW¼	40.00		

Section 19 — NW¼ of NW¼	36.73	NE¼ of SE¼	40.00
SW¼ of NW¼	36.46	SW¼ of NE¼	40.00
NE¼ of NW¼	40.00	SE¼ of NE¼	40.00
SE¼ of NW¼	40.00	S¼ of NW¼ of NE¼	20.00
NE¼	160.00		
Section 17 — SW¼ of SW¼	40.00	T 120 N — R 29 W	
SE¼ of SW¼	40.00	Section 18 — S¼ of SW¼ of NW¼	20.09
NE¼ of SW¼	40.00	NW¼ of SW¼	40.11
S¼ of SE¼ of NW¼	20.00	SW¼ of SW¼	40.04
SW¼ of SE¼	40.00	NE¼ of SW¼	40.00
NW¼ of SE¼	40.00	SE¼ of SW¼	40.00
SW¼ of NE¼	40.00	S¼ of SW¼ of SE¼	20.00
NW¼ of NE¼	40.00	NW¼ of SW¼ of SE¼	10.00
NE¼ of NE¼	40.00	S¼ of SE¼ of SE¼	20.00
Section 20 — NW¼	160.00	Section 19 — NE¼ of NW¼	40.00
NW¼ of NE¼	40.00	NE¼	160.00
Section 8 — SE¼ of SE¼ East of CSAH #2	30.00	Section 17 — S¼ of SW¼ of SW¼	20.00
NE¼ of SE¼ East of CSAH #2	10.00	S¼ of SE¼ of SW¼	20.00
Section 16 — NW¼ of NW¼ of NW¼	10.00	S¼ of SW¼ of SE¼	20.00
		S¼ of SE¼ of SE¼	20.00
Section 9 — SW¼ of SW¼	40.00	Section 20 — NW¼	160.00
NW¼ of SW¼	40.00	NE¼	160.00
NE¼ of SW¼	40.00	Section 21 — NW¼	160.00
N¼ of SE¼ of SW¼	20.00	NE¼	160.00
SW¼ of NW¼ SE of CSAH #2	23.00	Section 16 — S¼ of SW¼ of SW¼	20.00
SE¼ of NW¼	40.00	S¼ of SE¼ of SW¼	20.00
N¼ of SW¼ of SE¼	20.00	S¼ of SW¼ of SE¼	20.00
SE¼ of SE¼	40.00	S¼ of SE¼ of SE¼	20.00
NW¼ of SE¼	40.00	Section 15 — SW¼ within 300 ft. of River	
NE¼ of SE¼	40.00	Bank Only	17.00
SW¼ of NE¼	40.00	S¼ of SW¼ of SE¼	20.00
SE¼ of NE¼	40.00	S¼ of SE¼ of SE¼	20.00
Section 15 — NW¼	160.00	Section 22 — NW¼ within 300 ft. of River	
NE¼	160.00	Bank Only	23.00
Section 10 — SW¼	160.00	NE¼	160.00
NW¼ of SE¼	40.00	Section 23 — NW¼	160.00
SW¼ of SE¼	40.00	NW¼ of NE¼	40.00
SE¼ of SE¼	40.00	S¼ of NE¼	40.00
Section 14 — NW¼ of NW¼	40.00	SW¼	160.00
NE¼ of NW¼	40.00	W¼ of NW¼ of SE¼	20.00
N¼ of SW¼ of NW¼	20.00	W¼ of SW¼ of SE¼	20.00
SW¼ of SW¼ of NW¼	10.00	Section 26 — NW¼	160.00
NW¼ of NE¼	40.00	W¼ of NW¼ of NE¼	20.00
NE¼ of NE¼	40.00	SW¼ of NE¼	40.00
N¼ of SE¼ of NE¼	20.00	SW¼	160.00
Section 11 — SW¼ of SW¼	40.00	SE¼	160.00
SE¼ of SW¼	40.00	Section 35 — NE¼ of NE¼	40.00
NE¼ of SW¼	40.00	N¼ of NW¼ of NE¼	20.00
SW¼ of SE¼	40.00	Section 25 — NW¼ of SW¼	40.00
NW¼ of SE¼	40.00	SW¼ of SW¼	40.00
SE¼ of SE¼	40.00	SE¼ of SW¼	40.00
S¼ of NE¼ of SE¼	20.00	S¼ of NE¼ of SW¼	20.00
Section 13 — NW¼	160.00		
N¼ of NE¼ of SW¼	20.00		
NW¼ of SE¼	40.00		

SE¼ of SE¼	40.00
SW¼ of SE¼	40.00
S½ of NW¼ of SE¼	20.00
Section 36 — NW¼ of NW¼	40.00
NE¼ of NW¼	40.00
NW¼ of NE¼	40.00
NE¼ of NE¼	40.00
TOTAL ACREAGE	11.519.02

Property Descriptions — Scenic Areas

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

Starting from Lake Koronis

T 121 N — R 32 W

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

T 121 N — R 31 W

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

Section 29 — S½ of NE¼ of NE¼ North of River	15.00
Section 28 — S½ of NW¼ of NW¼ North of River N½ of SW¼ of NW¼ North of River N½ of SE¼ of SE¼ SE¼ of SE¼ of SE¼	16.00 5.00 20.00 10.00
Section 27 — SW¼ of SW¼	40.00
Section 34 — NE¼ of NW¼ N½ of NW¼ of NE¼ SW¼ of NW¼ of NE¼ N½ of NE¼ of NE¼	40.00 20.00 10.00 20.00
Section 35 — SE¼ of NE¼ of SW¼ NE of River S¼ of NW¼ of SE¼ NE of River SW¼ of SE¼ NE of River W½ of SE¼ of SE¼ East of River	5.00 18.00 16.00 18.00

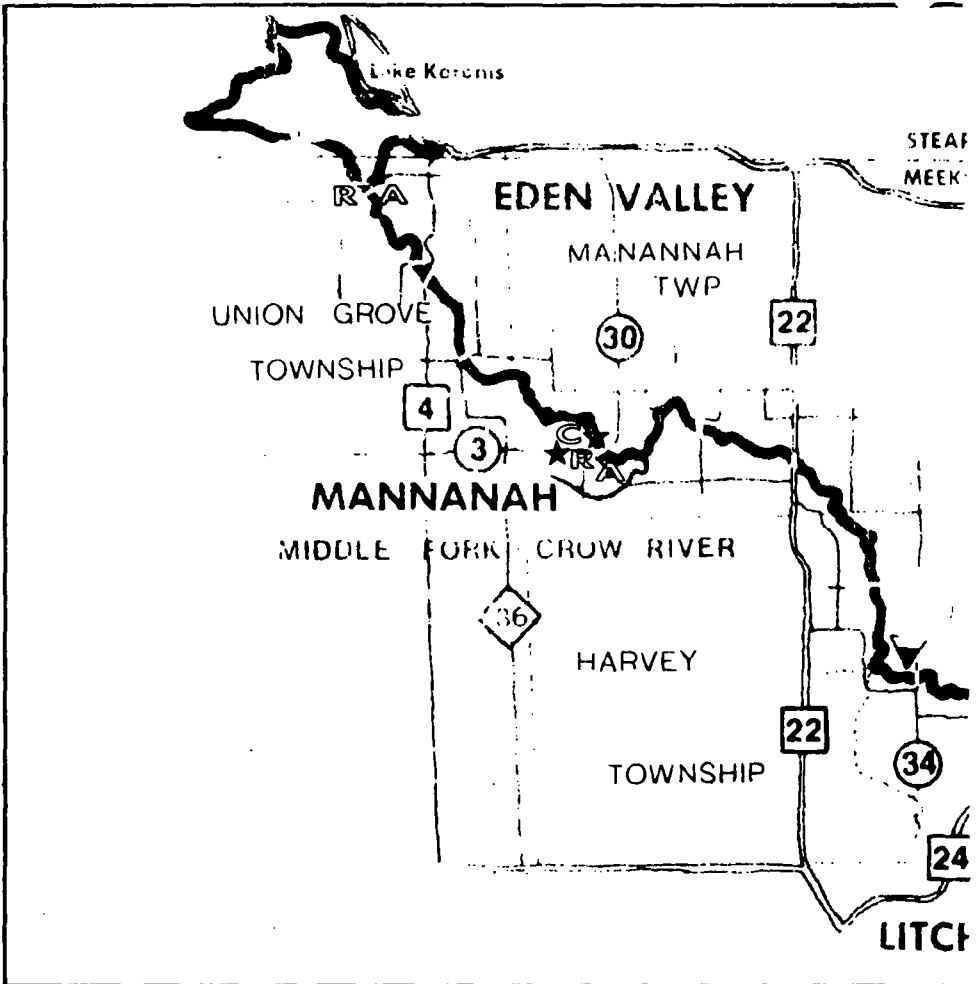
T 120 N — R 31 W

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

T 120 N — R 30 W

Section 18 — S½ of S½ of SE¼	40.00
Section 19 — N½ of NE¼	80.00
Section 20 — N½ of NW¼ W½ of NW¼ of NE¼	80.00 20.00
Section 17 — S½ of SW¼ of SW¼ SE¼ of SW¼ W½ of SW¼ of SE¼ NE¼ of SW¼ South of County Road SW¼ of NW¼ of SE¼ N½ of NW¼ of SE¼ Except Forest City Park SE¼ of NW¼ SE of County Road SW¼ of NE¼ SE of County Road & except Forest City Park NW¼ of NE¼ East of CSAH #2 NE¼ of NE¼ West of River	20.00 40.00 20.00 38.00 10.00 16.00 4.00 28.00 7.00 9.00
Section 8 — SE¼ of SE¼ East of CSAH #2	30.00

Section 9 — NE¼ of SE¼	40.00
Section 10 — NW¼ of SW¼	40.00
E½ of SW¼ of SW¼	20.00
SE¼ of SW¼	40.00
S½ of NE¼ of SW¼	20.00
Section 15 — NE¼ of NW¼	40.00
E½ of NW¼ of NW¼	20.00
Section 14 — NW¼ of NW¼	40.00
Section 11 — S½ of NE¼ of SW¼ North of River	17.00
N½ of SE¼ of SW¼ West of River	10.00
SW¼ of NW¼ of SE¼ North of River	8.00
W½ of SW¼ of SE¼ North of River	2.00
Section 13 — E½ of W¼ of NW¼	40.00
W½ of E½ of NW¼	40.00
T 120 N — R 29 W	
Section 18 — SE¼ of SW¼	40.00
Section 19 — NW¼ of NE¼ North of River	18.00
NE¼ of NW¼ North of River	4.00
Section 20 — NE¼ of NW¼ North of River	27.00
NW¼ of NE¼ North of River	26.00
N½ of NE¼ of NE¼	20.00
Section 21 — NW¼ North of River	68.00
N½ of NE¼ South of River	63.00
Section 22 — N½ of NW¼ of NE¼	20.00
SE¼ of NW¼ of NE¼	10.00
NE¼ of NE¼ South of River	4.00
Section 15 — SW¼ of SE¼ South of CSAH #27	9.00
Section 23 — NE¼ of NW¼ South of CSAH #27	14.00
SE¼ of NW¼	40.00
NE¼ of SW¼	40.00
SE¼ of SW¼	40.00
Section 26 — NE¼ of NW¼	40.00
SE¼ of NW¼	40.00
SW¼ of SW¼ of NE¼	10.00
NE¼ of SW¼ NE of River	8.00
W½ of NW¼ of SE¼ NE of River	19.00
SE¼ of SE¼ South of River	16.00
Section 25 — SW¼ of SW¼ South of River	17.00
SE¼ of SW¼	40.00
SW¼ of SE¼	40.00
W½ of SE¼ of SE¼	20.00
Section 36 — N½ of NW¼ of NE¼	20.00
NW¼ of NE¼ of NE¼	10.00
TOTAL ACREAGE	2,671.20



NORTH FORK

CROW RIVER
MANAGEMENT PLAN

RECREATION

PROPOSED

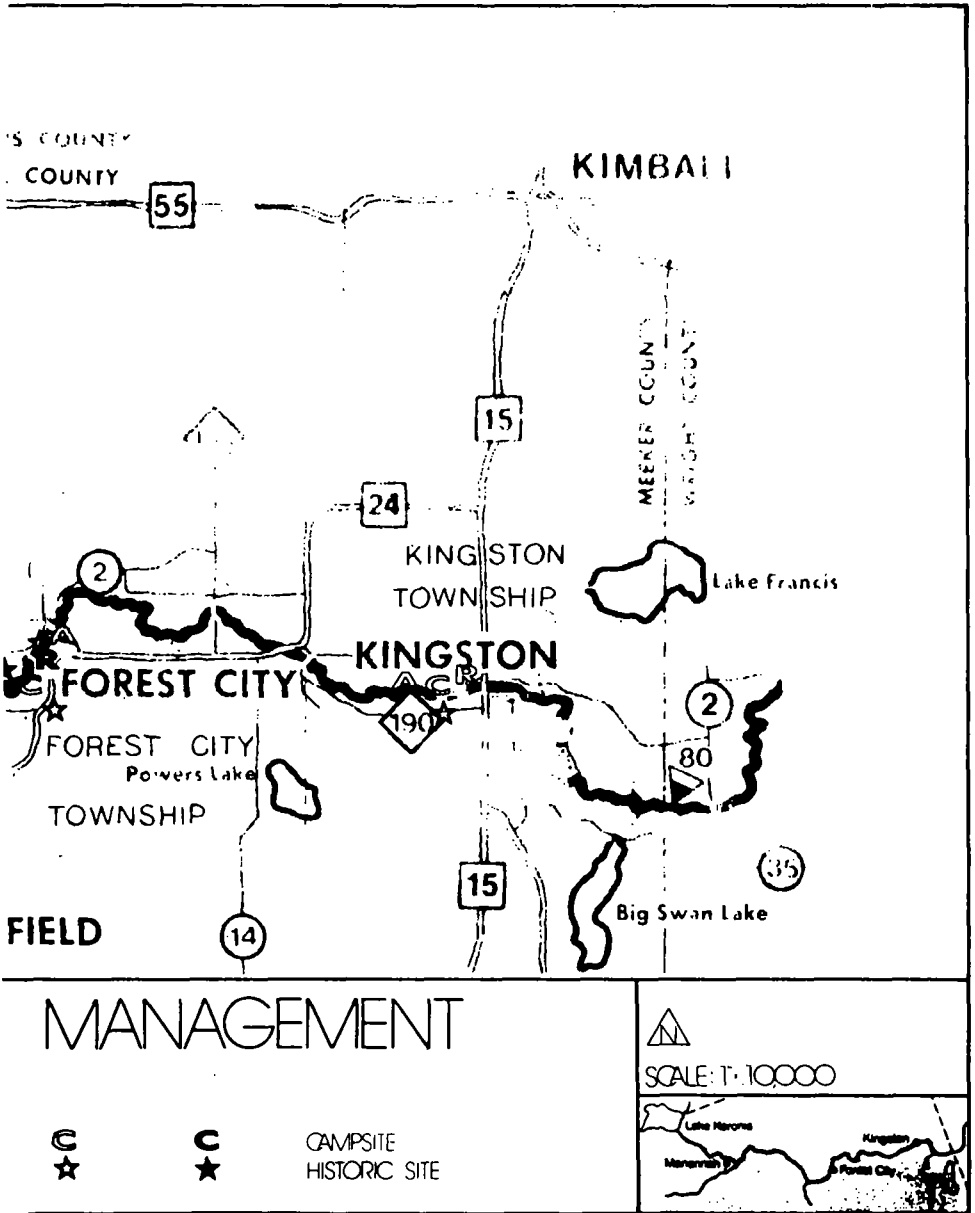


EXISTING



FACILITY

ACCESS
REST AREA



DEPARTMENT OF NATURAL RESOURCES

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

Chapter Twenty-six § 1.2600

§ 1.2600 Designation.

A. The river. That portion of the Minnesota River from the Lac qui Parle dam to the Redwood County State Aid Highway 11 bridge near Franklin is designated a component of the Minnesota Wild and Scenic Rivers System.

B. Authority. This designation is made by the commissioner of natural resources pursuant to the authority of the Minnesota Wild and Scenic Rivers Act, Minn. Stat. §§ 104.31 to 104.40 (1974).

C. Shoreland included. The designation and these rules apply to the river and the adjacent lands indicated by the Land Use District Descriptions. The land use district boundaries were delineated in accordance with Minnesota Regulations NR 78 (g) (2) (bb) (6 MCAR § 1.0078 G.2.b.).

D. Severability. The provisions of these regulations shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

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

§ 1.2610 Classification. That portion of the Minnesota River and adjacent lands from the Lac qui Parle dam to the U.S. Highway 212 bridge in the corporate limits of Montevideo is classified as Scenic.

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

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

These classifications are made in accordance with the provisions of Minn. Stat. § 104.33, subd. 2 (1974); and Minnesota Regulations NR 78 (f) (6 MCAR § 1.0078 F.).

§ 1.2620 Land Management.**A. Zoning.**

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

a. Establish Scenic and Recreational river land use districts as applicable according to Minnesota Regulations 6 MCAR § 1.2610, to include the lands identified by the Land Use District Descriptions.

b. Conform to the provisions of Minnesota Regulations NR 78-81 (6 MCAR §§ 1.0078-1.0081) except for extraction of sand and gravel which shall continue to be a conditional use under the regulatory discretion of local governments.

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

a. Establish Scenic and Recreational river land use districts as applicable according to Minnesota Regulations 6 MCAR § 1.2610 to include the lands identified by the Land Use District Descriptions.

b. Conform to the use, dimensional and sanitary provisions of the Recreational Development classification of Minnesota Regulations NR 83, (a), NR 83 (c) (1)-(2) and (4)-(5), NR 83 (d) (6 MCAR § 1.0083 A., § 1.0083 C.1.-2. and 4.-5. and 6 MCAR § 1.0083 D.), and the provisions of Minnesota Regulations NR 79 (e-j (1)), 80 and 81 (6 MCAR § 1.0079 E.-J.1., § 1.0080 and § 1.0081).

c. The vegetative cutting provisions of Minnesota Regulations NR 79 (g) (6 MCAR § 1.0079 G.) shall conform to the structural setback pattern specified in Minnesota Regulations NR 83 (6 MCAR § 1.0083).

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

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

B. Land acquisition.

1. The lands or interests in land recommended to be acquired in this plan will be acquired when funds are available for such purchases from willing sellers, as provided for in Minn. Stat. § 104.37 (1974).

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

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

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

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

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

4. Additional lands or interests in land may be purchased within the land use districts from willing sellers to further the policies established in Minn. Stat., § 104.32 (1974), and this management plan.

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

§ 1.2630 Recreation management.

A. Recreation management in the Scenic and Recreational river land use districts shall conform to the policies and provisions of Minnesota Regulations NR 80 (6 MCAR § 1.0080).

B. As provided for in Minnesota Regulations NR 79 (b) (6 MCAR § 1.0079 B.) and the management plan, the development of public or private recreational facilities within the Scenic and Recreational river land use districts shall conform to the design specification guidelines as shown on the Recreational Site Typical with the addition of a gate to the service trail for primitive campsites.

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

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

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

1. On private lands only with permission from appropriate landowners.
2. On trails specifically designated for snowmobiling in state parks, or designated by local governments or the legislature.

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

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

H. Priority areas for recreational development are shown:

1. In the Fee Title Descriptions on land which is not presently publicly owned.
2. On publicly owned lands:
 - a. At the Corp of Engineers Recreation Site at the Lac qui Parle dam—A portage and an access.
 - b. At the Department of Natural Resources Access at Montevideo—A rest area.
 - c. At Spartan State Wildlife Management Area—An access.
 - d. At Renville County Park # 2—An access.
 - e. On Department of Natural Resources land near Morton—An access.
 - f. At Lower Sioux Agency Historic Site—A campsite and rest area.

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

LAND USE DISTRICT DESCRIPTIONS AND ACREAGES

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

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

	Acreage
T 118 N - R 42 W	
Section 24	
Government Lot 1 (LQP) all but W 20	12.50
Government Lot 2 (LQP)	37.25
Government Lot 3 (LQP)	28.70
Government Lot 4 (LQP)	47.90
Government Lot 1 (C)	33.25
Government Lot 2 (C)	22.80
Government Lot 3 (C)	6.90
Government Lot 4 (C)	36.40
Government Lot 5 (C)	17.75
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	40.00
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	40.00
Section 25	
Government Lot 1 (LQP)	38.75
Government Lot 1 (C)	1.00
E $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$	20.00
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	40.00
T 118 N - R 41 W	
Section 19	
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	34.19
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	40.00
W $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$	20.00
Section 30	
Government Lot 1 (C)	14.85
Government Lot 2 (C)	36.00
Government Lot 3 (C)	60.00
Government Lot 4 (C)	59.25
Government Lot 6 (LQP)	20.35
Government Lot 5 (LQP)	38.75
Government Lot 4 (LQP)	49.50
Government Lot 3 (LQP)	53.90
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	40.00
W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$	20.00
E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$	20.00
Section 29	
Government Lot 1 (C)	31.25
Government Lot 2 (C)	36.05
Government Lot 3 (C)	37.75
Government Lot 1 (LQP)	13.20

Description	Acreeage
W½ of SW¼ of NW¼	20.00
SW¼ of SE¼	40.00
Section 32	
Government Lot 1 (LQP)	39.45
Government Lot 2 (LQP)	48.00
Government Lot 3 (LQP)	28.80
Government Lot 4 (LQP)	31.00
Government Lot 5 (LQP)	32.00
Government Lot 2 (C)	43.35
Government Lot 3 (C)	43.50
Government Lot 4 (C)	45.75
SE¼ of NE¼	40.00
Government Lot 1 (C)	15.00
T 117 N - R 41 W	
Section 5	
Government Lot 1 (LQP)	41.56
Government Lot 2 (LQP)	45.60
Government Lot 3 (LQP)	48.25
Government Lot 4 (LQP)	52.50
Government Lot 1 (C)	41.25
Government Lot 2 (C)	41.60
Government Lot 3 (C)	30.50
Government Lot 4 (C)	30.60
Section 4	
W½ of NW¼ of NW¼	20.00
SW¼ of NW¼	40.00
NW¼ of SW¼	40.00
SW¼ of SW¼	40.00
SE¼ of SW¼	40.00
Section 8	
Government Lot 1 (LQP)	18.75
Government Lot 2 (LQP)	39.55
Government Lot 1 (C)	18.20
NW¼ of NE¼	40.00
SW¼ of NE¼	40.00
Section 9	
Government Lot 1 (C)	30.30
Government Lot 2 (C)	42.25
Government Lot 3 (C)	39.99
Government Lot 4 (C)	41.05
Government Lot 4 (LQP)	36.80
Government Lot 3 (LQP)	32.25
Government Lot 2 (LQP)	35.75
Government Lot 1 (LQP)	41.60
NW¼ of SW¼	40.00
W½ of NW¼ of NE¼	20.00
Government Lot 5 (C)	58.10
SW¼ of SW¼	40.00
Section 16	
Government Lot 2 (LQP)	39.99
Government Lot 1 (LQP)	31.25
Government Lot 1 (C)	12.60
NE¼ of NW¼	40.00
SE¼ of NE¼	40.00

Description	Acreage
Section 10	
SW¼ of SW¼	40.00
SE¼ of SW¼	40.00
S½ of SW¼ of SE¼	20.00
S½ of SE¼ of SE¼	20.00
Section 15	
Government Lot 7 (LQP)	45.95
Government Lot 8 (LQP)	16.60
Government Lot 3 (LQP)	39.99
Government Lot 2 (LQP)	17.50
Government Lot 1 (LQP)	26.40
Government Lot 1 (C)	34.75
Government Lot 2 (C)	15.00
Government Lot 3 (C)	40.00
Section 11	
S½ of SE¼ of SW¼	20.00
S½ of SW¼ of SE¼	20.00
Section 14	
Government Lot 4 (LQP)	23.75
Government Lot 3 (LQP) all but S 40	19.50
Government Lot 2 (LQP)	47.20
Government Lot 1 (LQP)	50.25
Government Lot 1 (C)	49.25
Government Lot 2 (C)	26.55
Government Lot 3 (C)	35.00
Government Lot 4 (C)	41.15
Government Lot 5 (C)	36.60
S½ of NW¼ of NW¼	20.00
SE¼ of SE¼	40.00
Section 13	
Government Lot 1 (C)	7.50
Government Lot 4 (LQP)	49.00
Government Lot 3 (LQP)	45.15
Government Lot 2 (LQP)	26.20
Government Lot 1 (LQP)	22.50
Government Lot 2 (C)	35.10
Government Lot 3 (C)	33.65
Government Lot 4 (C)	17.20
Government Lot 5 (C)	58.10
NE¼ of NW¼	40.00
NW¼ of NE¼	40.00
SE¼ of NE¼	40.00
T 117 N - R 40 W	
Section 18	
Government Lot 4 (C) a line 300 ft. from normal high-water mark	7.00
Government Lot 1 (YM)	1.75
Section 19	
Government Lot 1 (YM)	38.35
Government Lot 3 (YM)	37.95
Government Lot 4 (YM)	22.40
Government Lot 5 (YM)	44.75
Government Lot 1 (C) a line 300 ft. from the normal high-water mark	11.00

Description	Acreage
Government Lot 2 (C)	33.75
Government Lot 3 (C)	50.00
Government Lot 4 (C)	24.80
SE¼ of NE¼	40.00
E½ of NE¼ of SW¼	20.00
Section 20	
W½ of NW¼ of SW¼	20.00
W¼ of SW¼ of SW¼	20.00
Section 30	
Government Lot 3 (YM)	35.90
Government Lot 4 (YM)	35.40
Government Lot 5 (YM)	27.40
Government Lot 1 (C)	27.70
Government Lot 2 (C)	20.40
Government Lot 3 (C)	49.00
Government Lot 6 (YM)	37.43
Section 29	
NW¼ of SW¼	40.00
NW¼ of NW¼	40.00
SW¼ of NW¼	40.00
Government Lot 1 (C)	31.80
Government Lot 2 (C)	39.75
SW¼ of SE¼	40.00
S½ of SE¼ of SE¼	20.00
Section 31	
Government Lot 3 (YM)	39.40
E½ of NW¼ of NE¼	20.00
Section 32	
Government Lot 1 (C)	26.40
Government Lot 2 (C)	12.70
Government Lot 2 (YM) all but S 20	34.40
Government Lot 3 (YM) all but S 20	31.90
Government Lot 4 (YM) all but S 20	34.95
Government Lot 1 (YM)	34.25
Section 33	
Government Lot 1 (C)	19.70
Government Lot 2 (C)	38.75
Government Lot 1 (YM) all but S 20	26.75
Government Lot 2 (YM)	39.73
Government Lot 3 (YM)	26.20
Government Lot 4 (YM) all but S 20	19.10
Section 28	
S½ of SW¼ of SW¼	20.00
SE¼ of SW¼ all but NW¼	30.00
Government Lot 1 (C)	30.00
Government Lot 2 (C)	35.75
Government Lot 3 (C) all but the NE 10	39.50
Government Lot 1 (YM)	5.43
Section 27	
Government Lot 1 (C)	38.35
Section 34	
Government Lot 1 (C)	48.75
Government Lot 2 (C)	42.60
Government Lot 3 (C)	39.80

Description		Acrage
Government Lot 4	(C)	39.80
Government Lot 5	(C)	58.75
Government Lot 1	(YM)	33.30
Government Lot 2	(YM)	21.55
Government Lot 3	(YM)	59.57
N½ of SW¼ of SW¼		20.00
Section 35		
Government Lot 1	(YM)	39.50
Government Lot 2	(YM)	39.95
T 116 N - R 40 W		
Section 3		
Government Lot 3	(YM)	27.61
Government Lot 2	(YM)	51.00
Government Lot 1	(YM)	32.45
Government Lot 1	(C)	21.65
Government Lot 2	(C)	21.19
Government Lot 3	(C)	50.40
Government Lot 4	(C)	43.05
Government Lot 4	(YM)	20.25
Government Lot 5	(YM)	22.85
E½ of NE¼ of SW¼		20.00
E½ of SW¼ of SE¼		20.00
Section 10		
Government Lot 1	(YM)	39.30
Section 2		
Government Lot 5	(C)	36.75
Government Lot 6	(C)	30.00
SE¼ of SW¼		40.00
SE¼ of SE¼		40.00
Section 11		
Government Lot 1	(C)	34.70
Government Lot 2	(C)	40.10
Government Lot 3	(C)	23.00
Government Lot 1	(YM)	10.25
Government Lot 2	(YM)	39.45
Government Lot 3	(YM)	25.80
Government Lot 4	(YM)	22.00
Government Lot 5	(YM)	34.00
Government Lot 6	(YM)	49.20
Section 12		
Government Lot 1	(YM)	35.00
Government Lot 1	(C)	14.00
Government Lot 2	(C)	38.00
Government Lot 3	(C)	17.15
W½ of SW¼ of SE¼		20.00
S½ of SW¼ of NW¼		20.00
Section 13		
Government Lot 1	(C)	38.75
Government Lot 2	(C)	41.50
Government Lot 1	(YM)	27.55
Government Lot 2	(YM)	29.90
SE¼ of NE¼		40.00
Government Lot 3	(YM)	24.10

everything W of CSAH 15

all but the S 40

Description		Acreage
Government Lot 4	(YM)	37.90
Government Lot 5	(YM)	17.30
Government Lot 6	(YM)	19.75
Government Lot 3	(C)	62.15
Government Lot 4	(C)	54.15
E½ of NE¼ of SW¼		20.00
T 116 N - R 39 W		
Section 18		
Government Lot 3	(C)	27.00
Government Lot 4	(C)	14.00
Government Lot 1	(YM)	36.88
NE¼ of SW¼		40.00
SW¼ of SE¼		40.00
W½ of NW¼ of SE¼		20.00
Section 19		
Government Lot 1	(C)	55.25
Government Lot 2	(C)	40.50
Government Lot 3	(C)	32.40
Government Lot 1	(YM)	30.75
Government Lot 2	(YM)	37.00
Government Lot 3	(YM) all but S 10	22.70
Government Lot 5	(YM) all but S 20	30.50
Government Lot 6	(YM) all but S 20	23.65
Government Lot 7	(YM)	36.15
T 116 N - R 39 W		
Section 20		
Government Lot 1	(C)	33.80
Government Lot 2	(C)	27.00
Government Lot 3	(C)	34.60
Government Lot 4	(C)	49.55
Government Lot 5	(C)	24.00
Government Lot 1	(YM)	40.50
Government Lot 2	(YM) all but SW 20	27.74
Section 21		
Government Lot 1	(C) all but E 20	19.60
Section 28		
Government Lot 1	(C) all but E 20	18.60
Government Lot 2	(C)	37.00
Government Lot 3	(C)	30.00
Government Lot 4	(C)	42.00
Government Lot 5	(C)	21.75
Government Lot 1	(YM) all but S 30	23.10
Government Lot 2	(YM)	26.35
Government Lot 3	(YM)	16.70
Section 27		
Government Lot 1	(C) a line 300 ft. from the normal high-water mark	13.10
Section 29		
Government Lot 1	(C)	27.45
Government Lot 1	(YM) all but W 20	19.60
Government Lot 2	(YM) all but W 20	18.25
Government Lot 3	(YM) all but SW 20	24.25

		Description	Acreage
Section 34			
Government	Lot 1	(C) a line 300 ft. from the normal high-water mark	13.25
Government	Lot 2	(C) a line 300 ft. from the normal high-water mark	11.00
Government	Lot 3	(C) a line 300 ft. from the normal high-water mark	12.80
Government	Lot 4	(C) a line 300 ft. from the normal high-water mark	4.00
Government	Lot 5	(C) a line 300 ft. from the normal high-water mark	9.00
Government	Lot 1	(YM) a line 300 ft. from the normal high-water mark	3.00
Government	Lot 2	(YM) a line 300 ft. from the normal high-water mark	15.00
Government	Lot 3	(YM) a line 300 ft. from the normal high-water mark	8.00
Section 33			
Government	Lot 1	(YM) a line 300 ft. from the normal high-water mark	7.00
Government	Lot 3	(YM) a line 300 ft. from the normal high-water mark	9.00
T 115 N - R 39 W			
Section 4			
Government	Lot 3	(YM)	38.79
Section 3			
Government	Lot 4	(C)	8.60
Government	Lot 3	(C) a line 300 ft. from the normal high-water mark	9.00
Government	Lot 2	(C) a line 300 ft. from the normal high-water mark	9.00
Government	Lot 1	(C) a line 300 ft. from the normal high-water mark	10.00
	N½ of SE¼ of NW¼		20.00
	N½ of SW¼ of NE¼		20.00
Government	Lot 2	(YM)	37.12
Government	Lot 3	(YM)	38.32
Government	Lot 4	(YM)	34.00
Government	Lot 5	(YM) all but S 20	38.00
	SW¼ of NW¼		40.00
Section 2			
Government	Lot 4	(C)	17.15
Government	Lot 3	(C)	41.25
Government	Lot 2	(C)	29.70
Government	Lot 1	(C) all but N 20	32.00
Government	Lot 1	(YM) all but S 20	27.25
Government	Lot 2	(YM)	26.00
Government	Lot 3	(YM)	25.40
Government	Lot 4	(YM)	37.50
	N½ of NE¼ of SW¼		20.00
	SE¼ of NE¼ of SW¼		10.00
	SW¼ of SE¼		40.00

Description	Acreage
Section 1	
Government Lot 5 (C)	37.25
Government Lot 6 (C)	35.25
Government Lot 1 (YM)	16.10
Section 12	
Government Lot 1 (C)	35.50
Government Lot 2 (C)	46.25
Government Lot 1 (YM)	22.96
W½ of SE¼ of NW¼	20.00
Section 11	
S½ of NW¼ of NW¼	20.00
S½ of NE¼ of NW¼	20.00
NW¼ of NE¼	40.00
Government Lot 1 (C)	35.30
Government Lot 2 (C)	18.75
Government Lot 3 (C) all but S 20	33.30
Government Lot 4 (C)	52.25
Government Lot 5 (C)	30.15
Government Lot 1 (YM)	50.57
Government Lot 2 (YM)	25.07
Government Lot 3 (YM)	22.65
Government Lot 4 (YM)	21.42
Section 10	
Government Lot 3 (C)	.60
Government Lot 1 (C)	9.60
Government Lot 2 (C)	1.20
Government Lot 1 (YM)	34.00
Government Lot 2 (YM)	30.15
Government Lot 3 (YM)	59.15
Section 15	
Government Lot 1 (C)	55.30
Government Lot 1 (YM)	49.85
SW¼ of NE¼	40.00
Section 14	
Government Lot 4 (C)	37.70
Government Lot 3 (C)	29.30
Government Lot 2 (C)	39.10
Government Lot 5 (C)	57.75
Government Lot 1 (C)	18.70
Section 13	
Government Lot 2 (C)	43.10
Government Lot 3 (C)	39.55
Government Lot 4 (C) all but E 20	41.25
Government Lot 5 (C) all but E 20	40.25
Government Lot 1 (C)	26.25
Government Lot 1 (YM) all but portion in Indian reservation	7.00
Government Lot 2 (YM) all but W 10	13.82
Government Lot 3 (YM) all but W 10	25.35
Section 24	
Government Lot 1 (C)	25.25
Government Lot 2 (C)	28.25
Government Lot 3 (C)	46.50
Government Lot 1 (YM)	43.85

Description		Acres
Government Lot 2	(YM)	48.75
Government Lot 3	(YM)	21.43
Government Lot 4	(YM)	21.60
NE $\frac{1}{4}$ of NE $\frac{1}{4}$		40.00
T 115 N - R 38 W		
Section 20		
W $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$		20.00
Government Lot 1	(REN) all but E 20	19.80
Section 19		
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$		10.00
Government Lot 4	(YM)	42.81
Government Lot 3	(YM)	56.43
Government Lot 2	(YM)	50.64
Government Lot 1	(YM)	31.73
Government Lot 1	(REN)	51.30
Government Lot 2	(REN)	41.35
Government Lot 3	(REN)	32.00
Government Lot 4	(REN)	44.10
Government Lot 5	(REN)	.85
N $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$		20.00
Section 30		
Government Lot 3	(YM)	34.75
Government Lot 1	(REN)	.05
Section 29		
Government Lot 1	(YM)	34.75
Government Lot 2	(YM)	29.66
Government Lot 3	(YM)	44.67
Government Lot 4	(YM)	51.85
Government Lot 4	(REN)	18.85
Government Lot 3	(REN) all but N 20	20.75
Government Lot 2	(REN)	30.50
Government Lot 1	(REN)	17.00
Section 28		
Government Lot 1	(YM)	31.68
Government Lot 2	(YM)	47.94
Government Lot 3	(YM)	51.06
Government Lot 4	(YM)	24.46
Government Lot 5	(REN)	20.40
Government Lot 4	(REN)	47.85
Government Lot 3	(REN) all but N 20	41.20
Government Lot 2	(REN)	39.00
Government Lot 1	(REN)	14.00
Section 27		
Government Lot 1	(YM)	40.69
Government Lot 2	(YM)	63.81
Government Lot 3	(REN)	51.40
Government Lot 2	(REN)	44.10
Government Lot 1	(REN)	29.75
SE $\frac{1}{4}$ of SE $\frac{1}{4}$		40.00
Section 33		
N $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$		20.00
Section 34		
Government Lot 1	(YM)	26.93

Description	Acreege
Government Lot 3 (YM)	32.63
Government Lot 1 (REN)	32.70
N $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$	20.00
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	40.00
N $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$	20.00
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	40.00
Section 35	
Government Lot 1 (YM)	16.55
Government Lot 2 (YM)	22.64
Government Lot 1 (REN)	24.00
Government Lot 2 (REN)	56.50
Government Lot 3 (REN)	38.65
Government Lot 4 (REN)	25.60
Government Lot 5 (REN)	19.50
Government Lot 6 (REN)	22.05
S $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$	20.00
W $\frac{1}{2}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$	20.00
T 114 N - R 38 W	
Section 2	
Government Lot 1 (YM)	32.46
Government Lot 2 (YM)	51.15
Government Lot 3 (YM)	12.37
Government Lot 4 (YM) all but W 20	10.40
Government Lot 6 (YM)	29.75
Government Lot 4 (REN)	31.25
Government Lot 3 (REN)	59.20
Government Lot 2 (REN)	56.50
Government Lot 1 (REN)	5.00
N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$	20.00
Section 1	
S $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$	20.00
Government Lot 1 (YM)	12.34
Government Lot 5 (REN)	35.00
Government Lot 6 (REN)	52.50
Government Lot 7 (REN)	35.50
S $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$	20.00
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	40.00
Section 12	
Government Lot 1 (YM)	32.60
Government Lot 2 (YM)	23.92
Government Lot 3 (YM) all but S 20	36.28
Government Lot 2 (REN)	12.00
Government Lot 1 (REN)	11.55
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	40.00
T 114 N - R 37 W	
Section 7	
Government Lot 3 (RED)	32.93
Government Lot 4 (RED)	25.86
Government Lot 5 (RED) all but S 20	31.16
Government Lot 6 (RED) all but S 20	30.50
Government Lot 4 (REN)	30.46
Government Lot 3 (REN) all but N 20	24.70
Government Lot 2 (REN) all but N 20	33.90
Government Lot 1 (REN) all but N 20	37.50

Description		Acres
Section 6		
Government Lot 7	(REN) only the S½	17.29
Section 8		
Government Lot 1	(RED) all but S 20	27.72
Government Lot 2	(RED)	32.18
Government Lot 3	(RED)	41.10
Government Lot 4	(REN)	25.30
Government Lot 3	(REN)	39.75
Government Lot 2	(REN)	51.00
Government Lot 1	(REN)	47.60
Section 9		
Government Lot 1	(RED)	69.12
Government Lot 2	(REN)	10.25
Government Lot 1	(REN)	45.00
W½ of SW¼ of SE¼		20.00
S½ of SW¼ of NW¼		20.00
Section 16		
Government Lot 1	(RED)	21.45
Government Lot 2	(RED) all but W 20	31.40
Government Lot 3	(RED) all but W 20	33.16
Government Lot 4	(RED)	34.44
Government Lot 1	(REN) all but E 20	28.55
Government Lot 2	(REN) all but E 20	34.55
Government Lot 3	(REN) all but E 20	30.75
Government Lot 4	(REN)	31.70
Section 21		
Government Lot 1	(RED)	27.31
Government Lot 2	(RED)	27.22
Government Lot 1	(REN)	39.20
N½ of SW¼ of NW¼		20.00
Section 22		
Government Lot 4	(REN)	29.35
Government Lot 3	(REN)	37.50
Government Lot 2	(REN) all but N 20	22.00
Government Lot 1	(REN) all but N 20	23.95
Government Lot 1	(RED)	40.02
Government Lot 2	(RED)	44.36
Government Lot 3	(RED)	31.53
Government Lot 4	(RED)	20.52
W½ of SE¼ of NW¼		20.00
N½ of SW¼ of SW¼		20.00
Section 23		
Government Lot 4	(REN) all but N 20	24.53
Government Lot 3	(REN) all but N 20	28.25
Government Lot 2	(REN) all but N 20	28.35
Government Lot 1	(REN) all but N 20	25.60
Government Lot 1	(RED)	28.15
Government Lot 2	(RED)	22.64
Government Lot 3	(RED)	28.43
Government Lot 4	(RED)	27.16
Section 26		
N½ of NW¼ of NW¼		20.00
N½ of NE¼ of NW¼		20.00
N½ of NW¼ of NE¼		20.00

Description	Acreege
Section 24	
Government Lot 4 (RED)	46.35
Government Lot 3 (RED)	33.62
Government Lot 2 (RED)	38.27
Government Lot 1 (RED)	54.06
Government Lot 6 (REN)	18.15
Government Lot 5 (REN) all but N 20	18.70
Government Lot 4 (REN)	32.75
Government Lot 3 (REN)	17.75
Government Lot 2 (REN)	35.75
Government Lot 1 (REN)	19.00
S½ of NE¼ of NW¼	20.00
S½ of NW¼ of NE¼	20.00
NE¼ of NE¼ everything S of CSAH 15	1.00
T 114 N - R 36 W	
Section 30	
N½ of NW¼ of SW¼	20.00
Government Lot 1	37.75
Government Lot 2	31.70
Government Lot 3	53.85
Government Lot 4	32.85
Government Lot 5	38.75
Government Lot 6	34.75
Government Lot 7 all but S 20	37.90
Government Lot 8	35.60
SW¼ of NW¼	39.21
Section 19	
SW¼ of NW¼	40.00
Government Lot 1	20.02
Government Lot 2	13.60
Government Lot 3	30.65
NW¼ of SW¼	39.09
NW¼ of NW¼ everything SW of CSAH 15	1.00
NW¼ of SE¼ everything SW of CSAH 15	2.00
SW¼ of SE¼ everything S of CSAH 15 and W of CSAH 6	20.00
Section 29	
Government Lot 1	48.90
Government Lot 2	39.85
Government Lot 3	28.65
Government Lot 4	27.35
Section 32	
SE¼ of NW¼	40.00
Government Lot 1	27.50
Government Lot 2	34.20
Government Lot 3 all but N 20	19.98
Government Lot 4	23.82
Government Lot 5	44.65
Government Lot 6	44.95
N½ of NW¼ of SE¼	20.00
E½ of NW¼ of NW¼	20.00
Section 33	
Government Lot 1	30.00

Description	Acreage
Government Lot 2	38.25
Government Lot 3	39.10
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	40.00
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	40.00
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	40.00
T 113 N - R 36 W	
Section 4	
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	40.36
Government Lot 1	34.90
Government Lot 2	39.25
Government Lot 3	38.95
Government Lot 4	52.35
Government Lot 5	32.90
E $\frac{1}{2}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$	20.00
Section 3	
Government Lot 1	57.42
Government Lot 2	39.72
Government Lot 3	36.20
Government Lot 4	20.60
Government Lot 5	48.00
Government Lot 6	35.50
Government Lot 7	30.10
Government Lot 8	55.20
S $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$	20.00
Section 2	
W $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$	20.00
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	40.00
Government Lot 1	21.56
Government Lot 2	34.10
Government Lot 3	16.10
S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$	20.00
Section 10	
N $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$	20.00
Section 11	
N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$	20.00
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	40.00
Government Lot 1	20.55
Government Lot 2	36.50
Government Lot 3	36.95
Government Lot 4	41.75
Government Lot 5	29.15
Government Lot 6	39.52
Government Lot 7	15.20
N $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$	20.00
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	40.00
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	40.00
Section 12	
Government Lot 1	17.10
Government Lot 2	56.45
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	40.00
Section 13	
Government Lot 1	47.40
Government Lot 2	22.90

Description	Acreage
Government Lot 3	49.18
Government Lot 4	38.28
Government Lot 5	22.72
Government Lot 6	51.25
Government Lot 7	31.00
Government Lot 8	39.58
Government Lot 9	28.92
N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$	20.00
Section 14	
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	40.00
T 113 N - R 35 W	
Section 18	
Government Lot 1	39.82
Government Lot 2	24.83
Government Lot 3	53.48
Government Lot 4	21.26
Government Lot 5	31.23
Government Lot 6	45.72
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	40.00
W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$	20.00
Section 19	
Government Lot 1	58.72
Government Lot 2	36.31
Government Lot 3	39.71
Government Lot 4	41.03
Government Lot 5	9.50
Government Lot 6	29.75
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	40.00
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	40.00
Section 20	
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	40.00
Government Lot 11	21.31
Government Lot 1	31.55
Government Lot 2	26.90
Government Lot 3	38.05
Government Lot 4	26.79
Government Lot 5	36.35
Government Lot 6	23.51
Government Lot 7	24.45
Government Lot 8	35.00
Government Lot 9	23.34
Government Lot 10	10.73
S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$	20.00
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	40.00
Section 29	
Government Lot 1	11.75
Government Lot 2	12.00
	a line 300 ft. from the normal high-water mark
Government Lot 3	16.70
Government Lot 4	7.98
Section 21	
Government Lot 1	44.86
Government Lot 2	56.20

Description	Acreage
Government Lot 3	38.80
Government Lot 4	46.93
Section 28	
Government Lot 1	47.16
Government Lot 2	23.30
Government Lot 3	34.70
Government Lot 4	53.10
Government Lot 5	24.97
E½ of NE¼ of NW¼	20.00
E½ of NW¼ of SE¼	20.00
Section 27	
Government Lot 1	47.50
Government Lot 2	53.10
Government Lot 3	46.35
Government Lot 4	36.92
Government Lot 5	43.64
Government Lot 6	18.60
Government Lot 7	39.35
Government Lot 8	23.16
S½ of SE¼ of NW¼	20.00
Section 26	
Government Lot 1	6.50
Government Lot 2	33.42
Section 34	
N¼ of NE¼ of NW¼	20.00
N½ of NE¼ of NE¼	20.00
N½ of NW¼ of NE¼	20.00
Section 35	
Government Lot 1	46.33
Government Lot 2	39.43
Government Lot 3	40.35
Government Lot 4	34.31
Government Lot 5	41.19
Government Lot 6	29.10
Government Lot 7	20.25
Government Lot 8	40.17
Government Lot 9	44.46
Government Lot 10	55.65
Government Lot 11	15.89
N½ of SW¼ of SE¼	20.00
NE¼ of SE¼ of SW¼	10.00
Section 36	
Government Lot 1	3.90
Government Lot 2	31.22
Government Lot 3	49.61
Government Lot 4	32.28
Government Lot 5	28.05
Government Lot 6	20.61
Government Lot 7	54.05
Government Lot 8	42.48
Government Lot 9	41.35
Government Lot 10	22.71
SE¼ of NE¼	40.00
S½ of SE¼ of NW¼	20.00

Description	Acreage	
T 113 N - R 34 W		
Section 31		
Government Lot 1	a line 300 ft. from the normal high-water mark	7.00
Government Lot 2		51.60
Government Lot 3	a line 300 ft. from the normal high-water mark	12.00
Government Lot 4		25.10
Government Lot 5		37.15
Government Lot 6	all but N 20	18.60
T 112 N - R 35 W		
Section 1		
NE $\frac{1}{4}$ of NE $\frac{1}{4}$		40.00
T 112 N - R 34 W		
Section 6		
Government Lot 1		12.89
Government Lot 2		39.42
Government Lot 3		42.26
Section 5		
Government Lot 1		33.15
Government Lot 2		41.76
Government Lot 3		33.39
Government Lot 4		39.80
Government Lot 5		36.35
Government Lot 6		41.90
NW $\frac{1}{4}$ of NW $\frac{1}{4}$		19.20
Section 8		
Government Lot 1		4.62
Government Lot 2		35.08
Government Lot 3		33.02
Government Lot 4		1.50
NE $\frac{1}{4}$ of NW $\frac{1}{4}$		40.00
N $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$		20.00
Section 9		
Government Lot 1		31.74
Government Lot 2		50.27
Government Lot 3		55.74
Government Lot 4		19.52
Government Lot 5		26.76
Government Lot 6		57.21
Government Lot 7		46.76
E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$		20.00
Section 4		
Government Lot 1		33.30
Government Lot 2		2.81
SW $\frac{1}{4}$ of SW $\frac{1}{4}$		40.00
SW $\frac{1}{4}$ of SE $\frac{1}{4}$		40.00
NE $\frac{1}{4}$ of SW $\frac{1}{4}$		40.00
Section 10		
Government Lot 1		58.28
Government Lot 2		49.78
Government Lot 3		53.30
Government Lot 4		43.85

Description	Acreage	
Government Lot 5	32.22	
Government Lot 6	23.06	
Government Lot 7	26.50	
Government Lot 8	51.14	
Section 11		
Government Lot 1	30.80	
Government Lot 2	52.46	
Government Lot 3	52.52	
Government Lot 4	34.31	
Government Lot 5	3.28	
Government Lot 6	19.82	
Government Lot 7	22.00	
Government Lot 8	36.80	
S½ of SW¼ of NW¼	20.00	
NE¼ of SE¼	40.00	
N½ of SE¼ of SW¼	20.00	
Section 14		
Government Lot 1	12.31	
Government Lot 2	29.10	
Government Lot 3	30.28	
Section 12		
Government Lot 1	everything W of CSAH 11	7.00
TOTAL 22,290.45		

SCENIC EASEMENT DESCRIPTIONS AND ACREAGES

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

LAC QUI PARLE COUNTY

Description	Acreage	
T 118 N - R 42 W		
Section 24		
Government Lot 2	all	37.25
Government Lot 3	all	28.70
T 118 N - R 41 W		
Section 30		
* Government Lot 6	all but SW 10	24.00
Government Lot 5	all but S 20	18.75
Government Lot 4	all but S 20	29.50
* Government Lot 5	all but S 40	22.00
Section 32		
Government Lot 3	all	28.80
Government Lot 4	all but W 20	11.00
Government Lot 5	all but W 20	12.00
T 117 N - R 41 W		
Section 9		
Government Lot 2	all but W 20	15.75
* Government Lot 1	all but W 20	37.00

LAC QUI PARLE COUNTY (Cont.)

Description	Acreage
Section 16	
Government Lot 1 all	31.25
Section 15	
* Government Lot 7 all but S 20	30.00
* Government Lot 8 all but S 20	36.00
* Government Lot 2 all but S 20	32.00
Government Lot 1 all	26.40
Lac qui Parle County Total	420.40

YELLOW MEDICINE COUNTY

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

YELLOW MEDICINE COUNTY (Cont.)

Description			Acreage
Government	Lot 2	all but S 20	31.15
* Government	Lot 4	the E	20.00
Section 1			
Government	Lot 1	all	12.34
Section 12			
Government	Lot 1	all but S 20	12.60
Government	Lot 2	all	23.92
Yellow Medicine County Total			708.94

CHIPPEWA COUNTY

Description			Acreage
T 118 N - R 42 W			
Section 24			
Government	Lot 2	all	22.80
	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	all	40.00
Government	Lot 3	all	6.90
Government	Lot 4	all	36.40
Government	Lot 5	all	17.75
Section 25			
Government	Lot 1	all	1.00
T 118 N - R 41 W			
Section 19			
	W $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$		20.00
	SW $\frac{1}{4}$ of SW $\frac{1}{4}$		34.19
Section 30			
Government	Lot 1	all	14.85
Government	Lot 2	all	36.00
Government	Lot 3	all but N 20	40.00
Government	Lot 4	all	59.25
Section 29			
Government	Lot 1	all	31.25
Government	Lot 2	all	36.05
Government	Lot 3	all	37.75
Section 32			
Government	Lot 1	all	15.00
Government	Lot 2	all	43.35
	SE $\frac{1}{4}$ of NE $\frac{1}{4}$		40.00
Government	Lot 3	all	43.50
Section 32			
Government	Lot 4	all	45.75
T 117 N - R 41 W			
Section 5			
Government	Lot 1	all	41.25
Government	Lot 3	all	30.50
Government	Lot 4	all	30.60
Section 4			
	SW $\frac{1}{4}$ of SW $\frac{1}{4}$		40.00

CHIPPEWA COUNTY (Cont.)

Description	Acreege
Section 8	
Government Lot 1 all	18.20
Section 9	
Government Lot 4 all but E 20	21.05
Government Lot 5 all but E 40	18.10
Section 16	
Government Lot 1 all	12.60
Section 15	
Government Lot 1 all	34.75
Section 13	
Government Lot 3 all	33.65
T 117 N - R 40 W	
Section 30	
Government Lot 1 all	27.70
Government Lot 2 all	20.40
Government Lot 3 all	49.00
Section 29	
Government Lot 1 all but N 20	11.80
Government Lot 2 all but N 20	19.75
Section 32	
Government Lot 1 all	26.40
Government Lot 2 all	12.70
Section 27	
Government Lot 1 all but N 20	18.35
Section 34	
Government Lot 1 all but E 40	8.75
T 116 N - R 40 W	
Section 3	
Government Lot 4 all	43.05
Section 2	
Government Lot 5 all but N 20	16.75
Section 11	
Government Lot 1 all	34.70
* Government Lot 2 S W of railroad	20.00
Government Lot 3	23.00
Section 12	
* SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ S W of railroad	7.00
* Government Lot 1 S W of railroad	12.00
T 116 N - R 39 W	
Section 18	
Government Lot 4 all	14.00
W $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$	20.00
Section 19	
Government Lot 1 all but E 20	35.25
Government Lot 2 all	40.50
T 115 N - R 39 W	
Section 12	
Government Lot 2 all	46.25
Section 11	
Government Lot 1 all	35.30
Government Lot 2 all	18.75

CHIPPEWA COUNTY (Cont.)

Description		Acreage
Government Lot 3	all but S 20	33.00
Government Lot 4	all	52.50
Government Lot 5	all	30.15
Section 10		
Government Lot 1	all	9.60
Section 14		
Government Lot 4	all	37.70
Government Lot 5	all	57.75
Section 24		
Government Lot 2	all	28.25
Government Lot 3	all but N 20	26.50
Chippewa County Total		1,739.34

RENVILLE COUNTY

Description		Acreage
T 114 N - R 39 W		
Section 2		
Government Lot 4	all	31.25
Government Lot 3	all but N 20	39.20
Government Lot 2	all but N 20	36.20
Government Lot 1	all	5.00
Section 1		
Government Lot 5	all	35.00
Government Lot 6	all	52.50
Government Lot 7	all but N 20	15.50
½ of SW¼ of SE¼		20.00
½ of SE¼ of SE¼		20.00
Section 12		
Government Lot 2	all	12.00
Government Lot 1	all	11.55
T 114 N - R 37 W		
Section 7		
Government Lot 4	all	30.46
Government Lot 3	all but N 20	24.70
Government Lot 2	all but N 20	33.90
Government Lot 1	all but N 40	17.50
Section 8		
Government Lot 4	all	25.30
Government Lot 3	all but N 20	19.75
Section 9		
Government Lot 2	all	10.25
Government Lot 1	all	45.00
Section 16		
Government Lot 1	all but E 20	28.55
Government Lot 2	all but E 20	34.55
Government Lot 3	all but E 20	30.75

RENVILLE COUNTY (Cont.)

	Description		Acreege
	Section 24		
	Government Lot 6	all	18.15
	Government Lot 5	all but N 20	18.70
	Government Lot 4	all but N 20	32.75
T 114 N - R 36 W			
	Section 30		
	Government Lot 4	all	32.85
	Section 32		
	Government Lot 2	all	34.20
	Government Lot 3	all but N 20	19.98
	Government Lot 4	all	23.82
	Section 33		
	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	all	40.00
	Government Lot 1	all	30.00
	Government Lot 3	all but N 20	19.10
T 113 N - R 36 W			
	Section 4		
	Government Lot 2	all	39.25
	Government Lot 3	all but N 20	38.95
	Section 3		
	Government Lot 2	all	39.72
	Government Lot 3	all	36.20
	Government Lot 4	all	20.60
	Section 2		
	Government Lot 1	all	21.56
	Section 11		
	Government Lot 7	all	15.20
	Government Lot 6	all	39.52
	Government Lot 5	all	29.15
	Section 12		
	Government Lot 2	all but N 20	36.45
	Section 13		
	Government Lot 1	all	47.40
T 113 N - R 35 W			
	Section 19		
	Government Lot 4	all	58.72
	Section 20		
	Government Lot 1	all but N 20	31.55
	Section 28		
	Government Lot 2	all	23.30
	Section 27		
	Government Lot 2	all	53.10
	Government Lot 3	all but N 20	26.35
	Government Lot 4	all but N 40	16.92
	Section 35		
	Government Lot 1	all	46.33
	Government Lot 2	all but N 20	19.43
	Government Lot 3	all	40.35
	Government Lot 4	all but N 40	14.31
	Section 35		
	Government Lot 11	all	15.89

RENVILLE COUNTY (Cont.)

Description			Acreage
Section 36			
Government	Lot 3	all	49.61
Government	Lot 4	all	32.28
Government	Lot 5	all	28.05
T 112 N - R 34 W			
Section 6			
Government	Lot 1	all	12.89
Section 9			
Government	Lot 1	all	31.74
Renville County Total			1,713.28

REDWOOD COUNTY

Description			Acreage
T 114 N - R 37 W			
Section 7			
Government	Lot 5	all but S 20	31.16
Government	Lot 6	all but S 20	30.50
Section 23			
Government	Lot 2	all	22.64
Government	Lot 3	all	28.43
Section 24			
Government	Lot 1	all but S 20	34.06
Government	Lot 2	all	38.27
*Government	Lot 3	all but S 20	36.00
Government	Lot 4	all	46.35
T 114 N - R 36 W			
Section 19			
Government	Lot 2	all	13.60
Section 30			
	E½ of SE¼ of NE¼		19.21
Government	Lot 1	all	37.75
Government	Lot 8	all	35.60
Government	Lot 6	all	34.75
Government	Lot 5	all	38.75
Section 29			
Government	Lot 4	all	27.35
Section 32			
Government	Lot 1	all	27.50
Government	Lot 6	all but S 20	24.95
Government	Lot 5	all but S 20	24.65
Section 33			
Government	Lot 2	all	38.25
Section 4			
	NW¼ of NW¼	all	40.36
Government	Lot 1	all	34.90
Government	Lot 5	all	32.90
	E½ of SE¼ of NW¼		20.00

REDWOOD COUNTY (Cont.)

Description			Acreage
T 113 N - R 35 W			
Section 20			
Government	Lot 5	all	36.35
Section 26			
Government	Lot 1	all	6.50
T 112 N - R 34 W			
Section 5			
Government	Lot 6	all but S 20	21.90
Section 11			
* Government	Lot 6	all	52.00
Redwood County Total			834.68
GRAND TOTAL			5,416.64

FEE TITLE DESCRIPTIONS AND ACREAGES

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

Description	Acreage	Proposed Recreational Facility
-------------	---------	--------------------------------

LAC QUI PARLE COUNTY

T 117 N - R 41 W				
Section 9				
Government	Lot 3	all but W 20	12.25	Access
Section 14				
* Government	Lot 3	the N	10.00	Campsite
Government	Lot 2	the N	5.00	
Lac qui Parle Total			27.25	

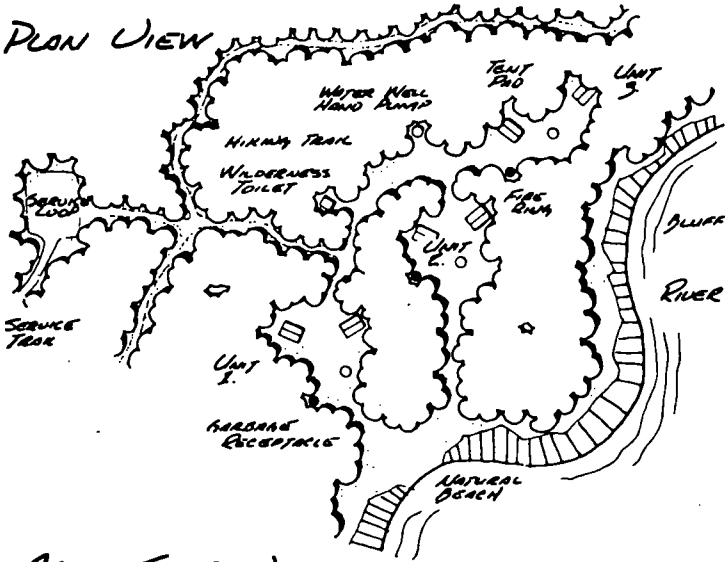
YELLOW MEDICINE COUNTY

T 116 N - R 40 W				
Section 13				
Government	Lot 3	all	24.10	Campsite & Rest Area
T 116 N - R 39 W				
Section 34		portage around Granite Falls dam	2.00	Portage
T 115 N - R 39 W				
Section 1		portage around Minnesota Falls dam	2.00	Portage
Yellow Medicine Total			28.10	

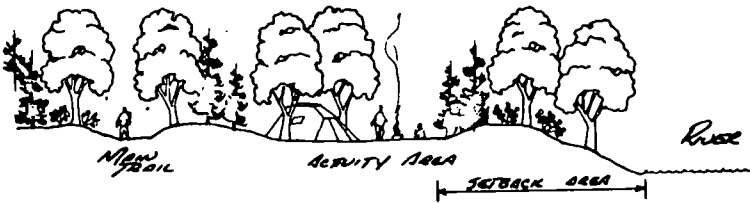
	Description	Acreage	Proposed Recreational Facility
REDWOOD COUNTY			
T 113 N - R 35 W			
	Section 28		
	Government Lot 5	24.97	Campsite & Rest Area
	Government Lot 4 all but W 20	33.10	Campsite & Rest Area
	Redwood Total	58.07	
RENVILLE COUNTY			
T 114 N - R 37 W			
	Section 24		
	Government Lots 6, portage around 5 and 4 Patterson Rapids	2.00	Portage
	Renville Total	2.00	
	TOTAL	115.42	

PRIMITIVE CAMPSITE

PLAN VIEW

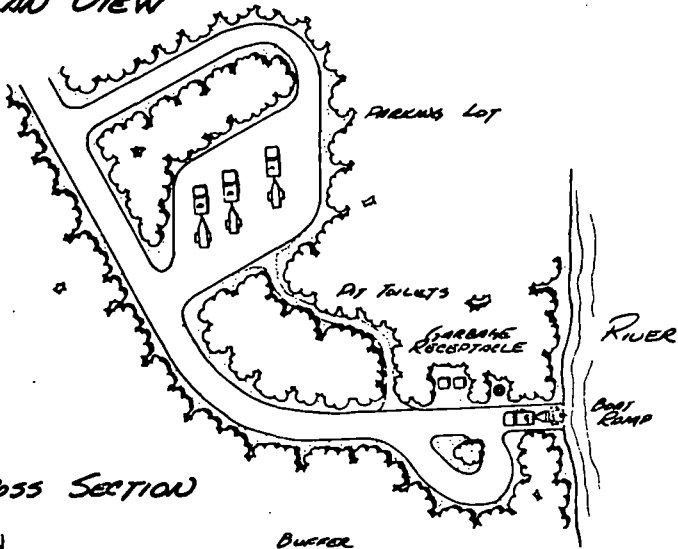


CROSS SECTION

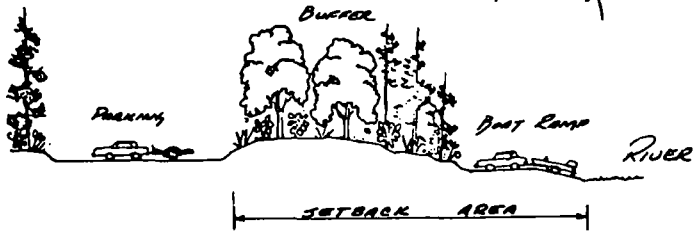


BOAT ACCESS

PLAN VIEW

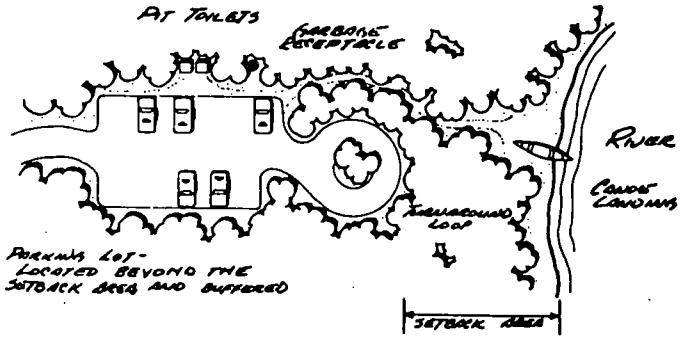


CROSS SECTION

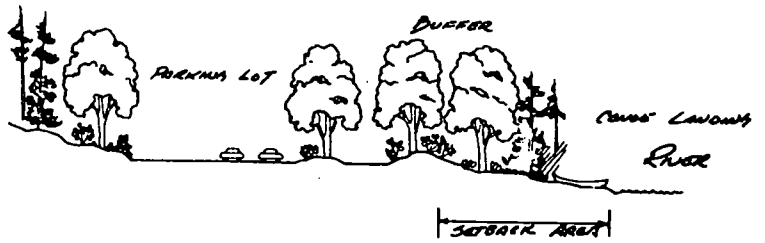


CANOE ACCESS

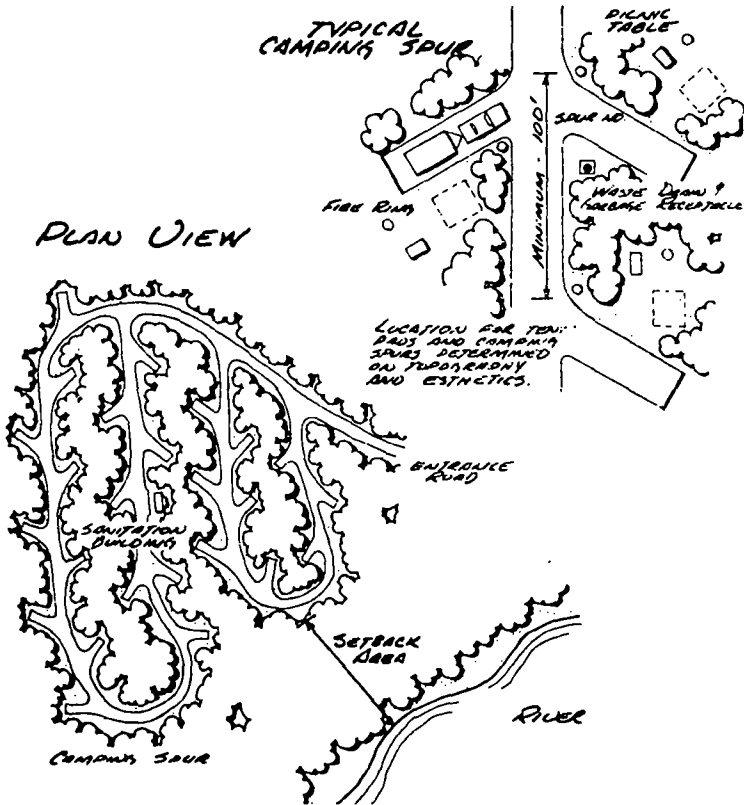
PLAN VIEW



CROSS SECTION

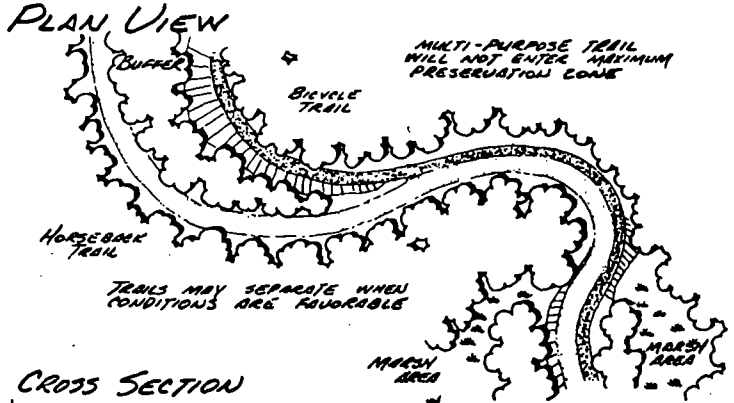


CAMPGROUND

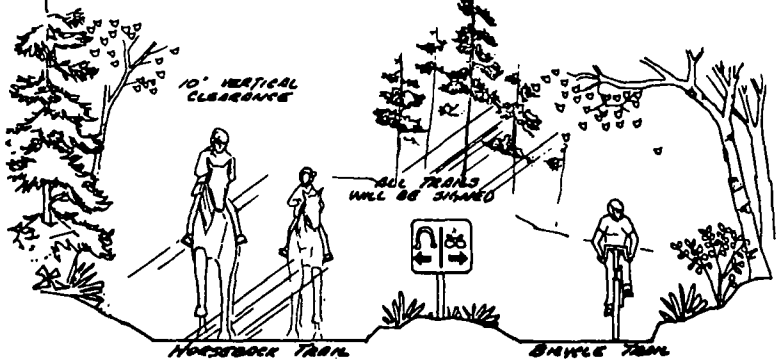


TRAIL DESIGN

PLAN VIEW



CROSS SECTION



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

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

6105.1400

Chapter Twenty-Seven: 6 MCAR §§ 1.2700-1.2720 Designation, Classification and Management of the Rum River in Mille Lacs, Sherburne, Isanti and Anoka Counties.

§ 1.2700 Designation.

A. The River. That portion of the Rum River from the Ogechie Lake spillway to a line crossing the river between the center lines of Rice Street and Madison Street in the city of Anoka is hereby designated a component of the Minnesota Wild, Scenic and Recreational Rivers System.

B. Authority. This designation is made by the commissioner of natural resources pursuant to the authority of the Minnesota Wild and Scenic Rivers Act (Minn. Stat., §§ 104.31 to 104.40).

C. Shoreland included. The designation and these rules apply to the river and the adjacent lands as provided for in the Land Use District Descriptions of these Regulations.

§ 1.2710 Classification.

A. That portion of the Rum River and adjacent lands (excluding the shoreland of Shakopee Lake), from the Ogechie Lake spillway to the river's northernmost confluence with Lake Onamia is classified Wild.

B. Those portions of the Rum River and adjacent lands from the Mille Lacs CSAH 20 bridge to the Mille Lacs CSAH 9 bridge, and from the Mille Lacs CSAH 13 bridge to the T 31 N – T 32 N line on the southern border of the Anoka County Fairgrounds in the City of Anoka, are classified Scenic.

C. Those portions of the Rum River and adjacent lands from the State Highway 27 bridge in Onamia to the Mille Lacs CSAH 20 bridge, from the Mille Lacs CSAH 9 bridge to the Mille Lacs CSAH 13 bridge, and from the T 31 N – T 32 N line on the southern border of the Anoka County Fairgrounds in the City of Anoka to a line crossing the river between the center lines of Madison Street and Rice Street are classified Recreational, in accordance with the provisions of Minn. Stat., § 104.33, subd. 2, and Minnesota Regulations NR 78 (f) (6 MCAR § 1.0078 F.).

§ 1.2720 Management.

A. Land use provisions.

1. The commissioner of natural resources hereby adopts the Wild, Scenic and Recreational land use districts as identified in the Land Use Dis-

strict Descriptions of these Regulations. The land use districts were derived in accordance with NR 78 (g) (2) (bb) (6 MCAR § 1.0078 G. 2. b.).

a. Minnesota Regulations NR 78-81 (6 MCAR §§ 1.0078-1.0081) shall apply to all lands in the Wild, Scenic and Recreational land use districts, except as specified in 6 MCAR § 1.2720 A. 4. g.

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

2. Minnesota Regulations NR 79 (c) (3) (bb) (iii), NR 79 (d) (2) and NR 79 (g) (1) (6 MCAR §§ 1.0079 C. 3. b. (3), 1.0079 D. 2. and 1.0079 G. 1.) specify regulations concerning designated tributaries. Designated tributaries along the Rum River shall be:

- | | |
|--------------------------------|----------------------------|
| a. Bradbury Brook | g. Green Lake Brook |
| b. Tibbets Brook | h. Stanchfield Creek |
| c. Vandell Brook | i. Lower Stanchfield Brook |
| d. Bogus Brook | j. Isanti Brook |
| e. West Branch of
Rum River | k. Seelye Brook |
| f. Spencer Brook | l. Cedar Creek |
| | m. Trott Brook |

3. The grading and filling provision (Minnesota Regulations NR 79 (h)) (6 MCAR § 1.0079 H.) shall be enforced by local ordinance which shall require a grading and filling permit.

4. Certain provisions of Minnesota Regulations NR 78-81 (6 MCAR §§ 1.0078-1.0081) are modified for purposes of the management plan, as follows:

a. Because of the erosive nature of soils along much of the Rum River, Minnesota Regulations NR 79 (c) (3) (cc) (i) (6 MCAR § 1.0079 C. 3. c. (1)) is modified to read: Structures shall not be located on slopes greater than 12 percent, unless such structures are screened from the river view with natural vegetation where practicable, the Sanitary Provisions of this plan are complied with, and the building permit applicant can prove to the local zoning authority that any potential erosion or sedimentation problems related to locating a structure either do not exist or that adequate measures will be taken to prevent any of these problems through special construction methods.

b. Because of land forms and high groundwater levels encountered on lands adjacent to much of the Rum River and to help further the enforcement of Minnesota Department of Health and Minnesota Pollution Control

Agency (PCA) standards relating to on-site sewage disposal systems, Minnesota Regulations NR 79 (d) and NR 83 (d) (6 MCAR §§ 1.0079 D. and 1.0083 D.) (Sanitary Provisions) are modified by adding a new subdivision reading: (3) Local units of government shall require that both percolation-rate tests and soils boring tests be done on any proposed sites prior to approval of an on-site sewage disposal system installation permit. When new on-site sewage disposal system standards are officially adopted by the PCA, those standards shall take precedence over those of this program.

c. Because of land forms and high groundwater levels found along the Rum River and to further the enforcement of the Sanitary Provisions and the Subdivision Regulations, Minnesota Regulations NR 79 (f) and NR 83 (e) (6 MCAR §§ 1.0079 F. and 1.0083 E.) (Subdivision Regulations) are modified by adding the following sentence to subdivision (1) of these regulations: No plat or subdivision within the land use district shall be approved by a local unit of government until the applicant for the plat or subdivision has proven to the local zoning authority, through the methods described in 6 MCAR § 1.2720 A. 4. b. as modified in this plan that every newly platted lot found within the land use district has adequate area and a suitable location for the installation of a conforming septic tank and soil absorption system.

d. Because of the large number of existing plats along some sections of the Rum River, Minnesota Regulations NR 79 (c) (1) (bb) (6 MCAR § 1.0079 C. 1. b.) is clarified by replacing the final phrase, "or to the greatest extent practicable," with this clause: "except that such lots which meet or exceed 60 percent or more of the lot width standards of these regulations may be considered as a separate parcel of land for the purpose of sale or development, if on-site sewage disposal systems can be installed so as to comply with these regulations. This provision shall also apply in urban areas.

e. Because Minnesota Regulations NR 79 (6 MCAR § 1.0079) provides neither the necessary flexibility nor the control over the great recreational development potential of the Rum River, the table of land use district uses in Minnesota Regulations NR 79 (b) (2) is modified so that the uses specified in (aa), (bb), (cc), (dd), (ff) and (gg) (6 MCAR § 1.0079 B. 2. a., b., c., d., f., and g.) are amended by adding to their descriptions the following phrase: "and approval by the commissioner of natural resources." This provision shall also apply in urban areas but shall not apply to the areas and facilities noted in 6 MCAR § 1.2720 C. 4.

f. Because agricultural uses are permitted in the land use district area and because of the pre-existence of agricultural buildings along most of the Rum River's adjacent lands, the maximum building height restriction contained in Minnesota Regulations NR 79 (c) (3) (dd) (6 MCAR § 1.0079 C. 3.d.) shall not apply to buildings used primarily for agriculture purposes.

g. Because some areas along the Rum River have been considerably developed, have or soon will have public sewer and water available, and because the Wild and Scenic Rivers Act states that management plans shall be prepared "with no unreasonable restrictions upon compatible, pre-existing,

economic uses of particular tracts of land . . .", the following areas are exempted from the provisions of 6 MCAR § 1.2720 A. 1. a: Within the boundaries of the municipalities, at the time of designation, of Onamia, Milaca, Princeton, Cambridge, Isanti, Anoka, St. Francis (that portion located in the S½ of Section 29, T34N-R24W, west of river only; Section 32, T34N-R24W; and the N½ of Section 5, T33N-R24W) and Ramsey (that portion located in the S½ of Section 19, T32N-R24W; and Sections 25, 36, plus the S½ of Section 24, T32N-R23W). These areas shall be considered urban areas and the following regulations shall apply within the Wild, Scenic or Recreational land use districts of these areas, regardless of the classification of the river, as follows: Minnesota Regulations NR 78; NR 79 (b) (2) (aa), (bb), (cc), (dd), (ff) and (gg) (6 MCAR §§ 1.0078; 1.0079 B.2.a., b., c., d., f. and g.); NR 79 (g) (6 MCAR § 1.0079 G.) (within the building setback areas required in urban areas); NR 79 (h) (1), (2), (3) and (5) (6 MCAR § 1.0079 H. 1., 2., 3. and 5.); NR 79 (j) (6 MCAR § 1.0079 J.); NR 80; NR 81 (6 MCAR §§ 1.0080; 1.0081); NR 82 (d) (6 MCAR § 1.0082 D.) (where certain terms are not defined in NR 78); NR 83 (a) and (b) (6 MCAR § 1.0083 A. and B.); NR 83 (c) (1) and (2) (6 MCAR § 1.0083 C. 1. and 2.) (For Recreational Development Waters); NR 83 (c) (3) (cc) (6 MCAR § 1.0083 C. 3. c.); NR 83 (c) (4) (6 MCAR § 1.0083 C. 4.); NR 83 (d) (6 MCAR § 1.0083 D.) (For Recreational Development Waters); NR 83 (e) (1) and (4) (6 MCAR § 1.0083 E. 1. and 4.); and NR 84 (a) (1) and (3) (6 MCAR § 1.0084 A. 1. and 3.).

5. The proposed bridges across the Rum River located at about Section 25, T 32 N-R 25 W and at about Sections 13 and 24, T 32 N-R 25 W (Also referred to as the Anoka County Road #20 and #57 bridge proposals) and the three (3) proposed bridge crossings for U.S. Highway #169 in Mille Lacs County shall be considered pre-existing uses of riverside lands, because they have been included in existing long-range thoroughfare plans for the area or Environmental Impact Statements have been finalized. However, any development of these bridges shall comply with the construction and permit requirements of Minnesota Regulations NR 79 (j) (6 MCAR § 1.0079 J.). In addition, reconstruction, replacement or upgrading of existing bridge crossings shall be considered in compliance with the policy of the Management Plan when the procedures of Minnesota Regulations NR 79 (j) (6 MCAR § 1.0079 J.) are followed.

6. Replacement of substandard structures may be allowed, limited or prohibited by the local ordinance.

B. Land acquisition.

1. The commissioner of natural resources hereby adopts the fee title and scenic easement lands, as identified in the Fee Title Descriptions and Scenic Easement Descriptions, as priority areas for these types of acquisition.

a. Fee title acquisition is recommended in those areas where recreational sites are needed, and to consolidate existing blocks of public ownership, as identified in the Fee Title Descriptions.

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

c. Because acquisition of lands or interests in land is from willing sellers at market value, some lands recommended for scenic easement acquisition may be purchased in fee title and some lands recommended for fee title acquisition may be purchased as scenic easements. These changes from the recommended acquisition can be done only with the mutual agreement by and between the state of Minnesota and the landowner(s). Furthermore, additional land or interests in land other than those recommended may be purchased within the land use districts to further the policies established in Minn. Stat., § 104.32 and the management plan.

d. Other forms of acquisition such as use easements or leases, may be substituted for the recommended acquisition or used to acquire interests in other lands within the land use districts, when such purchases further the policies of this plan and Minn. Stat., § 104.32.

2. Land or interests in land recommended to be acquired in the plan will be acquired from willing sellers when funds are available for such purposes as provided for in Minn. Stat., § 104.37.

3. Whenever feasible, land will be exchanged in a manner prescribed by state law to acquire land in the land use districts. Land will not be exchanged, however, if such exchanges would adversely affect this or other Department of Natural Resources (DNR) management programs.

4. All islands acquired by or transferred to the DNR shall be managed in a manner consistent with policy established in the Minnesota Wild and Scenic Rivers Act and this management plan.

C. Recreation management.

1. As provided for in this management plan, the recreation management policy is to provide for the orderly use of public lands and waters within the Wild, Scenic and Recreational river land use districts. The development of selected land- and river-oriented recreational facilities and the maintenance of these will help "protect the rights of private landowners, ensure quietude, prohibit trespassing, and maintain the essential quality of Wild and Scenic river land use districts," as provided for in Minnesota Regulations NR 80 (a) (1) (6 MCAR § 1.0080 A. 1.). A specific recreation management policy shall be the enforcement of the Statutes and regulations pertaining to littering (Minn. Stat., § 609.68 and Minnesota Regulations NR 80 (b) (1)) (6 MCAR § 1.0080 B. 1.) and the promotion and advertising of a "carry-in, carry-out" philosophy, that is, for river users to take their trash home with them.

2. The recreational use of the Rum Wild, Scenic and Recreational river and adjacent state lands will be regulated when and where considered neces-

sary by the commissioner to insure that the use does not adversely affect the values which qualified the river for designation.

3. As provided for in Minnesota Regulations NR 79 (b) (2) (6 MCAR § 1.0079 B. 2.) and the management plan, the development of public or private recreational facilities within the Wild, Scenic and Recreational river land use districts shall conform to the design specification guidelines shown in 1 S.R. 365 and 366 and the management plan.

4. Priority areas for recreational development include:

a. Certain privately owned lands, which may be acquired by the DNR from willing sellers. The proposed lands and proposed uses of these lands are shown in the Fee Title descriptions. The exact locations of these sites may vary, depending on the availability of willing sellers, however, the total numbers of priority sites shall remain constant.

b. Certain publicly owned lands should be developed for certain recreational uses as follows:

Location of Site	Recommended Facilities	Governmental Unit Involved
T 41N-R 26 W, Sec. 6	Portage, Access, Rest Area	Dept. of Transportation
T 40N-R 27 W, Sec. 26	Rest Areas, Access, Campsite, Other Open Space Recreational Uses	DNR, DOT or Mille Lacs County
T 38N-R 27 W, Sec. 26	Access, Portage, Other Open Space Recreational Uses	City of Milaca
T 36N-R 23 W, Sec. 32	Campsite, Other Open Space Recreational Uses	City of Cambridge
T 34N-R 24 W, Sec. 32	Access, Campground, Campsite, Portage, Rest Area and Other Open Space Recreational Uses	Anoka County
T 33N-R 24 W, Sec. 19	Rest Area, Access	Anoka County
T 33N-R 24 W, Sec. 31 & T 32N-R 24 W, Sec. 6	Campground, Campsite, Access, Rest Area and other Open Space Recreational Uses	Anoka County

5. The Division of Parks and Recreation shall allocate funds for mainte-

nance of DNR recreational facilities within the Rum River land use districts from the department's river development and maintenance account.

6. The DNR's Enforcement Division shall discuss with the local units of government the delineation of responsibilities for the enforcement of Wild, Scenic and Recreational river user regulations (Minnesota Regulations NR 80) (6 MCAR § 1.0080). The Division of Enforcement shall also take appropriate action, within the limits of available funding and personnel, to insure expeditious enforcement of wild, scenic and recreational river user regulations.

7. Snowmobile use on lands in the Wild, Scenic and Recreational land use district shall be allowed:

a. On private lands, only with the permission of the appropriate landowner.

b. On public trails specifically designated for snowmobile use.

8. The Division of Parks and Recreation of the DNR shall arrange for a recreational use study of the Rum River, when funds are appropriated for such a purpose.

9. Any recreational development proposed in Mille Lacs Kathio State Park shall not be subject to the provisions of 6 MCAR § 1.2720, A. 4. e. or C. 4. but shall comply with the terms of any plan approved in accordance with the Outdoor Recreation Act.

D. Administration.

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

a. Establish the Wild, Scenic and Recreational river land use districts in Mille Lacs County according to 6 MCAR § 1.2710, to include the lands identified in the Land Use District Descriptions.

b. Conform to the provisions of Minnesota Regulations NR 78-81 (6 MCAR §§ 1.0078-1.0081) and this management plan, as applicable.

2. Sherburne and Isanti counties shall enact or amend such ordinances and maps as necessary to:

a. Establish the Scenic river land use district in Sherburne and Isanti counties identified in the Land Use District Descriptions.

b. Conform to the provisions of Minnesota Regulations NR 78-81 (6 MCAR §§ 1.0078-1.0081) and this management plan, as applicable.

3. Anoka County shall enact or amend such ordinances and maps as necessary to:

a. Establish the Scenic and Recreational river land use districts in Anoka County according to 6 MCAR § 1.2710, to include lands identified in the Land Use District Descriptions.

b. Conform to the provisions of Minnesota Regulations NR 78-81 (6 MCAR §§ 1.0078-1.0081) and this management plan, as applicable.

4. The municipalities which are listed in 6 MCAR § 1.2720 A. 4. g. as urban areas shall enact or amend such ordinances and maps as necessary to establish the land use district as identified in the Land Use District Descriptions and conform to the provisions required in 6 MCAR § 1.2720 A. 4. g.

5. The municipalities of St. Francis (all, except the S½ of Section 29, T 34 N-R 24 W, west of river only; Section 32, T 34 N-R 24 W; and the N½ of Section 5, T 33 N-R 24 W), Ramsey (all, except the S½ of Section 19, T 32 N-R 24 W; and Sections 25, 36 and the S½ of Section 24, T 32 N-R 23 W) and Andover shall enact or amend such ordinances and maps as necessary to:

a. Establish the Scenic river land use district in each municipality according to 6 MCAR § 1.2710, to include lands identified in the Land Use District Descriptions for each.

b. Conform to the provisions of Minnesota Regulations NR 78-81 (6 MCAR §§ 1.0078-1.0081), and this management plan.

6. Any of the involved counties or cities may retain or adopt regulations which are more restrictive than those required by this plan.

7. The DNR shall assist local units of government in implementing Minnesota Regulations NR 82-84, NR 78-81 (6 MCAR §§ 1.0078-1.0084) and this management plan, in accordance with the provisions of Minn. Stat., § 104.36.

8. The DNR shall delineate the land use district boundaries on the appropriate zoning maps for the affected local units of government.

**LAND USE DISTRICT DESCRIPTIONS
STARTING FROM MILE 145.7 AT OGECHIE LAKE SPILLWAY
MILLE LACS COUNTY**

Description	Acreage
T 42 N - R 27 W	
Section 8	
Government Lot 4	Within 300 ft. of the normal high-water mark only
	16.52
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	SW of road only
	16.00
Section 17	
NE $\frac{1}{4}$	160.00
Section 16	
S $\frac{1}{2}$ of N $\frac{1}{2}$ of NW $\frac{1}{4}$	40.00
S $\frac{1}{2}$ of NW $\frac{1}{4}$	80.00
N $\frac{1}{2}$ of N $\frac{1}{2}$ of SW $\frac{1}{4}$	40.00
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	40.00
S $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$	20.00
N $\frac{1}{2}$ of SE $\frac{1}{4}$	80.00
N $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$	20.00
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	40.00
Section 15	
W $\frac{1}{2}$ of SW $\frac{1}{4}$	80.00
Government Lot 3	Within 300 ft. of river only on S side of river
	24.60
Government Lot 2	Within 300 ft. of normal high-water mark only
	26.24
Section 22	
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	40.00
Government Lot 4	Within 300 ft. of normal high-water mark
	12.00
Section 23	
Government Lot 1	Within 300 ft. of normal high-water mark only
	6.90
Section 24	
Government Lot 2	Within 300 ft. of normal high-water mark only
	14.00
Government Lot 3	Within 300 ft. of normal high-water mark only
	8.00
Government Lot 1	22.40
Government Lot 4	41.60
S $\frac{1}{2}$ of NE $\frac{1}{4}$	80.00
SE $\frac{1}{4}$	160.00
T 42 N - R 26 W	
Section 19	
Government Lot 3	60.66
Government Lot 4	59.90

Description	Acres
Section 30	
Government Lot 1	51.10
Government Lot 2	5.00
	Within 300 ft. of normal high-water mark only
T 41 N - R 26 W	
Section 6	
NW¼	36.36
N½ of NE¼	7.00
S½ of NE¼	76.00
NE¼ of SE¼	40.00
Section 5	
W½ of SW¼	80.00
Section 8	
W½ of NE¼	80.00
W½ of E½ of SW¼	40.00
W½ of SW¼	80.00
Section 7	
E½ of SE¼ of NE¼	20.00
NE¼ of SE¼	40.00
S½ of SE¼	80.00
Section 18	
NE¼	160.00
SE¼	160.00
Section 19	
NE¼	160.00
E½ of SE¼	80.00
Section 20	
W½ of SW¼	80.00
Section 30	
NE¼ of NE¼	40.00
Section 29	
NW¼ of NW¼	40.00
S½ of NW¼	80.00
SW¼	160.00
Section 32	
N½ of NW¼	80.00
E½ of SW¼ of NW¼	20.00
SE¼ of NW¼	40.00
NE¼	160.00
Section 33	
SW¼ of NW¼	40.00
NW¼ of SW¼	40.00
W½ of NE¼ of SW¼	20.00
S½ of SW¼	80.00

Description	Acreege
T 40 N - R 26 W	
Section 6	
Government Lot 2 (W½)	24.90
Section 7	
NE¼ of NW¼	40.00
W½ of NW¼	39.00
W½ of SE¼ of NW¼	20.00
T 40 N - R 27 W	
Section 12	
S½ of NE¼ of NE¼	20.00
S½ of NE¼	80.00
N½ of NE¼ of SE¼	20.00
NW¼ of SE¼	40.00
SE¼ of NW¼	40.00
S½ of SW¼ of NW¼	20.00
SW¼	160.00
Section 13	
NW¼	160.00
SW¼	160.00
Section 24	
NW¼	160.00
SW¼	160.00
Section 25	
NW¼	160.00
N½ of SW¼	80.00
N½ of SW¼ of SW¼	20.00
Section 26	
SE¼	160.00
SE¼ of SW¼	40.00
Section 35	
W½ of SE¼	80.00
E½ of SW¼	80.00
W½ of NE¼	80.00
E½ of NW¼	80.00
T 39 N - R 27 W	
Section 2	
NW½ of SW¼	40.00
S½ of NW¼	80.00
N½ of NW¼	57.39
SW¼ of NE¼	40.00
NW¼ of NE¼	27.85
Section 3	
SE¼	160.00
S½ of NE¼	80.00
NE¼ of NE¼	29.10
Section 10	
E½	320.00

Description	Acreage
Section 11	
W½ of SW¼ of SW¼	20.00
Section 15	
E½	320.00
Section 14	
W½ of NW¼ of NW¼	20.00
W½ of SW¼ of NW¼	20.00
Section 22	
E½	320.00
Section 27	
E½ of NE¼	80.00
Section 26	
SW¼	160.00
SW¼ of SE¼	40.00
SE¼ of NW¼	40.00
W½ of NW¼	80.00
Section 35	
NE¼	160.00
NE¼ of NW¼	40.00
E½ of SE¼ of NW¼	20.00
SE¼	160.00
NE¼ of NE¼ of SW¼	10.00
S½ of NE¼ of SW¼	20.00
SE¼ of SW¼	40.00
T 38 N - R 27 W	
Section 2	
E½ of SE¼	80.00
SE¼ of NW¼	40.00
S½ of NE¼	80.00
NE¼ of NW¼	41.98
NW¼ of NE¼	41.68
NE¼ of NE¼	41.37
Section 1	
SW¼ of NW¼	40.00
W½ of SW¼	80.00
Section 11	
SE¼	160.00
S½ of NE¼	80.00
NE¼ of NE¼	40.00
Section 12	
W½ of NW¼	80.00
NW¼ of NW¼ of SW¼	10.00
Section 13	
SW¼ of SW¼	40.00
Section 14	
NW¼ of NE¼	40.00
W½ of NE¼ of NE¼	20.00

Description	Acreege
SW¼ of NE¼	40.00
NW¼ of SE¼	40.00
SW¼ of SE¼	40.00
SE¼ of SE¼	40.00
NE¼ of SW¼	40.00
E½ of NW¼	80.00
Section 24	
W½ of NW¼	80.00
NW¼ of SW¼	40.00
Section 23	
E½ of NE¼	80.00
E½ of SW¼ of NE¼	20.00
E½ of SE¼	80.00
E½ of W½ of SE¼	40.00
Section 25	
W½	Within 300 ft. of Rum River only 8.00
Section 26	
E½	Within 300 ft. of Rum River only 84.85
Section 35	
NE¼ of NE¼	Within 300 ft. of Rum River only 20.00
Section 36	
N½	Within 300 ft. of Rum River only 57.17
E½ of NE¼ of SW¼	20.00
N½ of SE¼	80.00
SE¼ of SE¼	40.00
SW¼ of SE¼	E of U.S. Hwy 169 only 32.00
T 37 N - R 27 W	
Section 1	
NE¼ of NE¼	35.53
SE¼ of NE¼	40.00
NW¼ of NE¼	E of U.S. Hwy 169 only 12.00
T 37 N - R 26 W	
Section 5	
W½ of NE¼ of SW¼	20.00
SE¼ of SW¼	40.00
NW¼ of SW¼	40.00
SW¼ of SW¼	40.00
SW¼ of NW¼	40.00
Section 6	
NE¼ of NE¼	37.96
NW¼ of NE¼	37.36
S½ of NE¼	80.00
E½ of SE¼	80.00
W½ of NW¼	54.48
NE¼ of NW¼	36.76
SE¼ of NW¼	40.00

Description	Acreage
N½ of NW¼ of SW¼	15.92
N½ of NE¼ of SW¼	20.00
N½ of NW¼ of SE¼	20.00
Section 7	
E½ of NE¼	80.00
E½ of SE¼	80.00
Section 8	
W½ of NW¼	80.00
S½ of SE¼ of NW¼	20.00
SW¼	160.00
S½ of S½ of NE¼	40.00
SE¼	160.00
Section 9	
S½ of SW¼ of NW¼	20.00
W½ of SW¼	80.00
SE¼ of SW¼	40.00
Section 15	
S½ of NE¼ of SW¼	20.00
SW¼ of SW¼	40.00
Section 16	
NW¼ of NE¼	40.00
NW¼ of SE¼ of NE¼	10.00
S½ of SE¼ of NE¼	20.00
SW¼ of NE¼	40.00
SE¼	160.00
NE¼ of NW¼ of NW¼	10.00
E½ of NW¼	80.00
Section 22	
S½ of SW¼ of NE¼	20.00
W½ of SE¼	80.00
SW¼ of NE¼ of SE¼	10.00
W½ of SE¼ of SE¼	20.00
SW¼	160.00
W½ of NW¼	80.00
SE¼ of NW¼	40.00
Section 21	
N½ of NE¼	80.00
SE¼ of NE¼	40.00
NE¼ of SE¼	40.00
Section 26	
NW¼ of NW¼	40.00
NW¼ of SW¼	NW of road
SW¼ of NW¼	NW of road
Section 27	
NE¼	160.00
SE¼	160.00
Section 34	
NE¼	160.00

Description	Acreage	
SE $\frac{1}{4}$	160.00	
E $\frac{1}{2}$ of NW $\frac{1}{4}$	80.00	
T 36 N - R 26 W		
Section 3		
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	45.93	
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	45.68	
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	40.00	
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	45.43	
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	40.00	
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	40.00	
SW $\frac{1}{4}$	160.00	
Section 4		
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	SE of road	3.00
Section 10		
W $\frac{1}{2}$ of NW $\frac{1}{4}$	80.00	
W $\frac{1}{2}$ of SW $\frac{1}{4}$	80.00	
Section 9		
E $\frac{1}{2}$ of NE $\frac{1}{4}$	80.00	
E $\frac{1}{2}$ of SE $\frac{1}{4}$	80.00	
Section 15		
W $\frac{1}{2}$ of NW $\frac{1}{4}$	80.00	
W $\frac{1}{2}$ of SW $\frac{1}{4}$	80.00	
Section 16		
S $\frac{1}{2}$ of NE $\frac{1}{4}$	80.00	
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	40.00	
E $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$	20.00	
N $\frac{1}{2}$ of SE $\frac{1}{4}$	80.00	
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	40.00	
E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$	20.00	
Section 22		
S $\frac{1}{2}$ of NW $\frac{1}{4}$	80.00	
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	40.00	
SW $\frac{1}{4}$	160.00	
Section 21		
E $\frac{1}{2}$ of NE $\frac{1}{4}$	80.00	
Section 27		
W $\frac{1}{2}$ of NW $\frac{1}{4}$	80.00	
W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$	20.00	
W $\frac{1}{2}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$	W of road	19.00
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	W of road	6.00
W $\frac{1}{2}$ of SW $\frac{1}{4}$	NW of road	40.00
Section 28		
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	40.00	
E $\frac{1}{2}$ of SE $\frac{1}{4}$	80.00	
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	S and E of streets nearest River	8.00
W $\frac{1}{2}$ of SE $\frac{1}{4}$	E of 5th avenue only	20.00

Description	Acreage	
Section 33		
E½ of NE¼	80.00	
NW¼ of NE¼	E of streets nearest river	10.00
SW¼ of NE¼	E of 5th avenue only	6.00
E½ of E½ of SE¼		40.00
Section 34		
SW¼ of NW¼ of NW¼	10.00	
SW¼ of NW¼	40.00	
SW¼ of SE¼ of NW¼	10.00	
W½ of NE¼ of SW¼	20.00	
W½ of SW¼	80.00	
SE¼ of SW¼	40.00	
W½ of SW¼ of SE¼	20.00	
Mille Lacs County Total		
	14,920.62	

SHERBURNE COUNTY

Description	Acreage
T 35 N - R 26 W	
Section 4	
E½ of NE¼ of NE¼	19.18
Section 3	
W½ of NW¼ of NE¼	19.34
SW¼ of NE¼	40.00
S½ of NW¼	80.00
NW¼ of NW¼	39.67
NE¼ of NW¼	39.17
E½ of SE¼ of SW¼	20.00
NE¼ of SW¼	40.00
SE¼	160.00
Section 10	
NE¼ of NE¼	40.00
Section 2	
S½ of SE¼	80.00
S½ of NW¼ of SW¼	20.00
S½ of SW¼	80.00
Section 11	
NW¼	160.00
N½ of NE¼	80.00
N½ of SW¼ of NE¼	20.00
Section 12	
N½ of NW¼	80.00
N½ of NE¼	80.00
SE¼ of NE¼	40.00
N½ of SE¼ of NE¼	20.00

Description	Acreage
Section 1	
S½ of SW¼	80.00
S½ of NW¼ of SW¼	20.00
SW¼ of NE¼ of SW¼	10.00
S½ of SW¼ of SE¼	20.00
SE¼ of SE¼	40.00
SE¼ of NE¼ of SE¼	10.00
Sherburne County Total	1,337.36

ISANTI COUNTY

Description	Acreage
T 35 N - R 25 W	
Section 6	
W½ of SW¼	46.93
SE¼	160.00
E½ of SW¼	80.00
Section 7	
W½ of NW¼	48.04
NE¼ of NW¼	40.00
NE¼ of NE¼	40.00
SE¼ of NE¼	40.00
Section 5	
NW¼ of SW¼	40.00
SW¼ of SW¼	40.00
SE¼ of SW¼	40.00
SW¼ of SE¼	40.00
Section 8	
N½	320.00
Section 9	
NW¼	S of road only 156.00
NW¼ of SW¼	40.00
E½ of SW¼	80.00
SW¼ of NE¼	40.00
S½ of SE¼ of NE¼	20.00
SE¼	160.00
Section 16	
N½ of NE¼ of NE¼	N of Hwy 5 only 10.00
Section 10	
SW¼	160.00
S½ of SE¼	80.00
S½ of NE¼ of SE¼	20.00
Section 15	
N½ of NW¼	N of Hwy 5 only 70.00
NW¼ of NE¼	40.00
NE¼ of NE¼	40.00

Description	Acreege
Section 14	
NW¼ of NW¼	40.00
Section 11	
NW¼	160.00
SW¼	160.00
NE¼	160.00
N½ of SE¼	80.00
SW¼ of SE¼	40.00
Section 12	
NW¼	160.00
N½ of SW¼ of NE¼	20.00
NW¼ of NE¼	40.00
NW¼ of SW¼	40.00
Section 1	
SW¼	160.00
W½ of SW¼	80.00
S½ of NW¼	80.00
S½ of NE¼	80.00
NW¼ of NW¼	43.49
NE¼ of NW¼	43.46
NW¼ of NE¼	43.21
NE¼ of NE¼	43.11
T 36 N - R 25 W	
Section 36	
SE¼	S of Hwy 39 and E of Hwy 47 only 42.00
T 36 N - R 24 W	
Section 31	
NW¼ of NW¼	38.20
Government Lot 4	53.45
Government Lot 2	25.88
Government Lot 3	40.82
Government Lot 6	48.21
Government Lot 7	41.19
Government Lot 8	34.78
Government Lot 1	36.24
Government Lot 5	39.06
Government Lot 9	51.68
SE¼ of SW¼	40.00
NW¼ of SE¼	NW of road only 4.00
Section 30	
SE¼ of SE¼	40.00
Section 32	
NE¼ of NE¼	40.00
NW¼ of NE¼	40.00
Government Lot 2	39.42
Government Lot 1	39.73

Description	Acreage
Section 29	
Government Lot 1	41.16
Government Lot 2	23.66
Government Lot 6	40.02
Government Lot 7	33.05
Government Lot 3	26.31
Government Lot 4	18.43
Government Lot 5	18.29
Section 28	
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	40.00
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	40.00
Government Lot 1	13.31
Government Lot 2	50.11
Government Lot 3	51.46
Government Lot 4	29.77
Government Lot 5	31.25
Government Lot 6	25.57
Government Lot 7	21.95
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	40.00
S $\frac{1}{2}$ of S $\frac{1}{2}$ of NW $\frac{1}{4}$	40.00
Section 33	
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	40.00
Section 27	
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	40.00
Government Lot 1	53.11
Government Lot 2	19.06
Government Lot 3	43.46
Government Lot 4	24.85
Government Lot 5	21.81
Government Lot 6	21.52
Government Lot 7	39.84
Government Lot 8	36.15
N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$	20.00
SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$	10.00
N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$	20.00
Government Lot 9	.35
Section 22	
S $\frac{1}{2}$ of NE $\frac{1}{4}$	80.00
Government Lot 1	56.65
Government Lot 2	45.90
Government Lot 3	.78
Government Lot 4	47.19
Section 23	
Government Lot 1	23.86
Government Lot 2	38.13
Government Lot 3	41.47
Government Lot 4	29.71
Government Lot 5	39.28

Description	Acreege
Government Lot 6	55.33
Government Lot 7	54.49
Government Lot 8	34.80
SW¼ of SW¼	40.00
NW¼ of NW¼	40.00
SE¼ of NE¼	40.00
Section 26	
NW¼ of NW¼	40.00
Section 14	
S½ of NE¼	80.00
SE¼ of NE¼	80.00
Government Lot 1	56.17
Government Lot 2	49.06
Government Lot 3	44.70
Section 13	
SW¼ of NW¼	40.00
Government Lot 1	26.64
Government Lot 2	39.78
Government Lot 3	31.55
Government Lot 4	52.41
Section 24	
E½ of NW¼ of NW¼	20.00
SE¼ of NW¼	40.00
Government Lot 1	37.36
Government Lot 2	23.44
Government Lot 3	51.86
Government Lot 4	45.18
Government Lot 5	32.53
T 36 N - R 23 W	
Section 19	
Government Lot 1	10.63
Government Lot 2	22.64
NE¼ of NW¼	40.00
Section 18	
Government Lot 1	32.85
Government Lot 2	36.36
Government Lot 3	37.18
Government Lot 4	.42
Government Lot 5	38.20
Government Lot 6	39.83
Government Lot 7	40.56
Government Lot 8	36.66
Government Lot 9	32.67
Government Lot 10	29.68
Government Lot 11	32.52
SW¼ of SE¼	40.00
SW¼ of NE¼	40.00

Description	Acreeage
NW¼ of NE¼	40.00
SE¼ of NE¼	40.00
NW¼ of SW¼	40.30
SW¼ of NW¼	40.50
Government Lot 12	3.82
Section 7	
Government Lot 1	39.11
Government Lot 2	20.26
Government Lot 3	21.22
Government Lot 4	37.63
Government Lot 5	28.51
Section 8	
S½ of SE¼ of NW¼	20.00
S½ of SW¼ of NE¼	20.00
Government Lot 1	32.58
Government Lot 2	53.76
Government Lot 3	41.37
Government Lot 4	38.85
Government Lot 5	47.51
Section 17	
Government Lot 1	41.08
Government Lot 2	36.77
Government Lot 3	57.49
Government Lot 4	27.04
Government Lot 5	25.00
Government Lot 6	6.35
Government Lot 7	52.54
Government Lot 8	26.73
Government Lot 9	23.90
Government Lot 10	9.42
SW¼ of NE¼	40.00
NW¼ of SE¼	40.00
SW¼ of SE¼	40.00
Section 20	
Government Lot 1	2.83
Government Lot 2	30.15
Government Lot 3	38.31
Government Lot 4	54.90
Government Lot 5	16.81
Government Lot 6	13.38
Government Lot 7	37.50
Government Lot 8	43.62
Government Lot 9	24.45
Government Lot 10	32.91
NW¼ of NE¼	40.00
SW¼ of NW¼	40.00
NW¼ of SW¼	40.00
SW¼ of SW¼	40.00

Except E 20 acres

Description	Acreage
W½ of NE¼ of SE¼	20.00
Section 29	
NW¼ of NW¼	40.00
Government Lot 1	.69
Government Lot 2	Except E 40 acres
Government Lot 3	19.54
	Excluding that part within the city
	of Cambridge (as of Jan. 1977)
Government Lot 4	35.12
	Excluding that part within the city
	of Cambridge (as of Jan. 1977)
Government Lot 5	31.08
	Excluding that part within the city
	of Cambridge (as of Jan. 1977)
Government Lot 6	20.63
Government Lot 7	47.09
Government Lot 8	26.18
Government Lot 9	50.52
W½ of SW¼ of NE¼	28.43
	20.00
Section 30	
E½	E of CSAH 14 only
	3.00
Section 31	
E½ of SE¼ of SE¼	20.00
NE¼ of SE¼	Within 300 ft. of Rum River only
	3.00
Section 32	
Government Lot 1	Within 300 ft. of the Rum River only
	8.95
Government Lot 2	Within 300 ft. of the Rum River only
	8.95
Government Lot 3	Within 300 ft. of the Rum River only
	13.40
Government Lot 4	Within 300 ft. of the Rum River only
	8.95
Government Lot 5	Within 300 ft. of the Rum River only
	29.50
Government Lot 6	Within 300 ft. of the Rum River only
	14.50
Government Lot 7	Within 300 ft. of the Rum River only
	4.50
Government Lot 8	Within 300 ft. of the Rum River only
	10.00
Government Lot 9	Within 300 ft. of the Rum River only
	9.50
T 35 N - R 23 W	
Section 5	
Government Lot 1	1.20
Government Lot 3	.45
Government Lot 4	37.00
Government Lot 5	36.75
Government Lot 6	1.30
W½ of SW¼	N and W of East Rum River
	Drive only
	11.00
Section 6	
Government Lot 1	15.10
Government Lot 2	2.35
Government Lot 3	38.95
Government Lot 4	E of road only
	30.40
Government Lot 5	E of road only
	30.40
Government Lot 6	Except W 40 acres
	26.40

Description	Acreage
Section 7	
Government Lot 1	Except E 40 acres 18.00
Government Lot 2	Except E 20 acres 20.54
Government Lot 3	W of Rum River Drive only 13.00
Government Lot 4	W of Rum River Drive only 11.00
Government Lot 5	Except W 40 acres 19.60
Government Lot 6	Except W 20 acres 24.73
Government Lot 7	33.83
Government Lot 8	Except W 40 acres 16.90
Section 18	
Government Lot 1	33.50
Government Lot 2	Except E 20 acres 33.00
Government Lot 3	34.80
Government Lot 4	Except E 40 acres 20.25
Government Lot 5	53.40
Government Lot 6	38.40
Government Lot 7	49.15
Government Lot 8	21.70
Government Lot 9	5.90
Section 19	
Government Lot 1	.10
Government Lot 2	Except E 20 acres 19.95
Government Lot 3	60.85
W½ of SW¼	61.65
T 35 N - R 24 W	
Section 13	
S½ of NE¼ of SE¼	20.00
Government Lot 1	26.43
Government Lot 2	7.66
Section 24	
Government Lot 1	42.22
Government Lot 2	27.35
Government Lot 3	E of River Ridge Road only 12.79
Government Lot 4	E of River Ridge Road only 16.67
Government Lot 5	6.21
Government Lot 6	54.78
Government Lot 7	28.42
Section 25	
Government Lot 1	E of River Ridge Road only 12.61
Government Lot 2	E of River Ridge Road only 15.42
Government Lot 3	36.64
Government Lot 4	21.40
Government Lot 5	14.48
Government Lot 6	44.01
Section 36	
Government Lot 1	56.05
Government Lot 2	41.59

Description	Acreage
Government Lot 3	46.92
Government Lot 4	33.74
Government Lot 5	41.56
Government Lot 6	30.90
Government Lot 7	31.74
Government Lot 8	19.83
NE¼ of SE¼	40.00
T 35 N - R 23 W	
Section 30	
Government Lot 1	Except E 40 acres 23.06
Government Lot 2	Except E 40 acres 23.12
Government Lot 3	1.05
Section 31	
W½ of NW¼ of NW¼	16.26
T 34 N - R 24 W	
Section 1	
NW¼ of NW¼	40.26
NE¼ of NW¼	40.76
NW¼ of NE¼	41.26
S½ of NW¼	80.00
W½ of SW¼	80.00
NE¼ of SW¼	NW of road only 4.00
Section 2	
E½ of NE¼ of SE¼	20.00
SE¼ of SE¼	40.00
Section 11	
NE¼	160.00
SE¼ of NW¼	40.00
N½ of NW¼ of SE¼	20.00
SW¼	160.00
Section 14	
W½ of NW¼	80.00
W½ of SW¼	NW of road only 25.00
Section 10	
E½ of SE¼ of SE¼	SE of road only 5.00
Section 15	
NE¼ of NE¼	40.00
SE¼ of NE¼	40.00
SE¼	160.00
E½ of SW¼	80.00
SW¼ of SW¼	40.00
Section 21	
E½ of NE¼	80.00
NE¼ of SE¼	40.00
SW¼ of SE¼	40.00
NW¼ of SE¼	S of road only 30.00

Description		Acreage
SW $\frac{1}{4}$	S of road only	74.00
Section 22		
NW $\frac{1}{4}$ of NW $\frac{1}{4}$		40.00
NE $\frac{1}{4}$ of NW $\frac{1}{4}$		40.00
W $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$		20.00
N $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$		20.00
Section 20		
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	SE of road only	12.00
	Isanti County Total	12,088.73

ANOKA COUNTY

Description		Acreage
Section 29		
S $\frac{1}{2}$ of NE $\frac{1}{4}$		80.00
NE $\frac{1}{4}$ of NE $\frac{1}{4}$		40.00
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	SE of Riverbank Lane only	17.00
SE $\frac{1}{4}$		160.00
SW $\frac{1}{4}$		160.00
S $\frac{1}{2}$ of NW $\frac{1}{4}$		80.00
S $\frac{1}{2}$ of N $\frac{1}{2}$ of NW $\frac{1}{4}$		40.00
Section 28		
N $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$		20.00
NW $\frac{1}{4}$ of NW $\frac{1}{4}$		40.00
Section 32		
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	NE of road only	5.00
NE $\frac{1}{4}$ of NW $\frac{1}{4}$		40.00
SE $\frac{1}{4}$ of NW $\frac{1}{4}$		40.00
SW $\frac{1}{4}$ of NE $\frac{1}{4}$		40.00
W $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$	NW of road only	16.00
NW $\frac{1}{4}$ of SE $\frac{1}{4}$		40.00
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	W of road only	3.00
E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$		20.00
S $\frac{1}{2}$ of S $\frac{1}{2}$	within 300 ft. of Rum River only	21.21
T 33 N - R 24 W		
Section 5		
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	within 300 ft. of the Rum River only	14.00
NW $\frac{1}{4}$ of NE $\frac{1}{4}$		36.58
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	W of road only	11.00
SW $\frac{1}{4}$ of NE $\frac{1}{4}$		40.00
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	W of road only	12.00
E $\frac{1}{2}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$		20.00
W $\frac{1}{2}$ of SE $\frac{1}{4}$		80.00
E $\frac{1}{2}$ of SW $\frac{1}{4}$		80.00

Description	Acreage	
Section 8		
E½ of NW¼	80.00	
W½ of NE¼	80.00	
SW¼	160.00	
NW¼ of SE¼	W of road only	4.00
Section 17		
NW¼	160.00	
SW¼	160.00	
Section 20		
NW¼	160.00	
SW¼	160.00	
Section 19		
S½ of NE¼ of NE¼	20.00	
SW¼ of NE¼	E of road only	9.00
SE¼ of NE¼	40.00	
NW¼ of SE¼	E of road only	18.00
NE¼ of SE¼	40.00	
SW¼ of SE¼	E of road only	32.00
SE¼ of SE¼	40.00	
Section 30		
N½ of NE¼	80.00	
E½ of SW¼ of NE¼	20.00	
SE¼ of NE¼	40.00	
E½ of SE¼	80.00	
E½ of NW¼ of SE¼	20.00	
SW¼ of SE¼	E of Hopi St. NW only	22.00
Section 31		
W½ of NE¼	80.00	
NE¼ of NE¼	40.00	
E½ of E½ of NW¼	40.00	
E½ of NE¼ of SW¼	20.00	
W½ of SE¼	80.00	
SE¼ of SW¼	40.00	
T 32 N - R 24 W		
Section 6		
Government Lot 1	27.42	
Government Lot 2	37.80	
Government Lot 3	20.53	
Government Lot 4	41.36	
Government Lot 5	11.25	
Government Lot 6	26.06	
Government Lot 7	N of road only	30.00
Government Lot 8	Except N 20 acres	29.08
Government Lot 9	49.50	
Government Lot 10	54.43	
Government Lot 11	40.80	
Government Lot 12	44.08	

Description		Acreege
SE¼ of NW¼		40.00
SW¼ of SW¼	N of road only	5.00
Section 7		
NE¼ of NW¼		40.00
Government Lot 1		39.80
Government Lot 2		32.48
Section 5		
W½ of W½ of SW¼	W of Aztec St. NW only, N of 174th Ave. NW only, W of Zea St. only, and S of 175th Ave. NW only	19.00
Section 8		
W½ of NW¼ of NW¼	W of Aztec St. NW only	10.00
Section 18		
Government Lot 1		44.17
Section 19		
Government Lot 1		27.78
Government Lot 2		32.42
Government Lot 3		60.57
Government Lot 4		30.34
Government Lot 5		37.80
Government Lot 6		29.17
Government Lot 7		44.20
Government Lot 8		49.70
Section 30		
NW¼ of NW¼		45.32
W½ of NW¼ of SW¼		24.99
W½ of SW¼ of SW¼		24.82
Section 31		
Government Lot 1	E of road only	12.53
Government Lot 2	Except NE 10 acres	33.06
Government Lot 3	within 300 ft. of the Rum River only	9.10
Government Lot 4	within 300 ft. of the Rum River only	9.10
W½ of NW¼ of NW¼		24.74
T 32 N - R 25 W		
Section 1		
Government Lot 1	S of 177th Ave. NW only	12.00
Government Lot 2		26.15
Government Lot 3	S of Argon St. and 177th Ave. NW only and then following the E and S lines of lot No. 7 of Riverwood Hills, Plat 1.	9.00
Government Lot 4		48.00
Government Lot 5		29.44
Government Lot 6	Except S 20 acres	26.75
Government Lot 7	Except S 20 acres	44.75
Section 12		
Government Lot 1		32.30

Description	Acres
Government Lot 2	18.40
Government Lot 3	18.55
Government Lot 4	45.92
Government Lot 5	24.70
Government Lot 6	56.90
Government Lot 7	55.43
Government Lot 8	41.33
Section 13	
Government Lot 1	Except W 20 acres 28.83
Government Lot 2	Except W 20 acres 37.05
Government Lot 3	Except W 20 acres 22.78
Government Lot 4	29.80
Government Lot 5	35.36
Government Lot 6	36.08
Government Lot 7	50.80
Government Lot 8	Except E 40 acres 21.90
W½ of NE¼ of SE¼	20.00
E½ of SE¼ of SW¼	20.00
Section 24	
Government Lot 1	3.00
Government Lot 2	Except S 20 acres 10.28
Government Lot 3	Except S 20 acres 19.75
Government Lot 4	1.10
Government Lot 5	SE of Juniper Ridge Drive only 21.70
Section 25	
Government Lot 1	71.40
Government Lot 2	44.45
Government Lot 3	E of Hwy 47 only 60.00
Government Lot 4	22.95
Government Lot 5	19.86
Government Lot 6	46.70
Section 36	
Government Lot 1	22.43
Government Lot 2	1.00
Government Lot 3	E of road nearest river 12.00
Government Lot 4	NE of road nearest river 6.60
Government Lot 5	N and E of roads nearest river 15.25
Government Lot 6	E of Hwy 47 only 35.00
T 31 N - R 25 W	
Section 1	within 300 ft. of the Rum River only 37.45
Section 12	within 300 ft. of the Rum River only, and N of Rice and Madison streets only 14.80
T 31 N - R 24 W	
Section 6	within 300 ft. of the Rum River only 38.00

Description	Acreage
Anoka County Total	5,315.13
TOTAL	33,661.84

**SCENIC EASEMENT ACQUISITION—
STARTING AT MILE 145.7**

MILLE LACS COUNTY

Description	Acreage
T 42 N - R 26 W	
Section 19	
Government Lot 3	60.66
Government Lot 4	59.90
Section 30	
Government Lot 1	59.10
Government Lot 2	Within 300 ft. of normal high-water mark only
	6.06
T 41 N - R 26 W	
Section 18	
NE $\frac{1}{4}$	Within 400 ft. of normal high-water mark only
	51.42
Section 19	
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	Except for that portion E of a line 400 ft. back from the easternmost normal high-water mark
	31.00
Section 29	
SW $\frac{1}{4}$	Within 400 ft. of normal high-water mark only
	54.24
Section 32	
N $\frac{1}{2}$	Within 400 ft. of normal high-water mark only
	114.78
Section 33	
W $\frac{1}{2}$	Except for that portion E of a line 400 ft. back from the easternmost normal high-water mark
	96.00
T 40 N - R 26 W	
Section 6	
Government Lot 2 (W $\frac{1}{2}$)	Except for that portion E of a line 400 ft. back from the easternmost normal high-water mark
	22.00
Section 7	
NW $\frac{1}{4}$	Except for that portion SE of a line

Description	Acreage
400 ft. back from the southeastern-most normal high-water mark	47.00
T 40 N - R 27 W	
Section 12	
S½ of SW¼ of NE¼ SE¼ of NE¼	20.00
SE¼	Except for that portion S of a line 400 ft. back from the southernmost normal high-water mark 35.00
NE¼ of SW¼	Except for that portion S of a line 400 ft. back from the southernmost normal high-water mark 29.00
NW¼ of SW¼	Within 400 ft. of normal high- water mark only 24.24
S½ of SW¼	Within 400 ft. of the southeastern- most normal high-water mark only 8.00
Section 13	
W½	Within 400 ft. of normal high- water mark only 130.39
Section 24	
N½ of NW¼	Within 400 ft. of normal high- water mark only 24.24
S½ of NW¼	Within 400 ft. of normal high- water mark only 27.55
NE¼ of SW¼	Within 400 ft. of normal high- water mark only 24.24
Section 26	
SE¼ of SE¼ of SW¼	10.00
Section 35	
W½ of NE¼	80.00
W½ of SE¼	80.00
W½	Except for that portion W of a line 400 ft. back from the westernmost normal high-water mark 90.00
T 39 N - R 27 W	
Section 2	
W½ of NE¼	Within 400 ft. of normal high- water mark only 17.00
E½ of NW¼	Within 400 ft. of normal high- water mark only 31.48
Section 3	
SE¼	Within 400 ft. of normal high- water mark only 51.42
Section 10	
E½	Within 400 ft. of normal high- water mark only 113.87

Description		Acreage
Section 15 E½	Within 400 ft. of normal high-water mark only	102.54
Section 14 NW¼	Within 400 ft. of normal high-water mark only	15.00
Section 22 E½	Within 400 ft. of normal high-water mark only	110.19
Section 27 NE¼	Within 400 ft. of normal high-water mark only	28.00
Section 26 NW¼	Within 400 ft. of the westernmost normal high-water mark only	11.00
SW¼	Within 400 ft. of normal high-water mark only	69.64
Section 35 SE¼ of NE¼		40.00
T 38 N - R 27 W		
Section 1 SW¼ of SW¼	Within 400 ft. of normal high-water mark only	10.00
Section 2 SE¼ of SE¼	Within 400 ft. of normal high-water mark only	15.00
Section 11 E½ of E½	Within 400 ft. of normal high-water mark only	58.77
S½ of SW¼ of NE¼		20.00
W½ of SE¼		80.00
Section 14 S½ of N½	Within 400 ft. of normal high-water mark only	25.00
N½ of S½	Within 400 ft. of normal high-water mark only	24.24
Section 36 SE¼	Within 400 ft. of normal high-water mark only	58.77
E½ of W½ of NW¼	Within 400 ft. of normal high-water mark only except island	6.00
T 37 N - R 26 W		
Section 6 E½ of W½	Within 400 ft. of normal high-water mark only	37.00

Description		Acreeage
E½	Within 400 ft. of normal high-water mark only	71.63
Section 8		
Entire Section	Within 400 ft. of normal high-water mark only	110.19
Section 16		
SE¼ of SE¼		40.00
Section 15		
W½ of SW¼	SW of road only	14.00
Section 21		
E½ of NE¼ of NE¼		20.00
Section 22		
W½ of NW¼ of NW¼		20.00
NW¼ of SW¼		40.00
Section 27		
NE¼ of NE¼	S of river only	18.00
Section 34		
E½ of W½ of SE¼		40.00
W½ of SE¼ of SE¼		20.00
T 36 N - R 26 W		
Section 3		
SE¼ of NE¼ of NW¼		10.00
NW¼ of NE¼		45.68
W½ of NE¼ of NE¼		22.96
SE¼ of NW¼		40.00
E½ of W½ of SW¼	N of road only	35.00
NE¼ of SW¼		40.00
W½ of SE¼ of SW¼	N of road only	18.00
Section 9		
E½ of E½ of NE¼		40.00
Section 10		
NW¼ of NW¼		40.00
W½ of SW¼ of NW¼		20.00
Section 21		
E½ of SE¼ of NE¼		20.00
Section 22		
SW¼ of NW¼		40.00
W½ of SE¼ of NW¼		20.00
W½ of SW¼		80.00
W½ of E½ of SW¼		40.00
Section 27		
NW¼ of NW¼		40.00
W½ of NE¼ of NW¼		20.00
Section 34		
S½ of SW¼ of NW¼		20.00
SW¼ of SE¼ of NW¼		10.00
W½ of NE¼ of SW¼		20.00

Description	Acres
W $\frac{1}{2}$ of SW $\frac{1}{4}$	80.00
Mille Lacs County Total	3,217.32

SHERBURNE COUNTY

T 35 N - R 26 W	
Section 3	
E $\frac{1}{2}$ of SE $\frac{1}{4}$	80.00
Section 2	
W $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$	20.00
Section 11	
N $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$	20.00
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	40.00
Section 1	
S $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$	20.00
Section 12	
N $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$	20.00
Sherburne County Total	200.00

ISANTI COUNTY

T 35 N - R 25 W	
Section 8	
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	40.00
Section 9	
S $\frac{1}{2}$ of NW $\frac{1}{4}$	80.00
N $\frac{1}{2}$ of N $\frac{1}{2}$ of SW $\frac{1}{4}$	40.00
Section 10	
S $\frac{1}{2}$ of S $\frac{1}{2}$ of SW $\frac{1}{4}$	40.00
Section 15	
N $\frac{1}{2}$ of N $\frac{1}{2}$ of NW $\frac{1}{4}$	40.00
Section 11	
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	40.00
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	40.00
Section 12	
S $\frac{1}{2}$ of SW $\frac{1}{2}$ of NW $\frac{1}{4}$	20.00
Section 1	
E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$	20.00
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	40.00
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	40.00
N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$	20.00
T 36 N - R 24 W	
Section 31	

Description	Acreage
Government Lot 2	25.88
Government Lot 1	36.24
Government Lot 8	34.78
Government Lot 9	11.68
Section 32	
Government Lot 1	39.73
Government Lot 2	39.42
Section 27	
Government Lot 1	23.11
Government Lot 8	36.15
Government Lot 9	.35
Section 22	
Government Lot 4	47.19
Government Lot 1	36.65
Government Lot 2	25.90
Government Lot 3	.78
Section 14	
Government Lot 3	44.70
Government Lot 2	29.06
T 36 N - R 23 W	
Section 18	
Government Lot 10	29.68
Government Lot 4	17.00
Government Lot 5	18.20
NW¼ of SW¼ of SE¼	10.00
Section 8	
Government Lot 3	41.37
Government Lot 5	7.51
Section 17	
Government Lot 10	9.42
Government Lot 8	26.73
Government Lot 1	1.08
T 35 N - R 23 W	
Section 6	
Government Lot 1	15.10
Government Lot 2	2.35
Government Lot 3	11.50
Government Lot 4	12.12
Government Lot 5	12.12
Government Lot 6	13.00
Section 5	

Description	Acreage
Government Lot 5	Within 400 ft. of normal high-water mark only 14.50
SW¼	Within 400 ft. of normal high-water mark only 7.50
Section 7	
Government Lot 1	Within 400 ft. of normal high-water mark only 12.12
Government Lot 2	Within 400 ft. of normal high-water mark only 12.60
Government Lot 3	Within 400 ft. of normal high-water mark only 13.50
Government Lot 4	Within 400 ft. of normal high-water mark only 12.12
Government Lot 5	Within 400 ft. of normal high-water mark only 12.12
Government Lot 6	Within 400 ft. of normal high-water mark only 12.50
Government Lot 7	Within 400 ft. of normal high-water mark only 13.00
Government Lot 8	Within 400 ft. of normal high-water mark only 12.12
Section 18	
Government Lot 1	Within 400 ft. of normal high-water mark only 12.12
Government Lot 2	Within 400 ft. of normal high-water mark only 13.00
Government Lot 3	Within 400 ft. of normal high-water mark only 12.12
Government Lot 4	Within 400 ft. of normal high-water mark only 13.00
Government Lot 5	Within 400 ft. of normal high-water mark only 12.12
Government Lot 6	Within 400 ft. of normal high-water mark only 13.50
Government Lot 7	Within 400 ft. of normal high-water mark only 15.50
Government Lot 8	Within 400 ft. of normal high-water mark only 20.00
Government Lot 9	Within 400 ft. of normal high-water mark only 5.90
Section 19	
Government Lot 1	.10
Government Lot 2	Within 400 ft. of normal high-water mark only 3.00
Government Lot 3	Except S 47.85 acres 13.00
Section 30	
Government Lot 1	Within 400 ft. of normal high-water mark only 6.00

Description		Acreage
Government Lot 2	Within 400 ft. of normal high-water mark only	12.12
T 35 N - R 24 W		
Section 13		
Government Lot 1	Within 400 ft. of normal high-water mark only	14.50
Government Lot 2		7.66
Section 24		
Government Lot 1	Within 400 ft. of normal high-water mark only	28.00
Government Lot 2	Within 400 ft. of normal high-water mark only	12.12
Government Lot 7		28.42
Government Lot 6		54.78
Government Lot 3	Except S 24 acres	4.79
T 35 N - R 24 W		
Section 25		
Government Lot 6		44.01
Government Lot 3	Within 400 ft. of normal high-water mark only	12.12
Government Lot 1	Within 400 ft. of normal high-water mark only	13.00
Government Lot 2	N½ and within 400 ft. of normal high-water mark only	6.00
SW¼ of NE¼	Within 400 ft. of normal high-water mark only	3.00
Section 36		
Government Lot 3	Within 400 ft. of normal high-water mark only	12.12
Government Lot 4	Within 400 ft. of normal high-water mark only	12.12
Government Lot 5	Within 400 ft. of normal high-water mark only	12.12
Government Lot 6	Within 400 ft. of normal high-water mark only	12.12
T 34 N - R 24 W		
Section 1		
NW¼	Within 400 ft. of normal high-water mark only	51.00
NE¼ of SW¼	NW of road only	4.00
W½ of SW¼	Within 400 ft. of normal high-water mark only	28.00
Section 2		
E½ of SE¼	Within 400 ft. of normal high-water mark only	24.24

Description		Acreage
Section 11		
Entire Section	Within 400 ft. of normal high-water mark only	133.33
Section 10		
E½ of SE¼ of SE¼	SE of road only	5.00
Section 14		
W½ of W½	Within 400 ft. of normal high-water mark only	17.00
Section 15		
E½ of NE¼	Within 400 ft. of normal high-water mark only	29.00
S½	Within 400 ft. of normal high-water mark only	105.00
Section 22		
N½	Within 400 ft. of normal high-water mark only	16.00
Section 21		
E½ of NE¼	Within 400 ft. of normal high-water mark only	38.48
NE¼ of SE¼	Within 400 ft. of normal high-water mark only	10.00
	Isanti County Total	2,130.29

ANOKA COUNTY

Section 29		
NE¼	Within 400 ft. of normal high-water mark only	60.00
N½ of NW¼	Within 400 ft. of normal high-water mark only	7.00
SW¼ of NW¼	Within 400 ft. of normal high-water mark only	14.00
SE¼ of NW¼		40.00
W½ of SE¼	Except for that portion E of a line 400 ft. back from the Easternmost normal high-water mark	44.00
NE¼ of SW¼		40.00
NW¼ of SW¼	Within 400 ft. of normal high-water mark only	7.00
S½ of SW¼	Within 400 ft. of normal high-water mark only	31.00
Section 32		
NW¼ of NW¼	NE of road only	5.00
NE¼ of NW¼	Within 400 ft. of normal high-water mark only	14.00

Description		Acreage
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	Within 400 ft. of the Westernmost normal high-water mark only	13.00
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	Within 400 ft. of the Westernmost normal high-water mark only	13.00
N $\frac{1}{2}$ of S $\frac{1}{2}$	Within 400 ft. of the Westernmost normal high-water mark only and excepting existing scenic easement or public lands	21.00
T 33 N - R 24 W		
Section 5		
SW $\frac{1}{4}$ of SE $\frac{1}{4}$		40.00
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	Except for that portion W of a line 400 ft. back from the Westernmost normal high-water mark	28.00
Section 17		
SW $\frac{1}{4}$ of NW $\frac{1}{4}$		40.00
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	Excluding Island	36.00
E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$		20.00
E $\frac{1}{2}$ of SW $\frac{1}{4}$	Within 400 ft. of normal high-water mark only	16.00
Section 20		
E $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$		20.00
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	Within 400 ft. of normal high-water mark only	12.12
N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$		20.00
S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$	Within 400 ft. of normal high-water mark only	14.00
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	Within 400 ft. of normal high-water mark only	5.00
SW $\frac{1}{4}$	Within 400 ft. of normal high-water mark only	48.00
Section 19		
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	Except for that portion W of a line 400 ft. back from the Easternmost normal high-water mark	38.00
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	Except for that portion W of a line 400 ft. back from the Easternmost normal high-water mark	36.00
SE $\frac{1}{4}$ of SE $\frac{1}{4}$		40.00
W $\frac{1}{2}$ of SE $\frac{1}{4}$	Within 400 ft. of normal high-water mark only or SE of road only or whichever is closest to the river	16.00
Section 30		
N $\frac{1}{2}$ of NE $\frac{1}{4}$	Within 400 ft. of the Westernmost normal high-water mark only	15.00
SE $\frac{1}{4}$ of NE $\frac{1}{4}$		40.00

Description		Acreage
SW¼ of NE¼	Within 400 ft. of normal high-water mark only	3.00
E½ of NE¼ of SE¼ W½ of NE¼ of SE¼	Within 400 ft. of normal high-water mark only	20.00
NW¼ of SE¼	Within 400 ft. of normal high-water mark only	11.00
S½ of SE¼	Within 400 ft. of Easternmost normal high-water mark only	7.00
Section 31		13.12
N½	Within 400 ft. of normal high-water mark only	48.48
T 32 N - R 24 W		
Section 6		
Government Lot 4	Except county park land	27.00
Government Lot 5	Except county park land	5.00
Government Lot 6	Within 400 ft. of Southernmost normal high-water mark only	12.12
Government Lot 7	Within 400 ft. of Southernmost normal high-water mark only	12.12
SW¼ of SW¼	Within 400 ft. of Southernmost normal high-water mark only	3.00
Section 7		
Government Lot 1	Within 400 ft. of Southernmost normal high-water mark only	12.12
Government Lot 2	Within 400 ft. of Southernmost normal high-water mark only	12.12
NE¼ of NW¼	Within 400 ft. of Southernmost normal high-water mark only	4.00
T 32 N - R 25 W		
Section 1		
Government Lot 4	Except W 40 acres	8.00
Government Lot 5		29.44
Section 12		
Government Lot 8		41.33
Government Lot 5		24.70
Government Lot 4		45.92
Section 13		
Government Lot 1	Except W 40 acres	8.83
Government Lot 2	Except W 40 acres	17.05
Government Lot 3	Except W 40 acres	2.78
Government Lot 4		29.80
Government Lot 6	Within 400 ft. of normal high-water mark only	15.00
Government Lot 7	Within 400 ft. of normal high-water mark only	20.00

Description		Acreage
Government Lot 8	Within 400 ft. of normal high-water mark only	12.12
Section 24		
Government Lot 2	Within 400 ft. of normal high-water mark only	12.12
Section 25		
Government Lot 6	Within 400 ft. of normal high-water mark only	21.70
Government Lot 5	Within 400 ft. of normal high-water mark only	14.00
T 32 N - R 24 W		
Section 19		
Government Lot 8	Within 400 ft. of normal high-water mark only	12.12
Government Lot 7	Northern ½ only, and within 400 ft. of normal high-water mark only	6.00
Government Lot 3	Except N 30 acres	30.57
	Scenic Easement Total	6,882.29
	Anoka County Total	1,334.68
	Isanti County Total	2,130.29
	Sherburne County Total	200.00
	Mille Lacs County Total	3,217.32

FEE TITLE DESCRIPTIONS

MILLE LACS COUNTY

Description	Acreage	Proposed Use or Purpose of Land
T 42 N - R 27 W		
Section 15		
W½ of SW¼	80.00	Consolidation of existing public lands
Government Lot 3		
	Within 300 ft. of southernmost normal high-water mark only and SE of Coun-	

Description		Acreage	Proposed Use or Purpose of Land
	ty Road No. 26 only	1.20	Consolidation of existing public lands
Section 22 NW¼ of NW¼		40.00	Consolidation of existing public lands
Government Lot 4	Within 300 ft. of normal high-water mark only	3.50	Consolidation of existing public lands
T 37 N - R 27 W			
Section 15 NE¼ of SE¼	Island only	3.00	Island Rest Area
Section 26 W½ of NW¼ of NW¼ SW¼ of NW¼	Island only E of river only	2.00 25.50	Campsite-Rest Area Campsite-Rest Area
T 38 N - R 27 W			
Section 36 NW¼ of NW¼	Island only	4.50	Island Rest Area
T 37 N - R 26 W			
Section 22 NE¼ of SW¼ S½ of SE¼ of NW¼		40.00 20.00	Campsite-Rest Area Campsite-Rest Area
Section 16 E½ of NE¼ of NW¼ NE¼ of SE¼ of NW¼	S of river only W of river only	4.00 7.00	Access Access
T 36 N - R 26 W			
Section 28 NE¼ of SE¼ SE¼ of SE¼	W of river only W of river only	27.00 8.00	Campsite-Rest Area Campsite-Rest Area
Mille Lacs County Total		265.70	

SHERBURNE COUNTY

T 35 N - R 26 W			
Section 1 S½ of SE¼ of SW¼		20.00	Campsite-Rest Area
Sherburne County Total		20.00	

Description		Acreege	Proposed Use or Purpose of Land
ISANTI COUNTY			
T 35 N - R 25 W Section 11 SE¼ of NW¼		40.00	Campsite-Rest Area
T 36 N - R 24 W Section 27 NW¼ of SW¼	S of state Hwy 95 and E of CSAH I only	10.00	Access
Section 14 Government Lot 1	Except W 20 acres	36.17	Campsite-Rest Area
T 36 N - R 23 W Section 17 Government Lot 9		23.90	Campsite-Rest Area
T 35 N - R 24 W Section 25 Government Lot 2	S½ only and ex- cept SW 10 acres	6.00	Access-Rest Area
Section 36 Government Lot 4		31.74	Campsite
T 34 N - R 24 W Section 11 SW¼ of SW¼	Island only	10.00	Island Rest Area
Isanti County Total		157.81	
ANOKA COUNTY			
T 33 N - R 24 W Section 17 NW¼ of SW¼	Island only	4.00	Island Rest Area
Anoka County Total		4.00	
TOTAL		447.51	

Department of Natural Resources

Rules Governing the Cannon River as Part of the State Wild,
Scenic and Recreational Rivers System.

Chapter Twenty-Nine: 6 MCAR § 1.2900 Designation, Classification and Management of the Cannon River in Rice, Dakota and Goodhue Counties.

6 MCAR § 1.2900 Designation.

A. The river. That portion of the Cannon River from the northern city limits of Faribault (the common border of the SE¼ and the NE¼ of Section 19, T110N-R20W) to its confluence with the Mississippi River is hereby designated a component of the Minnesota wild, scenic and recreational rivers system.

B. Authority. This designation is made by the commissioner of natural resources pursuant to the authority of the Minnesota wild and scenic rivers act (Minn. Stat. §§ 104.31 to 104.40).

C. Shoreland included. The designation and these rules apply to the river and the adjacent lands as provided for in the land use district descriptions. The land use district boundaries were drawn in accordance with NR 78 (g) (2) (bb) (6 MCAR § 1.0078 G. 2. b.).

D. Definition. The definition of "normal high-water mark" (NR 78 (d)) (6 MCAR § 1.0078 D.) shall be changed to read: "Ordinary high-water mark" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. In areas where the ordinary high-water mark is not evident, setbacks shall be measured from the top of the bank of the river channel. A channel is a natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

E. Severability. The provisions of these rules shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

6 MCAR § 1.2910 Classification. The following classifications are made in accordance with the provisions of NR 78 (f) (6 MCAR § 1.0078 F.).

Recreational: That portion of the Cannon River and its adjacent lands from the northern city limits of Faribault (the common border of the north and south halves of Sections 19 and 20, T110N-R20W) to the State Hwy. 56 bridge, and from the Lake Byllesby Dam (the common border of Sections 13 and 14, T112N-R18W) to the common border of Sections 7 and 8, T112N-R17W, in Cannon Falls. (The Lake Byllesby Reservoir is excluded from this segment.)

Scenic: That portion of the Cannon River and adjacent lands from the common border of Sections 7 and 8, T112N-R17W, in Cannon Falls to the river's confluence with the Mississippi River.

6 MCAR § 1.2920 Management.

A. Land use provisions.

1. The commissioner of natural resources hereby adopts the Scenic and Recreational land use districts as identified in the land use district descriptions of these rules. The land use districts were derived in accordance with NR 78 (g) (2) (bb) (6 MCAR § 1.0078 G. 2. b.).

2. NR 78-81 (6 MCAR §§ 1.0078-1.0081) shall apply to all lands within the Scenic and Recreational land use districts, except as specified in these rules.

3. Because some areas along the Cannon River have been considerably developed, and because the wild and scenic rivers act states that management plans shall be prepared "with no unreasonable restrictions upon compatible, pre-existing, economic uses of particular tracts of land . . ." (Minn. Stat. § 104.35), the municipalities of Cannon Falls, Dundas and Northfield shall adopt rules as specified in 6 MCAR § 1.2920 D.

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

5. Because the Cannon River valley is a major source of sand and gravel in the area and because this resource can be extracted in a manner that will have minor environmental impact, sand and gravel extraction shall be allowed as a conditional use, subject to the following conditions:

a. Commercial manufacturing of sand and gravel by-products shall be nonpermitted uses in the land use district.

b. The following shall be submitted to the local authority as part of the application for a conditional use permit:

(1) A detailed site plan.

(2) A soil erosion and sediment control plan showing that the mining operation will not adversely affect the quality of surface or subsurface waters.

(3) A dust and noise control plan.

(4) A detailed site reclamation plan. Reclamation shall be initiated immediately after the termination of the mining operation and upon completion the area shall be restored to as near its original state as practicable.

c. Mining operations shall not take place within 300 feet of the river. This distance does not apply to water pumps needed for the mining operation. However, appropriation of water from the river shall require a permit from the DNR, Division of Waters.

d. No sand and gravel operation shall be conducted on parcels of land or a combination of parcels of less than 20 acres.

6. To reduce the effects of litter along the river, canoe and inner tube rental establishments shall:

a. Provide disposable refuse containers to those renting canoes and inner tubes.

b. Require the return of refuse containers along with all refuse from the river trip.

7. Existing development in the unincorporated area of Welch in E½, W½, NE¼ of Section 28, T113N-R16W, north of the river, shall be allowed to continue as now identified by the Goodhue County zoning ordinance, as amended in 1976.

8. Because agricultural uses are permitted in the land use district and because of the pre-existence of agricultural buildings along the Cannon River, NR 79 (c) (3) (dd) (6 MCAR § 1.0079 C. 3. d.) shall be amended to read:

Structure height shall not exceed 35 feet, except for buildings used primarily for agricultural purposes.

9. NR 79 (c) (3) (cc) (i) (6 MCAR § 1.0079 C. 3. c. (1)) shall be modified to read:

Structures shall be allowed on slopes of greater than 13 percent or on blufflines if structures can meet the following criteria:

a. Sewage system facilities must be installed so as to comply with the Sanitary Provisions of NR 79 (d) (6 MCAR § 1.0079 D.).

b. Structures must be adequately screened.

c. It must be proven that any potential or actual erosion or sedimentation problems do not exist, and that adequate measures shall be taken to prevent them.

d. Where bearing capacity is in doubt soil boring samples must be taken.

e. Consideration must be given to color and architectural design (including roof slope and orientation), subject to approval of the township and county planning commission.

10. NR 79 (b) (2) (6 MCAR § 1.0079 B. 2.) shall be amended to include the following:

	Land use districts	
	Scenic River	Recreational River
(tt) Sand and gravel extraction, subject to provisions of 6 MCAR § 1.2920 A. 6.	C	C
(uu) Canoe rental establishments, subject to provisions of 6 MCAR § 1.2920 A. 7.	C	C
(vv) Inner tube rental establishments	N	N

11. NR 79 (i) (6 MCAR § 1.0079 I.) (Utility Companies, Standards and Criteria for Utility Crossings) shall be amended to include:

3. Accessory facilities to power plants (intake and outflow structures), when located in the land use district shall be screened to the maximum extent possible to minimize the visual intrusion on the landscape.

B. Land acquisition.

1. Fee title acquisition from willing sellers is recommended in those areas where recreational sites are needed, as identified in 6 MCAR § 1.2920 C. 2.

2. Scenic easement acquisition from willing sellers is recommended in those areas having outstanding scenic, natural or similar values and in areas with high development potential.

3. Other forms of acquisition, such as use easements, leases, land exchange, or gifts may be substituted for the recommended acquisition when such purchases further the policies of these rules and Minn. Stat. § 104.32.

4. The DNR shall consider leasing rest areas for an initial five-year period, with the option for longer leasing or purchase after that period.

5. Land or interests in land will be acquired from willing sellers, as provided for in Minn. Stat. § 104.37.

6. The commissioner of natural resources shall not request or use condemnation to acquire lands in the Cannon River land use district through the wild and scenic rivers program.

C. Recreation management.

1. General.

a. It is the intent of these rules to manage recreation to provide for the orderly use of public lands and waters within the Scenic and Recreational river land use districts. The development and maintenance of selected land- and water-oriented recreational facilities will help "protect the rights of private landowners, ensure quietude, prohibit trespassing, and maintain the essential quality of wild and scenic river land use districts," as provided for in NR 80 (a) (1) (6 MCAR § 1.0080 A. 1.).

b. NR 80 (b) (1) (6 MCAR § 1.0080 B. 1.) shall be amended to impose the current state penalty for a misdemeanor.

2. Uses.

a. Priority areas for development of governmental recreational facilities are listed below. If these parcels are not available for use similar parcels may be used.

Location	Facility	Present Ownership
T111N-R20W, Section 1 in Sechler Park	Campsite, Rest Area	Northfield
T111N-R20W, Section 1, NW¼, on either side of Northfield Mill Dam	Portage	Northfield, Private
T112N-R19W, Section 31 E½ of the NW¼	Access	Carleton College
T112N-R18W, Section 7 S½ of the SE¼, north of river	Campsite, Rest Area	Dakota County
T112N-R18W, Section 8 north of river	Access	Private
T112N-R18W, Section 13 & 14 south of river	Portage	Goodhue County
T112N-R17W, Section 2 NE¼ of the NE¼ of the SE¼	Rest Area	Private
T113N-R16W, Section 35 SW¼ of the NE¼, near Belle Creek	Rest Area	DNR
T113N-R15W, Section 19 south of river	Access	Private
T113N-R15W, Section 22 E½ of the NW¼ of the NW¼	Rest Area	DNR

b. Because sufficient public land exists between Faribault and Northfield, all public recreational facilities in this area shall be located on existing public land.

c. The development of public or private facilities within the land use district shall conform to the site typicals in these rules. In addition, when establishing rest areas, sufficient land shall be acquired to provide a 300-foot buffer zone between the activity area and adjacent property.

d. DNR rest areas shall not be established closer than four miles to existing DNR rest areas and shall be inaccessible by road.

e. To establish the Cannon River as a day use river the DNR shall establish no overnight camping areas along the river.

f. All public and private camping areas established along the river shall be subject to all rules of the Minnesota Pollution Control Agency, the Minnesota Department of Health and all local zoning ordinances.

g. If a recreational site is found in violation of Department of Public Health rules more than three times in one season, the site shall be closed.

h. No special DNR facilities solely for the use of motorboats shall be provided.

i. The DNR shall not develop or provide for trails within the land use district. This shall not include local trails or state-funded grant-in-aid trails.

j. Snowmobile use on lands in the land use district shall be allowed:

(1) On private lands, only with the permission of the appropriate landowner(s).

(2) On public lands where the managing agency has designated areas for such use.

3. Maintenance.

a. The DNR shall be responsible for and shall allocate funds for maintenance of DNR recreational facilities within the Cannon River land use district. The DNR is encouraged to hire area residents to help maintain recreational facilities.

b. A "carry-in, carry-out" policy shall be implemented by river users. To help ensure the success of this policy, no trash receptacles shall be provided at DNR rest areas and areas shall be maintained to prevent the establishment of dumps.

c. Orientation signs identifying all recreational facilities along the

river, containing the recreational rules for the river and explaining the "carry-in, carry-out" refuse policy shall be posted at accesses.

d. If heavy use of recreational facilities wears down river land, causes erosion or leads to problems with adjacent landowners, DNR sites shall be closed.

4. Enforcement. The DNR's Division of Enforcement shall determine with the local units of government the division of responsibilities for the enforcement of the wild and scenic river user rules (NR 80 (6 MCAR § 1.0080)). The Division of Enforcement shall also take appropriate action to ensure expeditious enforcement of wild and scenic river rules.

D. Administration.

1. The local zoning authority shall administer the wild and scenic rivers ordinance in accordance with the provisions of NR 81 (6 MCAR § 1.0081).

2. Dakota and Goodhue counties and the city of Red Wing shall enact or amend such ordinances and maps as necessary to:

a. Establish the Scenic and Recreational land use districts in their jurisdiction according to 6 MCAR § 1.2910 to include the lands identified in the land use district descriptions.

b. Conform to the provisions of these rules (6 MCAR § 1.2900) except as indicated in 6 MCAR § 1.2920 D. 4., 5. and 6.

3. Rice County shall enact or amend such ordinances and maps as necessary to:

a. Establish the Recreational land use district in its jurisdiction according to 6 MCAR § 1.2910, to include the lands identified in the land use district descriptions.

b. Conform to the provisions of these rules (6 MCAR § 1.2900), except as indicated in 6 MCAR § 1.2920 D. 4. and 5.

c. It is recommended that Rice County also continue to enforce present agricultural preservation zoning, as identified in Section 15 of the 1975 Rice County zoning ordinance, on lands beyond 350 feet from the ordinary high-water mark.

4. The municipalities of Dundas (In T111N-R20W: that portion located in the S½ of the N½ of Section 15; and Section 11) and Northfield (In T111N-R20W: that portion located in Section 11; Section 2, south of the river; and the SW¼ of the SW¼ of Section 1, east of the river) shall enact or amend such ordinances and maps as necessary to:

a. Establish the Recreational river land use districts according to 6 MCAR § 1.2910, to include lands identified in the land use district descriptions.

b. Conform to the provisions of NR82-84 (6 MCAR §§ 1.0082-1.0084) (Municipal Shoreland Management for Natural Environment Waters) except NR 84 (a) (2) (6 MCAR § 1.0084 A. 2.) and NR 84 (c) (6 MCAR § 1.0084 C.).

c. Conform to the following provisions of NR 78-81 (6 MCAR §§ 1.0078-1.0081): NR 78 (d); NR 79 (b) (2) (aa), (bb), (cc), (dd), (ff) and (gg); NR 80 and NR 81 (6 MCAR §§ 1.0078 D. and 1.0079 B. 2. a., b., c., d., f., and g.; 6 MCAR §§ 1.0080 and 1.0081).

d. Conform to the provisions of these rules (6 MCAR § 1.2900).

5. The municipalities of Dundas (In T111N-R20W: that portion located in the N½ of the N½ of Section 15; and Section 10) and Northfield (In T111N-R20W: that portion located in Section 2, north of the river; and Section 1, except the SW¼ of the SW¼, east of the river. In T112N-R20W: Section 36. In T112N-R19W: Sections 30 and 31) shall enact or amend such ordinances and maps as necessary to:

a. Establish the Recreational river land use districts according to 6 MCAR § 1.2910, to include lands identified in the land use district descriptions.

b. Conform to the provisions of NR 82-84 (6 MCAR §§ 1.0082-1.0084) (Municipal Shoreland Management for General Development Waters), except NR 84 (a) (2) and NR 84 (c) (6 MCAR §§ 1.0084 A. 2. and 1.0084 C.).

c. Conform to the following provisions of NR 78-81 (6 MCAR §§ 1.0078-1.0081): NR 78 (d); NR 79 (b) (2) (aa), (bb), (cc), (dd), (ff), and (gg); NR 80 and NR 81 (6 MCAR §§ 1.0078 D; 1.0079 B. 2. a., b., c., d., f., and g.; 1.0080 and 1.0081).

d. Conform to the provisions of these rules (6 MCAR § 1.2900).

6. The municipality of Cannon Falls shall enact or amend such ordinances and maps as necessary to:

a. Establish the Recreational river land use district according to 6 MCAR § 1.2910, to include lands identified in the land use district descriptions.

b. Conform to the provisions of NR 82-84 (6 MCAR §§ 1.0082-1.0084) (Municipal Shoreland Management for Recreational Development Waters), except NR 84 (a) (2) and NR 84 (c) (6 MCAR §§ 1.0084 A. 2. and 1.0084 C.).

c. Conform to the following provisions of NR 78-81 (6 MCAR §§ 1.0078-1.0081): NR 78 (d); NR 79 (b) (2) (aa), (bb), (cc), (dd), (ff) and (gg); NR 80 and NR 81 (6 MCAR §§ 1.0078 D.; 1.0079 B. 2. a., b., c., d., f., and g.; 1.0080 and 1.0081).

d. Conform to the provisions of these rules (6 MCAR § 1.2900).

7. Local zoning authorities may retain or adopt regulations that are more restrictive than those required by these rules, pursuant to Minn. Stat. §§ 394.21, 394.33 and 462.353.

8. The DNR shall assist local units of government in implementing these rules, in accordance with min. Stat. § 104.36.

9. The DNR shall delineate the land use district boundaries on the appropriate zoning maps for the affected local units of government.

10. Every five years the DNR shall conduct a public informational meeting to determine the effectiveness, the progress and the opportunities for improvement of these rules.

Land Use District Legal Descriptions

OHWM = ordinary high-water mark

CRI & P RR = Chicago, Rock Island and Pacific Railroad

CGW RR = Chicago-Great Western Railroad

* = undetermined acreage, generally within 1,000' of OHWM

Description	Acreage
T110N-R20W	
Section 19	
SW¼ of NE¼ E of CRI&P RR	3.00
SE¼ of NE¼ " "	38.00
S½ of NE¼ of NE¼ " "	15.00
Section 20	
NW¼	160.00
NW¼ of NE¼	40.00
Section 17	
E½ of SW¼ of SW¼	20.00
SE¼ of SW¼	40.00
SE¼	160.00
NE¼	160.00
Section 16	
N½ of SW¼ of SW¼	20.00
NW¼ of SE¼ of SW¼	10.00
W½ of NE¼ of SW¼	20.00
NW¼ of SW¼	40.00
SW¼ of NW¼	40.00
W½ of SE¼ of NW¼	20.00
W½ of NW¼ of NW¼	20.00

Section 8		
SE $\frac{1}{4}$		160.00
S $\frac{1}{2}$ of NE $\frac{1}{4}$		80.00
NW $\frac{1}{4}$ of NE $\frac{1}{4}$		40.00
E $\frac{1}{2}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$		20.00
NE $\frac{1}{4}$ of NW $\frac{1}{4}$		40.00
E $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$		20.00
Section 9		
W $\frac{1}{4}$ of SW $\frac{1}{4}$		40.00
Section 5		
E $\frac{1}{2}$ of SW $\frac{1}{4}$		80.00
E $\frac{1}{2}$ of W $\frac{1}{2}$ of SW $\frac{1}{4}$		40.00
E $\frac{1}{2}$ of W $\frac{1}{2}$ of NW $\frac{1}{4}$		40.00
E $\frac{1}{2}$ of NW $\frac{1}{4}$		80.77
NE $\frac{1}{4}$		161.48
Section 4		
NW $\frac{1}{4}$		161.28
N $\frac{1}{2}$ of NE $\frac{1}{4}$		80.96
N $\frac{1}{2}$ of S $\frac{1}{2}$ of NE $\frac{1}{4}$		40.00
Section 3		
NW $\frac{1}{4}$ of NW $\frac{1}{4}$		40.31
N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$		20.00
W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$		20.00
T111N-R20W		
Section 33		
E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$		20.00
Section 34		
E $\frac{1}{2}$ of NW $\frac{1}{4}$		80.00
S $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$		20.00
SW $\frac{1}{4}$ of NW $\frac{1}{4}$		40.00
NE $\frac{1}{4}$ of SW $\frac{1}{4}$		40.00
W $\frac{1}{2}$ of SW $\frac{1}{4}$		80.00
W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$		20.00
W $\frac{1}{2}$ of NE $\frac{1}{4}$		80.00
NE $\frac{1}{4}$ of NE $\frac{1}{4}$		40.00
Section 27		
E $\frac{1}{4}$		160.00
E $\frac{1}{2}$ of W $\frac{1}{2}$ of NE $\frac{1}{4}$		40.00
E $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$		20.00
S $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$		20.00
NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$		10.00
Section 26		
W $\frac{1}{2}$ of SW $\frac{1}{4}$		80.00

SW¼ of NW¼		40.00
W½ of NW¼ of NW¼		20.00
Section 22		
E½		320.00
Section 15		
W½ of E½ pf SE¼		40.00
W½ of SE¼		80.00
NE¼	within 300' of OHWM only	32.00
Section 10		
SE¼	within 300' of OHWM only	41.00
Section 11		
NW¼ of SW¼	N & W of river within 300' of OHWM S & E of river	4.00
NW¼ of SW¼		12.00
NE¼	within floodway	*
NW¼	S & E of river within floodway	*
NW¼	N & W of river E of CRI & P RR	40.00
Section 2		
SE¼	N of river S of CRI & P RR	50.00
SE¼	S of river within floodway or 300' of OHWM, whichever is greater	*
Section 1		
Within 300' of OHWM	S & E of river	57.00
NW¼ of SW¼	N & W of river to CRI&P RR	29.00
SW¼ of NW¼	S & E of CRI&P RR	6.00
E½ of NW¼	within 300' of OHWM N & W of river	8.00
N½ of NE¼	" "	19.00
SW¼ of NE¼	within 300' of OHWM N of river	3.00
T112N-R20W		
Section 36		
SE¼ of SE¼	within 300' of OHWM W of river	5.00

T112N-R19W		
Section 31		
Within 300' of OHWM		86.00
T111N-R19W		
Section 6		
NW¼ of NW¼ of NW¼	within 300' of OHWM E of river	2.00
T112N-R19W		
Section 30	within 1,000' of OHWM	*
Section 29	within 1,000' of OHWM	*
Section 28	within 1,000' of OHWM	*
Section 19	within 1,000' of OHWM	*
Section 20	within 1,000' of OHWM	*
Section 21	within 1,000' of OHWM	*
Section 22	within 1,000' of OHWM	*
Section 23	within 1,000' of OHWM	*
Section 15	within 1,000' of OHWM	*
Section 14	within 1,000' of OHWM	*
Section 13	within 1,000' of OHWM	*
Section 12	within 1,000' of OHWM	*
T112N-R18W		
Section 18		
N½ of NE¼		80.00
NE¼ of NW¼		40.00
NW¼ of NW¼		33.98
Section 7		
S½ of SE¼		80.00
S½ of SW¼	within 1,000' of OHWM	*
Section 17		
N¼ of NW¼	W of State Hwy 56	30.00
Section 8		
S½ of SW¼	W of State Hwy 56 and within 1,000' of OHWM	*

Section 13		
N½ of SW¼ of NW¼		20.00
N¾ of NW¼		80.00
NW¼ of NE¼		40.00
Section 12		
SE½ of SE¼	S & E of river	40.00
N of river	within 1,000' of OHWM	*
T112N-R17W		
Section 7		
Government Lot 9		59.54
Government Lot 10	N½	24.00
Government Lot 10	S½ within 300' of OHWM	6.00
Government Lot 11	within 300' of OHWM E of river	10.00
Government Lot 11	W of river	5.00
Government Lot 12	within 300' of OHWM N of river	5.00
SE¼	within 300' of OHWM	35.00
Section 18		
Government Lot 3	within 300' of OHWM	2.00
Government Lot 2	" "	22.00
Government Lot 1	" "	20.00
NE¼	" "	13.00
Section 8		
S½ of NE¼ of NE¼		20.00
SW¼	N of CGW RR	120.00
W½ of SE¼		80.00
NE¼ of SE¼		40.00
S¼ of NW¼		40.00
S½ of NE¼		80.00
Section 9		
N¼ of S½		80.00
S½ of N½		160.00
S½ of N½ of N½		80.00
Section 10		
N¼ of S½		80.00
S½ of N½		160.00
S½ of N½ of N½		80.00
Section 11		
N½ of NW¼ of SW¼		20.00
NW¼		160.00
N½ of SW¼ of NE¼		20.00
N½ of NE¼		80.00

500

Section 12
N½ of NW¼ of NW¼ 20.00

Section 2
E½ of SW¼ of SE¼ 20.00
E½ of SE¼ 80.00
SE¼ of NW¼ of SE¼ 10.00
S½ of SE¼ of NE¼ 20.00

Section 1
W½ of SW¼ 80.00
N½ of NE¼ of SW¼ 20.00
S½ of NW¼ 80.00
NE¼ of NW¼ 41.46
W½ of NE¼ 81.44
NE¼ of NE¼ 41.41
N½ of SE¼ of NE¼ 20.00

T113N-R17W
Section 36 within 1,000' of OHWM *

Section 31
SW¼ of SW¼ 40.06
E½ of SW¼ 80.00
SE¼ 160.00

T112N-R16W
Section 6
N½ of NW¼ 62.21
N¼ of NE¼ 40.00

Section 5
N½ of NW¼ 81.73
NW¼ of NE¼ 40.63

T113N-R16W
Section 32
S½ of NW¼ of SW¼ 20.00
SW¼ of SW¼ 40.00
S½ of SE¼ of SW¼ 20.00
S½ of SE¼ 80.00
NW¼ of SE¼ 40.00
W½ of NE¼ of SE¼ 20.00
NE¼ 160.00

Section 33
N½ of NW¼ of NW¼ 20.00

Section 29
S½ of SW¼ of SE¼ 20.00
SE¼ of SE¼ 40.00

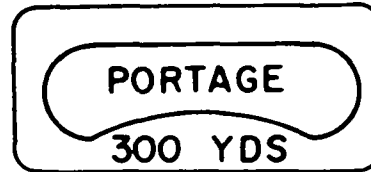
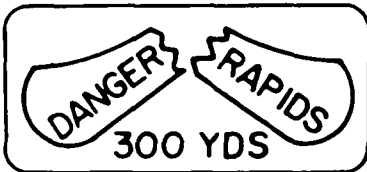
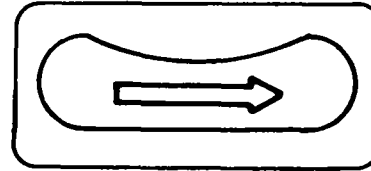
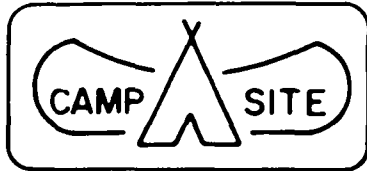
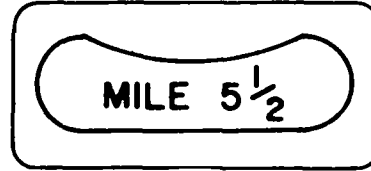
Section 28		
SW $\frac{1}{4}$		160.00
N $\frac{1}{2}$ of SE $\frac{1}{4}$		80.00
S $\frac{1}{2}$ of NE $\frac{1}{4}$		80.00
SE $\frac{1}{4}$ of NW $\frac{1}{4}$		40.00
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	within 300' of OHWM N of river	2.00
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	" "	4.00
Section 27		
SE $\frac{1}{4}$		160.00
SE $\frac{1}{4}$ of SW $\frac{1}{4}$		40.00
N $\frac{1}{2}$ of SW $\frac{1}{4}$		80.00
S $\frac{1}{2}$ of NW $\frac{1}{4}$		80.00
S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$		20.00
Section 26		
SW $\frac{1}{4}$ of SW $\frac{1}{4}$		40.00
S $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$		20.00
S $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$		20.00
NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$		10.00
SE $\frac{1}{4}$ of SE $\frac{1}{4}$		40.00
E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$		20.00
Section 34		
N $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$		20.00
Section 35		
N $\frac{1}{4}$		160.00
N $\frac{1}{2}$ of S $\frac{1}{2}$ of NW $\frac{1}{4}$		40.00
N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$		20.00
NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$		10.00
Section 36		
N $\frac{1}{4}$ of NW $\frac{1}{4}$		40.00
Section 25		
SW $\frac{1}{4}$		160.00
N $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$		20.00
N $\frac{1}{2}$ of SE $\frac{1}{4}$		80.00
NE $\frac{1}{4}$		160.00
S $\frac{1}{2}$ of NW $\frac{1}{4}$		80.00
S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$		20.00
T113N-R15W		
Section 30		
N $\frac{1}{2}$ of NW $\frac{1}{4}$		79.60
N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$		19.87
Section 19		
S $\frac{1}{2}$ of SW $\frac{1}{4}$		79.55

S½ of N½ of SW¼	39.73
SE¼	160.00
SE¼ of NE¼	40.00
E½ of SW¼ of NE¼	20.00
Section 20	
N½	320.00
N½ of NW¼ of SW¼	20.00
N½ of NW¼ of SE¼	20.00
E½ of SE¼	80.00
Section 21	
W½ of SW¼	80.00
SE¼ of SW¼	40.00
S½ of NE¼ of SW¼	20.00
W½ of SE¼	80.00
W½ of SE¼ of SE¼	20.00
NE¼ of SE¼ of SE¼	10.00
NE¼ of SE¼	40.00
SE¼ of NE¼	40.00
E½ of SW¼ of NE¼	20.00
SE¼ of NW¼ of NE¼	10.00
S½ of NE¼ of NE¼	20.00
S½ of NW¼ of NW¼	20.00
SW¼ of NW¼	40.00
Section 22	
NW¼	160.00
N½ of NE¼	80.00
W½ of NW¼ of SW¼	20.00
Section 15	
S¼	160.00
Section 14	
SW¼ of SW¼	40.00
S½ of NW¼ of SW¼	20.00
E½ of SW¼	80.00
SE¼	160.00
Section 23	
N¼	160.00
Section 24	
N½ of NW¼	80.00
N½ of SW¼ of NW¼	20.00
SE¼ of NW¼	40.00
SW¼ of NW¼	40.00
Government Lot 1	64.94

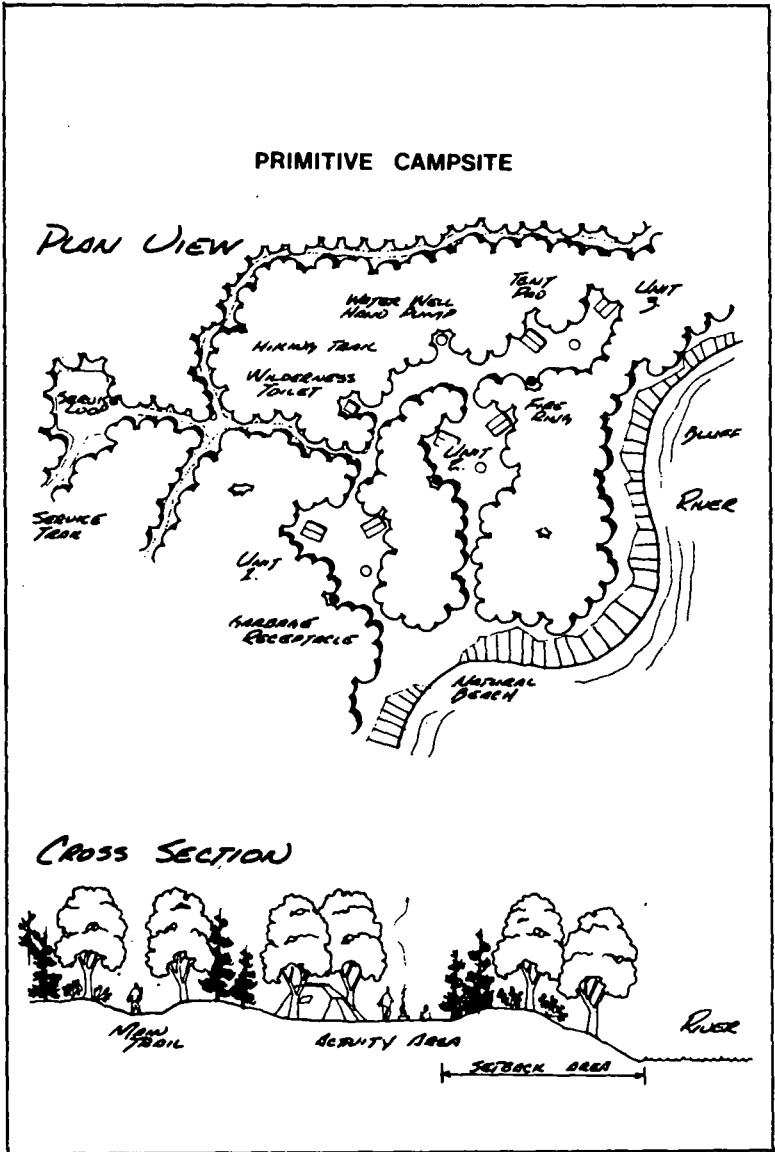
Section 13**S½ of NW¼ of SW¼****20.00****S½ of SW¼****80.00****Government Lot 4****36.80****TOTAL ACREAGE****11,331.75**

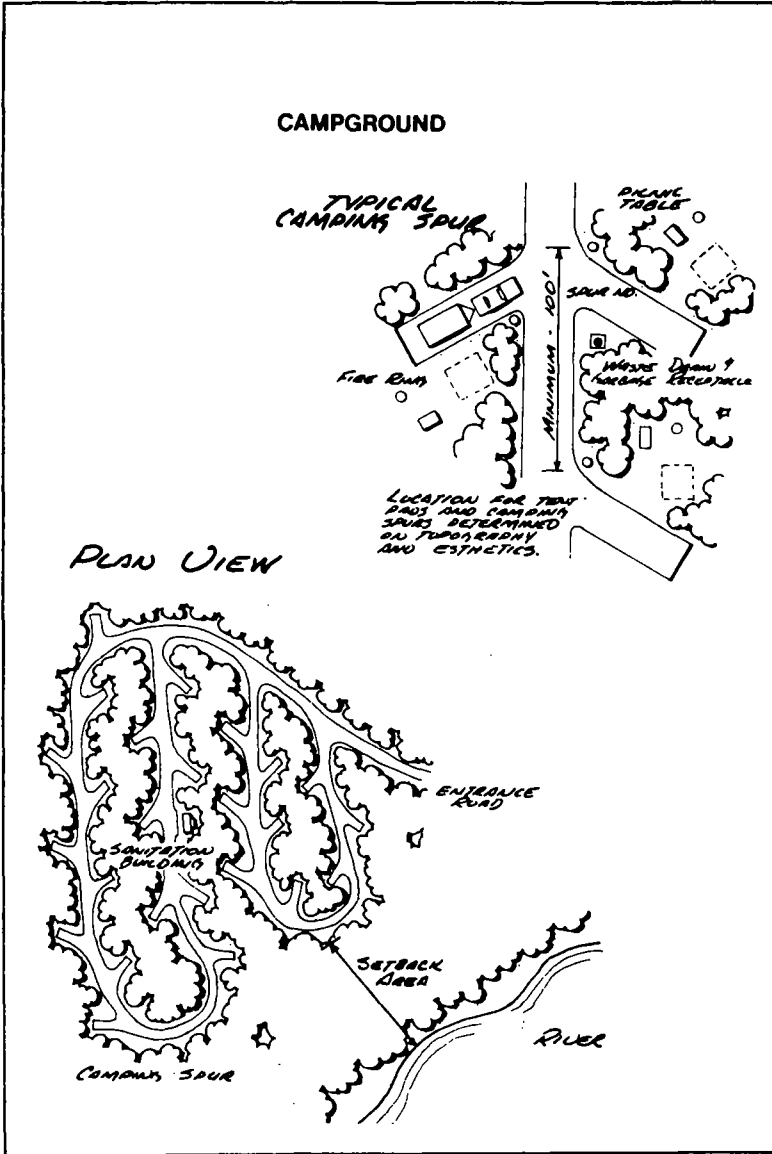
**plus undetermined acreage (indicated
by *), generally within 1,000' of OHWM**

Typical signs



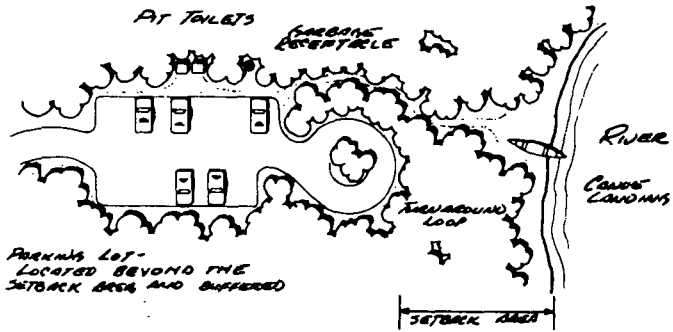
Typical sites



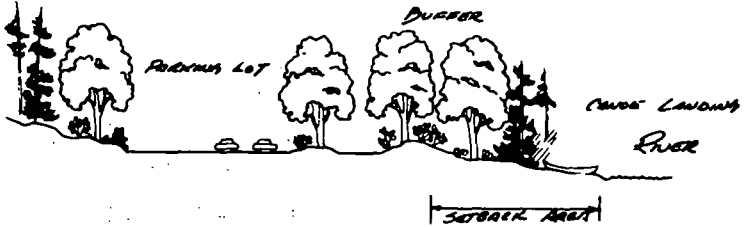


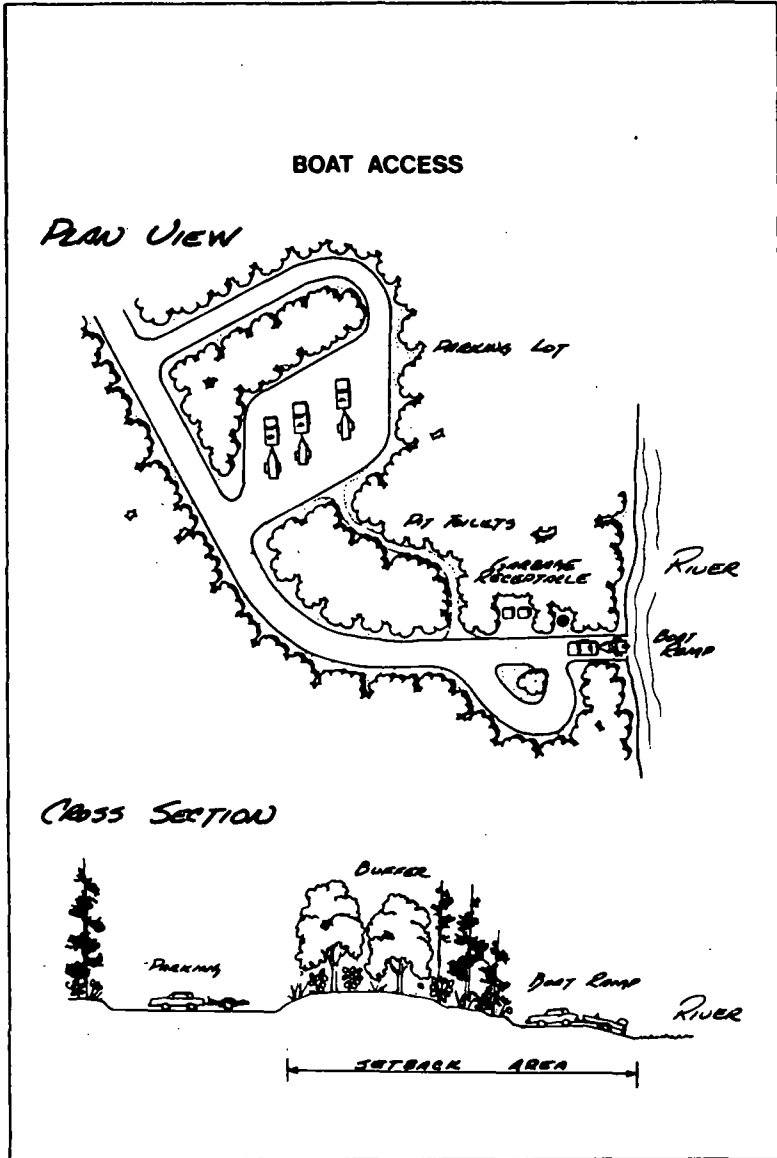
CANOE ACCESS

PLAN VIEW



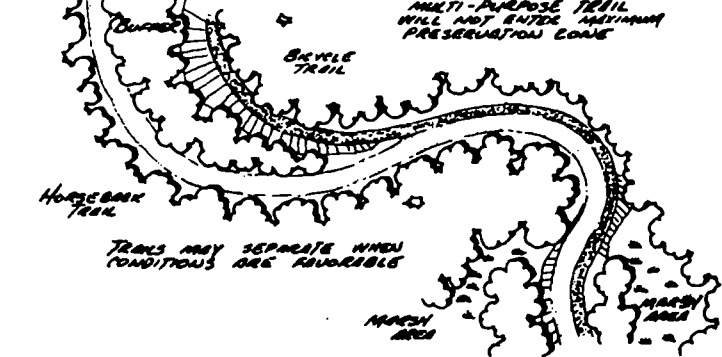
CROSS SECTION



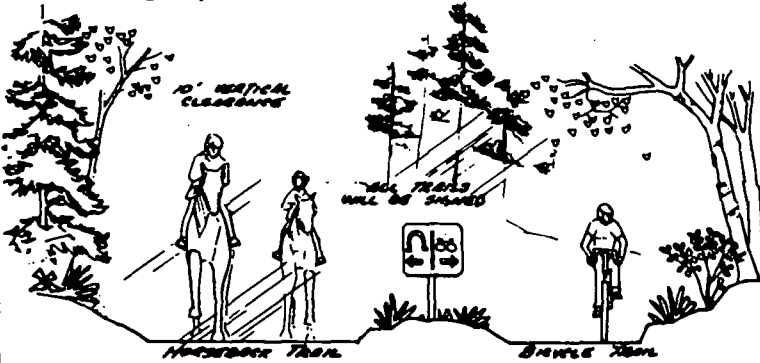


TRAIL DESIGN

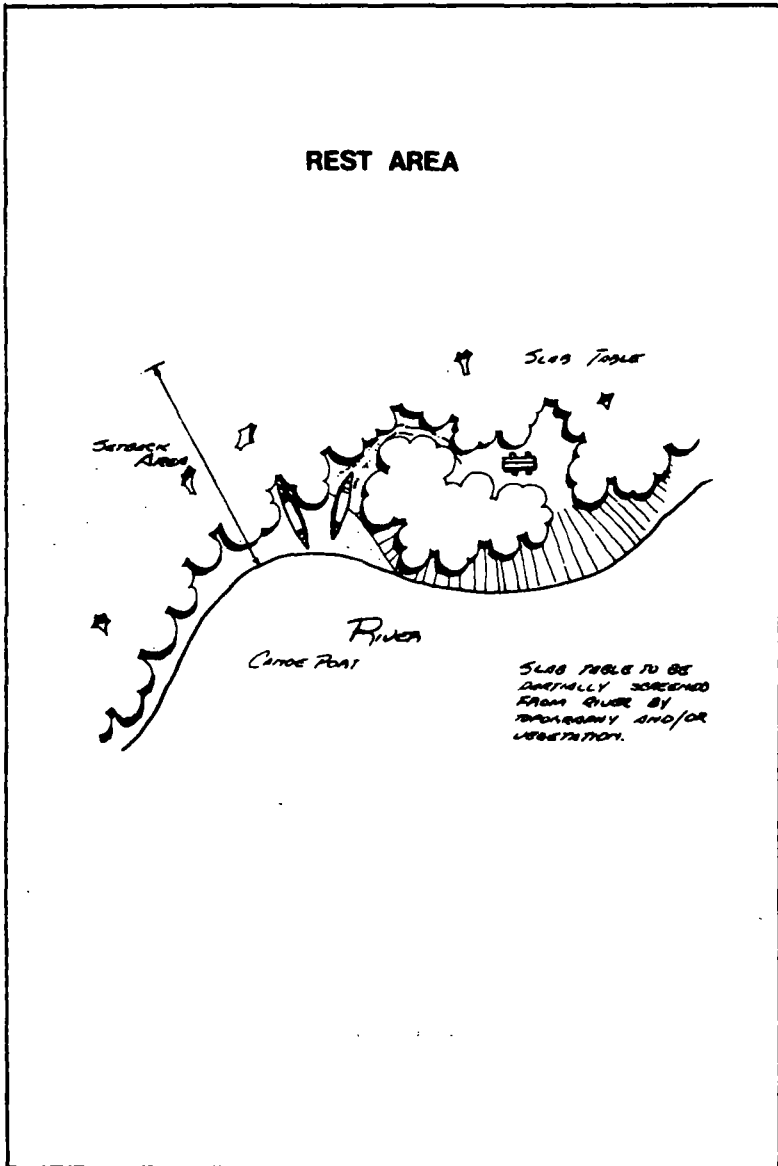
PLAN VIEW



CROSS SECTION



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



Chapter Fifty: Permit Fees**§ 1.5000 Fees for water permits and permits for underground gas or liquid storage.**

A. General. The Commissioner of Natural Resources is authorized by Laws of Minn. 1973, ch. 211, to establish fee schedules for permit applications, field inspections, and monitoring, with regard to:

1. Underground storage of gas or liquid. Minn. Stat. §§ 84.57 to 84.621.
2. Appropriation or use of waters of the state. Minn. Stat. § 105.41.
3. Construction, change or abandonment of any reservoir, dam, or waterway obstruction on any public water. Minn. Stat. § 105.42.
4. Change in the course, current, or cross section of any public water. Minn. Stat. § 105.42.
5. Drainage, diversion, control, or use of any waters to facilitate mining. Minn. Stat. § 105.64.

B. Scope and applicability:

1. The fees established in these regulations are applicable only to the activities listed in 6 MCAR § 1.5000 A.1.-5. above.
2. The fees established in these regulations shall not be imposed on any state agency as defined in Minn. Stat. § 16.011, or any federal agency.

C. Definitions. Words used in these regulations have the meanings normally ascribed to them except:

1. "Appropriation of water," "waters of the state," and "public waters" have the meanings given by the Laws of Minn. 1973, ch. 315.
2. "Field inspection" means an on-site determination of relevant characteristics of the area involved in or affected by the proposed or permitted project.
3. "Monitoring" means checking on the status or progress of activities authorized by permit, and checking and inspecting special aspects of proposed permit applications.

D. Severability. The provisions of these regulations shall be severable and the invalidity of any numbered or lettered paragraph, subparagraph, or subdivision thereof shall not invalidate any other part.

E. Fees to accompany permit applications.

1. A \$15.00 fee, in the form of a check or money order payable to the state treasurer shall accompany each permit application.

2. If the fee does not accompany the application, the applicant will be so notified, and there will be no further action taken on the application until the fee is remitted.

3. If a project requires several permit applications, the fee must accompany each application. For example, if a project entails both appropriating water and changing the bed of a lake there shall be two applications each accompanied by the \$15.00 fee.

4. The fee is not returnable, whether the application is permitted, modified, or denied, unless the Commissioner determines the activity does not require a permit.

F. Water appropriation record processing fees.

1. A \$5.00 fee, in the form of a check or money order payable to state treasurer shall accompany each water appropriation annual report required by Minn. Stat. § 105.41, subd. 5.

2. The report, and fee, are required whether or not the permittee appropriated or used any water under the permit during the year.

3. Reporting forms will be mailed to permittees by the Commissioner. Any permittee who has not received such a mailing by December 31 is responsible for obtaining the reporting form from any regional office of the Department of Natural Resources, or its central office.

4. The report, with accompanying fee, of a calendar year's appropriation or use of waters under a permit, shall be sent to the Commissioner no later than February 15 of the following year. The Commissioner may extend the deadline up to, but not beyond, April 15, on the written request of a permittee showing good cause.

G. Field inspection fees.

1. The actual cost of a field inspection, or \$25.00, whichever is greater, shall be charged the applicant or permittee, if a field inspection is conducted.

2. Actual cost is the sum of the costs of:

a. State salaries (Inspection time of state employees multiplied by actual hourly rates.)

b. Transportation to and from inspection site, based on current state Department of Administration rates.

c. Fair rental for any special equipment and supplies.

d. Inspection and consultant services contracted for by the state.

3. In all cases in which a fee greater than \$25.00 is charged, the Commissioner shall submit an itemized bill to the applicant or permittee. In the case of an applicant, a permit shall not be issued until any field inspection fee owing has been paid. In the case of a permittee, the fee is payable within 30 days of receipt; failure to pay is grounds for suspending the permit, or for taking other legal actions as required. For all field inspection fees over \$250.00, the applicant or permittee shall be given the opportunity to discuss all aspects of the fee, and shall be given an opportunity to appeal the fee determination.

4. Field inspection fees shall not normally be charged in connection with applications for:

a. Permits for beach sanding in the beds of public waters involving placement of a 6 inch or less blanket of sand covering 500 square feet or less of the bed and limited to distances of 50 feet or less along the shoreline.

b. Permits for shoreline protection by rip-rapping of the banks of public waters using natural rock material.

c. Permits for appropriation and use of groundwater for agricultural irrigation purposes; other permits for appropriation and use of groundwater in amounts not exceeding one million gallons per day.

d. Permits for appropriation of surface water in amounts not exceeding 450 gallons per minute (1 cubic foot per second) from specific streams having large average daily stream flow. Such streams may be designated by the Commissioner.

If circumstances require a field inspection fee for one of the above proposed activities, the Commissioner shall first notify the applicant. If the applicant indicates he wishes to continue the application, he shall be responsible for the field inspection costs as in 6 MCAR § 1.5000 G.1., 2., and 3. above.

5. Field inspection fees are not refundable for any reason.

H. Fees for monitoring activities.

1. Where the Commissioner determines that a permitted activity requires monitoring of water or related land resources, the permit shall specify the procedures and scope of such monitoring. Actual costs of the monitoring, whether conducted by state personnel or by consultants hired by the state, shall be paid by the permittee in accordance with procedures set forth in the permit.

2. When the Commissioner determines after the permit is issued, that there is a need for monitoring, he shall notify the permittee in writing of the nature of and reasons for the monitoring, and after opportunity for hearing,

shall modify the permit accordingly. The actual costs of such monitoring shall be paid by the permittee.

3. The Commissioner may allow the permittee to provide the monitoring service himself, or to employ a consultant for that purpose, subject to the right of the Commissioner to charge for state costs related to private monitoring, including the costs of periodically monitoring the monitor.

I. Penalties. Any violation of these regulations, which involves fees associated with Minn. Stat. ch. 105 permit applications or permits shall be subject to penalty under the provisions of Laws of Minn. 1973, ch. 315, § 19.

J. When applicable. The fees specified by these regulations are required:

1. With permit applications which are received by the Commissioner after the effective date of these regulations.

2. With water appropriation annual reports which report on appropriations taken in 1974 and years thereafter.

3. On field inspections and monitoring activities which occur after the effective date of these regulations.

See new: AR 02945T

DEPARTMENT OF NATURAL RESOURCES

STANDARDS AND CRITERIA FOR GRANTING
PERMITS TO CHANGE THE COURSE, CURRENT
OR CROSS SECTION OF PUBLIC WATERS.

§ 1.5020 General provisions.

A. General policy. The purpose of these rules is to provide for the orderly and consistent review of permit applications in order to conserve and utilize the water resources of the state in the best interest of its people. In deciding whether to issue permits, the Department shall be guided by the policies and requirements declared in Minn. Stat., §§ 105.38, 105.42, and 116D.04.

The proposed development must also be consistent with the goals and objectives of applicable federal, state, and local environmental quality programs and policies including but not limited to shoreland management, flood plain management, water surface use management, boat and water safety, wild and scenic rivers management, water quality management, recreational or wilderness management, critical areas management, scientific and natural areas management, and protected vegetative species management.

B. Scope. To achieve the policies declared in 6 MCAR § 1.5020 A. these rules set forth minimum standards and criteria for the review, issuance, and denial of permits for proposed projects affecting public waters as detailed in the preceding table of contents.

C. Jurisdiction. These standards and criteria apply to any and all work which will cause or result in the alteration of the course, current, or cross-section of public waters except for the following:

1. Utility crossings of public waters which are regulated under Minn. Stat., § 84.415 and rules promulgated thereunder.

2. Destruction and control of aquatic vegetation which is regulated under Minn. Stat., § 98.48, subd. 9 and rules promulgated thereunder.

3. Changes in the course, current, or cross-section of public waters necessary for the mining of metallic and non-metallic minerals, sand and gravel, peat, coal, and marl. See Minn. Stat., § 105.64.

D. Definitions. For the purposes of these rules, certain terms or words used herein shall be interpreted as follows: The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

"Alteration" means any activity that will change or diminish the course, current, or cross-section of public waters.

"Beds of public waters" means all portions of public waters located below the ordinary high water mark.

"Breakwater" means an off-shore structure protecting a shore area, harbor, or marina from waves.

"Class I public watercourse" means a natural watercourse serving as the major drainage outlet or a major tributary of such an outlet, which is capable of serving a number of beneficial public purposes. Smaller natural watercourses serving specific values such as trout streams and scenic watercourses are also included.

"Class II public watercourse" means a natural watercourse serving as a tributary of a Class I watercourse. Class II public watercourses are often perennial streams serving more than one beneficial public purpose.

"Class III public watercourse" means a smaller natural watercourse or an altered natural watercourse not constructed under Minn. Stat., ch. 106 (and which are tributary to other Class I, II, or III watercourses), and which may be an intermittent stream serving at least one beneficial public purpose.

"Class IV watercourse" means any artificial watercourse or altered natural watercourse constructed under the provisions of Minn. Stat., ch. 106 or 112 or prior laws, or as the result of private actions without any public drainage proceedings (and which are tributary to a public drainage system).

"Commissioner" means the Commissioner of Natural Resources.

"Dam" means any artificial barrier or appurtenant works which does or may impound or divert water.

"Department" means the Department of Natural Resources.

"Dredge" means the removal of the sediment or other materials from the beds of public waters by means of hydraulic suction or mechanical excavation.

"Emergency spillway" means a spillway designed to convey water in excess of that impounded for flood control or other beneficial purposes.

"Fill" means any material placed or intended to be placed on the bed or bank of any public water.

"Filter" means a transitional layer of gravel, small stone, or fabric between the fine material of an embankment and riprap shore protection materials. The purposes of the filter are to (1) prevent fine embankment material from being pulled through the riprap materials, (2) distribute the weight of the overlying riprap to prevent settlement, and (3) to provide relief of hydrostatic pressures inside the embankment.

"Floodway" means the channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

"Harbor" means either an inland or off-shore area protected from waves which is intended for the mooring of watercraft.

"Inland boat slip" means an inland excavation generally having a uniform width which serves as a protective area for launching and mooring of a single watercraft.

"Inland excavation" means any excavation intended to extend the cross-section of public waters landward of the natural or pre-existing shoreline.

"Low-water ford type crossing" means a stream crossing which conforms to the natural cross-section of the stream and utilizes the placement of a suitable substrate to allow vehicular passage without confining the stream flow within culverts or other hydraulic enclosures.

"Marina" means either an inland or off-shore area for the concentrated mooring of five (5) or more watercraft wherein facilities are provided for any or all of the following ancillary services: boat storage, fueling, launching, mechanical repairs, sanitary pumpout, and restaurant services.

"Maximum", with respect to storage capacity, refers to the most severe design condition, including surcharge (floodwater storage).

"Mooring" means any containment of free-floating watercraft that provides a fixed fastening for the craft.

"Natural watercourse" means any watercourse in a state provided by nature without artificial straightening, deepening, or widening. See "watercourse" as hereinafter defined.

"Off-shore" means the area waterward of the ordinary high water mark of a public water.

"Ordinary high water mark" for purposes of these regulations means an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water mark shall be considered to be the elevation of the top of the bank of the channel (Re: NR 85 (c) (6 MCAR § 1.0085 (c))). For reservoirs and flowages the ordinary high water mark shall be the operating elevation of the normal summer pool.

"Permanent dock" means any dock other than seasonal docks and wharves as hereinafter defined.

“Principal spillway” means a spillway designed to convey water from an impoundment at release rates established for the structure.

“Probable maximum flood” means the most severe flood with respect to peak flow that may be expected from a combination of the most critical meteorological and hydrological conditions that are reasonably possible in the drainage basin.

“Professional Engineer” means an engineer registered to practice in Minnesota.

“Public waters” means any waters of the state which serve a material beneficial public purpose as defined in Minn. Stat., § 105.37, subd. 6.

“Reconstruction” means the rebuilding or renovation of an existing structure, where the cost of such work will exceed 50 percent of the replacement cost of a dam or 50 percent of the assessed value of other structures.

“Regional flood” means the flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval (Re: NR 85 (c) (6 MCAR § 1.0085 (c))).

“Retaining walls” means vertical or nearly-vertical alongshore structures constructed of mortar-rubble masonry, handlaid rock or stone, vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable materials.

“Riprap shore protection” means coarse stones, boulders, cobbles, or artificially broken rock fragments or concrete or brick materials, laid loosely or within gabion baskets against the basal slope of the existing bank of a public water.

“Seasonal dock” means a dock so designed and constructed that it may be removed from the lake or stream bed on a seasonal basis. All components such as supports, decking, and footings must be capable of removal by non-mechanized means.

“Spillway” means a channel available to discharge excess water from a reservoir.

“Standard project flood” means the flood that may be expected from the most severe combination of meteorological and hydrological conditions that is considered reasonably characteristic of the geographical area in which the drainage basin is located, excluding extremely rare combinations. Such floods are intended as practicable expressions of the degree of protection that should be sought in the design of flood control works, the failure of which might be disastrous (Re: NR 85 (c) (6 MCAR § 1.0085 (c))).

“Structure” means any building, footing, foundation, slab, roof, boathouse,

deck, wall, dam, or any other object permanently attached to the bed or bank of a public water. These rules shall not pertain to floating structures such as houseboats, mooring and navigation bouys, swimming and diving platforms, water ski jumps, and watercraft, provided such floating structures are not permanently anchored by means of pilings, foundations, gabion baskets, or other materials which are not capable of removal by non-mechanical means.

“Structural height” means the overall vertical distance from the lowest point of construction to the top of the dam including the foundation or cutoff but excluding driven sheet piling primarily intended for cutoff purposes.

“Swellhead” means the difference between the headwater elevation necessary to pass the regional flood through the proposed structure and the tailwater elevation below the structure.

“Watercourse” means any channel having definable beds and banks capable of conducting generally confined runoff from adjacent lands. During floods water may leave the confining beds and banks but under low and normal flows water is confined within the channel. A watercourse may be perennial or intermittent.

“Watercraft” means any contrivance used or designed for navigation on water other than a duck boat during the duck hunting season, a rice boat during the harvest season, or a seaplane.

“Wharf” means a permanent structure constructed into navigable waters for the sole purpose of transferring cargo to and from watercraft in an industrial or commercial enterprise.

E. Severability. The provisions of these regulations shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision, or any other part.

§ 1.5021 Filling into public waters.

A. Policy. It is the policy of the Department to limit the placement of any fill material into public waters in order to preserve the natural character of public waters and their shorelands, and maintain suitable aquatic habitat for fish and wildlife.

1. Placement in conformance with these rules shall be permitted in the following cases:

- a. Development of beach areas.
- b. Protection of shoreline from continued erosion by placement of riprap materials.
- c. Recovery of shoreland lost by erosion or other natural forces which has occurred within the last five (5) years.

d. Limited filling to allow raising of previous development constructed at too low an elevation.

e. Provide navigational access from riparian properties, where such access cannot be gained by alternative means.

2. Placement shall not be permitted in the following cases:

a. To achieve vegetation control.

b. To create upland areas for development or subdivision.

c. To stabilize lake and stream beds which cannot support fill materials (e.g. excessive depths of muck, steep bank or bed slope, etc.).

d. To stabilize areas of flowing water, active springs, or subject to substantial wave action, drift, sedimentation, or other disruptive forces.

B. Beach sand blankets.

1. Permitted uses: No permit shall be required to install a beach sand blanket provided the conditions of 6 MCAR § 1.5021 D. are met and the sand and/or gravel layer does not exceed six (6) inches in thickness, 50 feet in width along the shoreline, and does not extend more than ten (10) feet waterward of the ordinary high water mark, provided local watershed district and county zoning officials are given at least seven (7) days notice.

2. Permits: A permit shall be required for any other beach sand blanket and shall be granted provided the conditions of 6 MCAR § 1.5021 D. are met.

C. Riprap shore protection.

1. General standards: The protection of shoreline from continued erosion by placement of natural rock riprap along the shore shall be permitted provided the following general standards and the conditions of 6 MCAR § 1.5021 D. are met:

a. The riprap materials are of sufficient size, quality, and thickness to withstand ice and wave action. The riprap shall be placed with a minimum amount of space between the larger materials and the space between them shall be filled with firmly seated smaller rocks or gabion baskets to procure a uniform surface.

b. The site soils are capable of supporting riprap and a filter consisting of well-graded gravel, crushed stone, or fabric is installed to prevent undercutting of the riprap.

c. The encroachment into the water is the minimum amount necessary to provide protection and does not unduly interfere with the flow of water.

2. Permitted uses: Except along the shores of Lake Superior and officially designated trout streams, no permit shall be required where the riprap materials consist of natural rock and conform with the natural alignment of the shoreline, with a minimum finished slope not steeper than 3:1, and no materials are placed more than five (5) feet waterward of the ordinary high water mark.

3. Permits: A permit shall be required for any other riprap shore protection and shall be granted provided the conditions of 6 MCAR § 1.5021 C. 1. and 6 MCAR § 1.5021 D. are met.

D. Other filling. A permit shall be required for all other filling and shall be granted provided:

1. The project is not unduly detrimental to the public purposes listed in Minn. Stat., § 106.37, subd. 6, including but not limited to fish and wildlife habitat, navigation, water supply, and storm water retention. Filling of posted fish spawning areas is prohibited.

2. The fill consists of clean inorganic material that is free of pollutants and nutrients.

3. The existence of a stable, supporting foundation is established by appropriate means, including soil boring data where deemed necessary by the Commissioner.

4. Where erosion protection is deemed necessary by the Commissioner, the site conditions and fill material are capable of being stabilized by an approved erosion control method (riprap, retaining wall, etc.) which is consistent with existing land uses on the affected public water.

§ 1.5022 Excavation of public waters.

A. Policy and general restrictions. It is the policy of the Department to discourage the excavation of materials from the beds of public waters in order to preserve the natural character of public waters and their shorelands, and maintain suitable aquatic habitat for fish and wildlife. Excavation shall be permitted provided the conditions of 6 MCAR § 1.5022 B., C., and D. are met, except:

1. Where it is intended to gain access to navigable water depths when such access can be reasonably attained by utilizing a temporary or permanent dock.

2. Where inland excavation is intended solely to extend riparian rights to nonriparian lands, or to promote the subdivision and development of nonriparian lands.

3. Where the proposed excavation will be detrimental to significant fish and wildlife habitat, or protected vegetation.

B. Dredging.

1. General standards: A permit shall be required for all dredging subject to the following general standards:

a. The project must be adequate in relation to appropriate geologic and hydrologic factors including but not limited to:

- (1) Quantity and quality of local drainage at the site;
- (2) Type of sediment/soil strata and underground formations in the vicinity;
- (3) Life expectancy of the dredging with respect to bedload, long-shore drift, and siltation patterns in the project vicinity; and
- (4) Protection of the water body from increased seepage, pollution, and other hydrologic impacts.

b. Adequate and stable on-land spoil disposal sites located above the ordinary high water mark and outside of floodway districts must be available for containment of dredged spoils, and project plans must include provisions for sodding, seeding, or otherwise properly protecting these spoils. Dredge spoils may be placed below the ordinary high water mark only when the Department determines that one or more beneficial public purposes will be enhanced.

c. The proposed project must represent the "minimal impact" solution to a specific need with respect to all other reasonable alternatives such as weed removal without dredging, beach sanding, excavation above the bed of public water, less extensive dredging in another area of the public water, or management of an alternate water body for the intended purpose.

d. The dredging must be limited to the minimum dimensions necessary for achieving the desired purpose.

e. Where excavation is proposed on a water body that is perched on an impervious stratum, soil borings must show that the proposed excavation will not rupture the impervious stratum.

2. Additional specific standards: The following categories of dredging projects shall be permitted, subject to the following specific restrictions.

a. Beach development:

- (1) The existing site conditions will not provide a suitable beach using a sand blanket alone.
- (2) The area to be dredged shall be consistent with the general dimensions authorized for beach sanding under 6 MCAR § 1.5021 B.

(3) The depth of dredging needed to reach a suitable beach stratum shall not be excessive considering anticipated site maintenance and desired water depths.

b. Public waters serving commercial or recreational navigation or access to existing boat harbors.

(1) The dredging shall be confined to the recognized navigational channel(s) in the area or the length, width, and depth dimensions of the original boat harbor.

(2) The channel or harbor shall not be maintained to a depth or width greater than the minimum necessary to allow reasonable navigational use by the anticipated watercraft.

c. Lake improvement:

(1) The dredging shall be limited to the removal of accumulated sediment or rock debris where such materials constitute an impairment to the use of a common navigational corridor, impede reasonable access, or where it is intended to create open areas in aquatic vegetation to improve fish or wildlife habitat; or

(2) Large-scale lake dredging shall be permitted where:

(a) The proposed project is intended to achieve one or more of the following purposes:

(i) To improve navigation, swimming, and other recreational uses.

(ii) To reduce winter fish-kill potential.

(iii) Sediment removal to eliminate a source of nutrients and/or contaminants.

(b) A public need for the dredging has been established by local governmental resolution specifying the public interests to be enhanced.

(c) The proposed dredging is part of an overall lake restoration project based upon adequate background and field test data for which a comprehensive lake restoration plan is submitted at the time of application detailing all of the following:

(i) Objectives to be accomplished.

(ii) Sufficient soil boring and bottom sampling data to evaluate sediment quality and bottom "seal" conditions.

(iii) Location of spoil disposal sites.

(iv) Existing water quality data and provision for future water quality monitoring of both lake water and return water.

(v) A time-table which indicates yearly dredging areas and volumes of materials to be removed, plus the selected spoil disposal site(s) for any given dredging period.

(vi) A detailed description of proposed dredging equipment and discharge facilities, including the length of discharge pipe purchased or available for the project and the pumping characteristics of the dredging equipment.

C. Inland excavations connected to public waters.

1. General standards: A permit shall be required for all excavations which extend the cross-section of public waters landward of the ordinary high water mark subject to the following restrictions:

a. The applicant must establish either of the following:

(1) Where a private inland boat slip or harbor is proposed, the applicant's entire shoreline shall be subject to wind and wave conditions of a magnitude occurring with an expected average frequency of at least once each year or possess lakebed conditions which would preclude the use of a temporary or permanent dock; or

(2) Where a commercial or public marina or harbor is proposed, there shall be adequate existing demand in the area to support an inland marina or harbor without creating user conflicts.

b. The facility shall be adequate in relation to appropriate engineering factors including but not limited to:

- (1) Adequate entrance openings;
- (2) Ample turning radius;
- (3) Adequate depth and size for the anticipated watercraft usage;
- (4) Adequate reduction of wave heights in mooring areas;
- (5) Proper harbor shape to reduce wave resonance;
- (6) Need for and feasibility of maintenance dredging;
- (7) Adequate height of perimeter wall;
- (8) Need for wave absorbers within the harbor;
- (9) Bank stabilization by an appropriate erosion control measure; and

(10) Location of the mooring area of the harbor at an adequate distance from the shoreline for wave protection and to prevent breakthrough.

c. The development plan shall be adequate in relation to appropriate geologic and hydrologic factors including but not limited to:

(1) Quantity and quality of stream flow and local drainage at the proposed project site;

(2) Water stagnancy problems including the capability of being flushed or drained;

(3) Interference with stream flow or longshore drift;

(4) Type of soil strata and underground formations in the project vicinity; and

(5) Protection of the water body itself in terms of reduced water supply, increased seepage or drainage, pollution, increased flooding, and other adverse hydrologic impacts.

d. The mooring area of the harbor shall be compactly shaped in order to minimize the surface area excavated in relation to the number of mooring spaces to be provided.

e. No branch or connecting channels shall be permitted extending laterally outward from authorized inland excavations.

f. If practical, a "dogleg" shall be incorporated in the approach channel located between the mooring area and the shoreline to minimize visual impact from the water body and promote wave dissipation.

g. Suitable onland disposal shall be utilized for containment of excavated materials without erosion into public waters.

h. Unless specifically prohibited, the excavation shall not extend more than 200 feet inland from the public water.

2. Additional specific requirements: The following types of inland excavations shall be subject to the following specific restrictions:

a. Private riparian boat slips for inland mooring purposes:

(1) Watercraft size shall be sufficiently great that a temporary dock or other seasonal mooring structure cannot reasonably be utilized along the subject shoreline for mooring of the riparian owner's watercraft.

(2) The width and length of the slip shall not exceed 150 percent of the width and length of the anticipated watercraft.

(3) Authorized boat slips shall be oriented to maximize the degree of wave protection.

b. Private inland harbors serving one or more residential riparian lots:

(1) The harbor shall be appropriately sized to provide a single mooring space for each riparian lot served; and

(2) If practical, the facility shall be located along the mutual boundary of properties to be served.

c. Private inland harbors for proposed multi-family or cluster developments, or for residential planned unit developments:

(1) The harbor shall be appropriately sized to provide a single mooring space for each riparian lot to be served. The number of mooring spaces to be provided shall generally be the amount of natural shoreline to be served divided by the lot requirements of the local land use control authority;

(2) The development plan shall be approved by the local governmental unit; and

(3) The permit shall be of the title-registration type including a provision that the individual waterfront lots in the development have priority rights to the available mooring spaces thus obviating issuance of future permits for individual harbors for these lots.

d. Inland harbors for private resorts, campgrounds, or similar enterprises:

(1) The harbor shall be sized to accommodate one mooring space for each rental cabin or campsite unit plus a reasonable number of mooring spaces for transient watercraft; and

(2) The permit shall be of the title-registration type to assure harbor maintenance and usage in the event of future property sale or subdivision.

e. Public inland harbor projects:

(1) A public need for the proposed inland harbor shall be established by local governmental resolution specifying public interests to be enhanced.

(2) The harbor shall be appropriately sized consistent with the demand for mooring facilities in the area and the number of watercraft to be served.

(3) The harbor shall be available for use by the general public.

(4) The harbor may extend more than 200 feet inland provided the plans minimize the total length by which the public water is proposed to be extended in keeping with the number of watercraft to be served and the topography.

f. Inland marinas:

(1) The marina may extend more than 200 feet inland from the public water, where appropriate deed covenants will preclude any future subdivision of the tract upon which the marina is located.

(2) The area shall be zoned specifically for such use or local government shall grant a land use permit.

(3) The plans shall minimize the width of the marina parallel to the shoreline consistent with the number of watercraft to be served and the site topography.

(4) The harbor shall be appropriately sized consistent with the demand for mooring facilities in the area and the number of watercraft to be served.

(5) The permit shall be of the title-registration type in the case of privately owned land to assure proper maintenance of the facility.

g. Private inland boat slips for access to on-land boathouses:

(1) Under the circumstances of the proposed site, mechanical systems such as rollers, winch and track systems, sliderails, etc., which are normally used to hoist watercraft out of the water, must be impractical; and

(2) The slip shall be no more than 25 feet long and is not wider than 150 percent of the width of the anticipated watercraft.

D. Alterations of natural watercourses.

1. General standards: Except as noted in 6 MCAR § 1.5022 D. 2., a permit shall be required for any alteration of a natural watercourse and shall be subject to the following requirements:

a. The altered watercourse capacity shall be sufficient to adequately convey normal runoff.

b. The altered watercourse bottom gradients shall be such that normal low flow velocities are non-erosive and the sideslopes shall be graded such that bank slumping is not a hazard.

c. The outlet shall be adequate in that it:

(1) Sufficiently conveys the discharge waters from the area proposed for alterations.

(2) Does not produce substantial increases in downstream over-bank flooding.

(3) Does not produce downstream erosion hazards as a result of the watercourse alterations.

d. To protect the altered watercourse banks, all sideslopes which contribute direct surface runoff into the authorized altered watercourse, and a strip of land along both sides of the watercourse, one rod wide or to the top of the spoil bank, whichever is the greater, shall be seeded and maintained in permanent grasses. No mowing of this grassed strip shall be allowed until after July 31 of each year.

e. Class I and Class II public watercourses: Alterations of Class I and Class II public watercourses may be permitted, provided the proposed project will enhance at least one of the beneficial public purposes identified in Minn. Stat., § 105.37, subd. 6, and does not cause undue detriment to all other beneficial public purposes presently served by the watercourse.

f. Class III public watercourses: Where the county board of commissioners has not assumed administrative responsibility pursuant to Minn. Stat., § 105.42, subd. 1a, alterations of Class III public watercourses shall be permitted upon demonstration that the project accomplishes a reasonable objective and that no feasible and prudent alternatives are available.

2. Exceptions:

a. No permit shall be required to remove debris such as trees, logs, stumps, and trash deposited by flood waters, provided such debris removal does not alter the original alignment, slope, or cross-section of the channel.

b. No permit shall be required for the alteration of Class IV watercourses and of Class III watercourses where the county board of commissioners has assumed administrative responsibility pursuant to Minn. Stat., § 105.42, subd. 1a, except in the following cases:

(1) Any activity which would require widening, deepening, or straightening of a Class I or II public watercourse as a result of the change in the Class IV or county administered Class III watercourse.

(2) Any diversion of water from a Class III or IV watercourse into a different watershed which is not a part of the same drainage basin.

(3) Any lowering of the streambed elevation which would result in an overfall of two feet or more in elevation of a channelization project when there is no provision for erosion control structures to prevent headward erosion.

(4) Construction of any dam 20 feet or more in structural height and/or impounding 50 acre-feet or more of water at maximum storage capacity.

c. Pursuant to Minn. Stat., § 105.42, subd. 1, no permit shall be required for Chapter 106 drainage projects which do not substantially affect public waters.

§ 1.5023 Structures in public waters.

A. Policy and general requirements. It is the policy of the Department to discourage the waterward occupation of the beds of public waters by off-shore navigational facilities, retaining walls, and other structures in order to preserve the natural character of public waters and their shorelands, and provide a balance between the protection and utilization of public waters; and to encourage the removal of existing waterway obstructions which do not serve the public interest from the beds of public waters at the earliest practicable date.

1. The placement of structures in public waters shall not be permitted where the structure:

a. Is intended to gain access to navigable water depths where such access can be reasonably attained by alternative means.

b. Will obstruct navigation and/or create a water safety hazard.

c. Will be detrimental to significant fish and wildlife habitat, or protected vegetation. Construction is prohibited in posted fish spawning areas.

2. Except for docks and boat ramps, all new structures shall have a title-registered permit (or public agency or local governmental unit accepts responsibility for future maintenance or removal).

B. Permanent docks.

1. Permitted uses: No permit shall be required to construct or reconstruct a permanent dock on wood pilings where the site is subject to unusual physical conditions which would preclude the use of a seasonal dock, and the dock will not exceed 50 feet in length or extend to a depth greater than four (4) feet, whichever is less.

2. Permit: A permit shall be required for the construction or reconstruction of any other permanent dock and shall be granted provided:

a. Similarly situated permanent docks in the vicinity have not experienced maintenance difficulty or the use of a seasonal dock is precluded because:

(1) Long fetches would subject seasonal docks to damaging storm wave conditions.

(2) Bottom conditions such as bedrock or an extremely gradual off-shore slope would preclude the use of seasonal dock stringers.

(3) The number of users (private and/or public) are so great the seasonal docking equipment would not provide adequate stability.

b. Piling docks shall be used in all cases unless the depth to bedrock is too shallow to allow the driving of piles, in which case rock crib docks may be authorized.

c. The docks shall extend lakeward only to a navigable depth (generally considered to be no greater than four (4) feet).

C. Wharves.

1. A permit shall be required for the construction or reconstruction of all wharves. The following order of preference for construction types shall be utilized:

- a. Bulkheaded shoreline.
- b. Inland slip with bulkheaded sidewalls.
- c. Wharf projecting into public waters.

2. Permit: Wharves shall be permitted provided the structure:

- a. Is the only reasonable alternative for loading or unloading a specific cargo.
- b. Is consistent with local land use controls.
- c. Does not extend further waterward than any existing wharves in the area or beyond any established harbor line, whichever is less.
- d. Size is the minimum practicable and the purpose is not to increase the amount of land available for waterfront development.
- e. Plans prohibit buildings or shelters on the deck, other than superstructures needed for cargo handling.
- f. Is not an obstruction to flood flows or longshore drift and is adequately designed to resist the natural forces of ice, wind, and wave.

D. Off-shore breakwaters, harbors, and marinas.

1. General standards: A permit shall be required for the construction or reconstruction of all off-shore breakwaters, harbors, and marinas consistent with the requirements of 6 MCAR § 1.5023 A. Such structures shall be permitted provided the following general conditions and the additional listed specific conditions are met:

- a. Alternative dock or inland facilities are infeasible.

b. The facility shall be adequate in relation to appropriate engineering factors including but not limited to:

- (1) Adequate entrance openings;
- (2) Ample turning radius;
- (3) Adequate depth and size for the anticipated watercraft usage;
- (4) Adequate reduction of wave heights in mooring areas;
- (5) Proper harbor shape to reduce wave resonance;
- (6) Necessity for and feasibility of maintenance dredging;
- (7) Adequate breakwater foundation conditions;
- (8) Need for wave absorbers within the harbor;
- (9) Adequate structural strength to withstand the pressures of wind, wave, and ice;
- (10) Proper orientation of breakwaters to achieve maximum wave attenuation, without causing additional sedimentation or erosion problems; and
- (11) Proper materials selection and placement preclude transmission of wave energy into mooring areas while adequately resisting erosive forces.

c. The plan shall be adequate in relation to appropriate geologic and hydrologic factors including but not limited to:

- (1) Quantity and quality of streamflow and local drainage at the proposed project site;
- (2) Water stagnancy problems including the capability of being flushed or drained;
- (3) Interference with streamflow or longshore drift;
- (4) Type of soil strata and underground formations in the project vicinity; and
- (5) Protection of the water body itself in terms of reduced water supply, increased seepage or drainage, pollution, increased flooding, and other hydrologic impacts.

d. The size and shape shall be designed in a compact fashion so as to blend in with the surrounding shoreline while minimizing the surface area occupied in relation to the number of watercraft to be served.

e. The breakwaters shall not exceed the minimum thickness necessary to withstand the anticipated forces consistent with maintenance requirements and shall be faced with an adequate layer of natural rock riprap of appropriate size and gradation.

2. Additional specific conditions: The following types of off-shore structures shall be permitted, subject to the listed specific conditions:

a. Private off-shore harbors serving several contiguous riparian lots:

(1) The site shall meet the standards of 6 MCAR § 1.5023 A. and B. for a permanent dock.

(2) The breakwater shall minimize encroachment waterward of the ordinary high water mark.

(3) The total length of the breakwater shall be appropriately sized to provide a single mooring space for each riparian lot served.

b. Private off-shore harbors for proposed multi-family or cluster or residential planned unit developments:

(1) The breakwater shall minimize encroachment waterward of the ordinary high water mark and its total length shall be appropriately sized to provide a single mooring space for each riparian lot to be served. The number of mooring spaces to be provided shall generally be the amount of natural shoreline to be served divided by the lot frontage requirements of the local land use control authority.

(2) The development plan shall be approved by the local land use control authority.

c. Private off-shore harbors for resorts, campgrounds, or similar enterprises:

(1) The breakwater shall minimize encroachment waterward of the ordinary high water mark and its total length shall be appropriately sized to provide one mooring space for each rental cabin or campsite unit plus a reasonable number of mooring spaces for transient watercraft.

(2) The development plan shall be approved by the local land use control authority.

d. Public off-shore harbor projects:

(1) The local unit of government shall pass a resolution which specifies the public interests to be benefited by the proposal.

(2) The harbor shall be appropriately sized consistent with the demand for mooring facilities in the area and the number of watercraft to be served.

(3) The harbor shall be available for use by the general public.

(4) The development plans shall minimize the waterward encroachment of the facilities.

e. Off-shore marinas:

(1) The area shall be zoned for such use or local government shall grant a land use permit.

(2) The proposed marina shall minimize encroachment waterward of the ordinary high water mark.

(3) The marina shall be sized consistent with the demand for mooring facilities in the area and the number of watercraft to be served.

E. Retaining walls.

1. General standards: A permit shall be required for the construction or reconstruction of all retaining walls which should be discouraged because their appearance is generally not consistent with the natural environment and their construction and maintenance cost is generally greater than riprap.

2. Permit: The issuance of permits shall be contingent on all of the following conditions:

a. Existing or expected erosion problems shall preclude the use of riprap shore protection, or there shall be a demonstrated need for direct shoreland docking.

b. Design shall be consistent with existing uses in the area. Examples are: riverfront commercial/industrial areas having existing structures of this nature, dense residential shoreland areas where similar retaining walls are common, resorts where floating docks may be attached to such a bulkhead, or where barges are utilized to transport equipment and supplies.

c. Adequate engineering studies shall be performed of foundation conditions, tiebacks, internal drainage, construction materials, and protection against flanking.

d. The facility shall not be an aesthetic intrusion upon the area and is consistent with all applicable local, state, and federal management plans and programs for the water body.

e. Encroachment below the ordinary high water mark shall be held to the absolute minimum necessary for construction.

F. Other waterway obstructions. A permit shall be required for the construction, reconstruction, relocation, removal, and abandonment of all other off-shore structures, cables other than utility crossings, pilings, or other facilities not covered by specific regulations:

1. Repair: Permits for structural repair or modification (not including minor maintenance work such as re-roofing, painting, etc.) of structures shall be issued provided all of the following conditions are met:

a. Applicant shall demonstrate a need for such work.

b. Cost shall not exceed 50 percent of assessed value.

c. The degree of permanence of the structure shall not be materially increased by virtue of constructing a new foundation, replacing the majority of the structure above the foundation, etc.

d. The structure being repaired shall not be in violation of local land use or sanitary regulations.

e. Degree of obstruction or structure size shall not be increased.

2. New structures: Permits for new publicly-sponsored or relocation of existing structures shall be issued where:

a. Public need is documented and outweighs adverse environmental impact.

b. The site is adequately protected from the forces of ice and wave pressures.

c. The proposed construction is of sound design and is not unnecessarily obstrusive or visually incompatible with the natural surroundings.

d. A governmental agency or local governmental unit accepts responsibility for future maintenance of the structure or its removal.

G. Boat launching ramps.

1. Permitted uses: No permit shall be required to construct a boat launching ramp provided:

a. The site is capable of supporting a ramp without the use of pilings, dredging, or other special site preparation.

b. The ramp shall not exceed 12 feet in width, and extend more than ten (10) feet beyond the ordinary high water mark or into water more than four (4) feet in depth, whichever is less.

c. The ramp shall be constructed of gravel, natural rock, concrete, steel matting, or other durable non-organic material not exceeding six (6) inches in thickness.

2. Permit: A permit shall be granted for the construction or reconstruction of any other ramp provided:

- a. The applicant shall demonstrate a need for a launching facility.
- b. The proposed ramp shall be of the minimum dimensions necessary for launching of watercraft.
- c. The proposed ramp shall not obstruct flowing water.
- d. Construction shall not necessitate alteration of shoreland which could result in substantial erosion and sedimentation.

H. Removal or abandonment. A permit is required for the removal or abandonment of all existing waterway obstructions including boathouses, bridges, culverts, pilings, piers, and docks. However, when such work is to be accomplished by simple hand tool methods, the requirement for a permit may be waived. Permits shall be issued provided:

1. The original cross-section and bed conditions shall be restored insofar as practicable.
2. The structure shall be completely removed including any footings or pilings which obstruct navigation.
3. Adequate provisions shall be made to mitigate any side effects resulting from removal, such as restoration of wave or current forces.

§ 1.5024 Water level controls and dam construction or reconstruction.

A. Policy. It is the policy of the Department to manage lake resources to maintain natural flow and water level conditions to the maximum feasible extent and to encourage the construction of small upstream retarding dams for the conservation of water in natural water basins and watercourses, consistent with any overall plans for the affected watershed area. The Department shall oppose the artificial manipulation of water levels except where the balance of affected public interests clearly warrants the establishment of appropriate controls and it is not proposed solely to satisfy private interests. The construction or reconstruction of dams or changing the level of an existing structure may be permitted to:

1. Control flood waters.
2. Maintain low flows.
3. Manage water quality, including the prevention and/or control of erosion and sedimentation.
4. Improve water-based recreation.
5. Create, improve, and maintain water supplies.
6. Maintain aquatic habitat for fish and wildlife species.

B. Permit requirements. A permit shall be required for the construction, reconstruction, and abandonment of a dam or changing the level of an existing structure for the following projects:

1. Permanent lake level control facilities shall be approved when the Commissioner initiates proceedings for the purpose of conserving or utilizing the water resources of the state and assumes responsibility for operation and future maintenance, or if:

a. The ordinary high water mark and runout elevation of the water body have been determined by a detailed engineering survey, or by Order of the Commissioner following a public hearing;

b. The proposed facilities shall be "reasonably consistent with natural conditions":

(1) Where a functioning outlet existed in a state of nature or for a long period of time following lawful creation or alteration of an outlet by the activities of man or animals, or cataclysmic events, the proposed outlet is at essentially the same control elevation;

(2) Where no natural or artificial outlet exists and the lake is for all practical purposes "landlocked", the control elevation shall not be more than 1.5 feet below the ordinary high water mark;

c. The project is sponsored by a local governmental unit which assumes responsibility for operation and future maintenance, except that title-registration type permits may be issued where the majority of the riparian owners sign the permit application;

d. Justification has been made of the need in terms of public and private interests and the available alternatives, including the impact on receiving waters and public uses thereof, through a detailed hydrologic study; and

e. A detailed plan is developed for operation and control including:

- (1) Manner and time of operation.
- (2) Frequency of maintenance.
- (3) Appropriate monitoring (water levels, water quality, etc.).
- (4) Management of excess waters.

2. Fish and wildlife management proposals made pursuant to Minn. Stat., § 97.48, subd. 11, or other appropriate authority shall be approved where:

a. The public water has been designated for wildlife management purposes.

- b. There is a specific water level management plan for the lake basin.
- c. Any drawdown of the lake is only temporary and the management plans include a permanent facility for restoration of water levels following such drawdowns.
- d. Any alteration of a natural watercourse included in the plan is minimal and follows the requirements specified in 6 MCAR § 1.5022 D.
- e. Appropriate easements or fee title have been obtained for the construction area and the lakeshore.
- f. Specified management personnel are required to establish a lake level gauge and keep a record of water levels with a specified frequency during seasons of active water level manipulation and with a lesser frequency during all other open water seasons.

3. Plans for landlocked water basins less than 25 acres in surface area and contained completely within the municipal boundaries of a single city shall be approved where:

a. A municipal drainage plan for the affected tributary watershed is prepared by a qualified engineer or hydrologist and is approved by the affected watershed district and the city.

b. The city has a field survey made of the water basin after consultation with the Department including but not limited to:

- (1) The elevation of the aquatic fringe.
- (2) The elevation of the tree line and a description of the location, type, and size of representative trees.
- (3) Groundwater elevations, if appropriate.
- (4) Other information as requested by the Department.

c. Control elevations and associated physical parameters are approved by the Department and the city.

d. The city holds a public hearing on the proposal and provides a transcript of the proceedings to the Department. Provision of a transcript may be waived by the Department.

4. Other dam construction or reconstruction:

a. Permitted uses: No permit shall be required to construct, reconstruct, or abandon a dam with a contributing watershed of 300 acres or less, provided:

(1) Structural height shall not exceed 20 feet.

(2) Storage capacity shall not exceed 50 acre feet.

(3) The land(s) occupied by the dam and its associated reservoir shall be in common ownership.

b. Permit. A permit shall be required for the construction, reconstruction, and abandonment of all other dams and shall be issued provided:

(1) The need is established in terms of quantifiable benefits.

(2) New dams shall be adequate in relation to the following factors:

(a) The hydraulic capacity of the spillway(s) must be established by a competent technical study performed by a professional engineer or by a qualified engineer of the U.S. Soil Conservation Service or the U.S. Corps of Engineers and must be adequate:

(i) For the probable maximum flood, where failure may cause loss of human life and serious damage to homes, industrial and commercial buildings, important public utilities, main highways, or railroads;

(ii) For the standard project flood, in predominantly rural or agricultural areas where failure may damage isolated homes, main highways or minor railroads, or cause interruption of use or service of relatively important public utilities;

(iii) For the regional flood, in rural or agricultural areas where failure may damage farm buildings, agricultural land, or township or county roads;

(iv) For such other floods as may be specified in the procedures of Federal agencies such as the Corps of Engineers or the Soil Conservation Service for analysis of a structure in its risk category; and

(v) The estimation of the magnitude of the design flood must include the anticipated effects of the development of the tributary watershed area expected over the project life and the assessment of the risks involved must be based upon anticipated development in the flood plain.

(b) The Department may require preparation of an inundation map of the area which would be inundated in the event of dam failure for a structure with a height of 20 feet or more, or a maximum storage capacity of more than 50 acre feet. It shall be prepared by a professional engineer showing areas where human life would be endangered and areas subject to serious damage to homes, commercial and industrial buildings, public utilities, and transportation facilities. Where failure may endanger human life, the map shall include a feasibility report on flood plain evacuation, emer-

gency warning systems, or other techniques to eliminate this risk factor.

(c) An emergency spillway is installed unless the hydraulic capacity of the principal spillway is increased to the capacity that would be required for the combination of principal and emergency spillways.

(d) A mechanism for drawing down the water surface to facilitate repairs and maintenance work is installed.

(e) The height of all portions of the dam and associated dikes or other facilities not designed to withstand overtopping must include appropriate freeboard above the maximum storage capacity for wind and wave conditions and to provide a safety factor.

(f) Earthen emergency spillways and the upstream and downstream faces of earthen dams must be adequately riprapped, sodded, or seeded to prevent erosion.

(g) The storage pool must provide adequate space to store sediment from upstream over the project life without detracting from the public purposes served.

(h) An adequate stilling basin or other means of controlling downstream erosion is installed.

(i) A stage-discharge curve must be developed for the watercourse immediately below the dam to ascertain whether or not the dam capacity is reduced due to backwater effects.

(j) Information as to the extent, configuration, and capacity of the reservoir at various pool stages is provided.

(3) The structural design shall be done by a professional engineer or by a qualified engineer of the Soil Conservation Service or the Corps of Engineers and must include the following considerations:

- (a) Gravity forces;
- (b) Hydrostatic pressure;
- (c) Uplift forces;
- (d) Overturning moment;
- (e) Resistance to sliding;
- (f) Ice pressures;
- (g) Earthquake forces;

(h) Slope stability including consolidation and pore pressures;

(i) Seepage collection or prevention;

(j) Foundation conditions including appropriate borings and determination of the strength of foundation materials;

(k) Specifications for materials of construction and their placement or installation;

(l) Adequate construction inspection to assure conformance with design assumptions; and

(m) Adequacy of the cofferdam, if any.

(4) Adequate assurances shall be made for future maintenance of new dams:

(a) For dams 20 feet or more in structural height or having a maximum storage capacity of 50 acre-feet or more, permits will be issued only to governmental agencies, public utilities or corporations having authority to construct and maintain such projects, except that a title-registration type permit may be issued to the owner or owners of the private property upon which the proposed dam will be located if an authorized governmental sponsor assumes maintenance responsibility.

(b) For other dams, title-registration permits may be issued to the owner or owners of the private property upon which the dam will be located which shall run with the land and require breaching or removal if it ever falls into a state of disrepair or becomes unsafe.

(c) Periodic engineering inspections of authorized dams may be made by the Department or its designee.

§ 1.5025 Bridges and culverts, watermain and sewer crossings, intakes and outfalls.

A. Policy. It is the policy of the Department to allow crossings of public waters, including the construction of water intake and sewer outfall structures in public waters, only when less detrimental alternatives are unavailable or unreasonable, and where such facilities adequately protect public health, safety, and welfare. Such crossings shall not be permitted where the project:

1. Will obstruct navigation or create a water safety hazard.
2. Will cause or contribute to significant increases in flood elevations and flood damages either upstream or downstream.
3. Would involve extensive channelization above and beyond minor

stream channel realignments to improve hydraulic entrance/exit conditions, except where a separate permit is obtained pursuant to 6 MCAR § 1.5022 D.

4. Will be detrimental to water quality, and/or significant fish and wild-life habitat, or protected vegetation.

Abandonment or removal of all crossings and structures governed by this section shall require a permit pursuant to 6 MCAR § 1.5023 H.

B. Bridge and culvert installations.

1. Permitted uses: No permit shall be required to construct a low-water ford type crossing or place a temporary bridge over public waters provided all of the following conditions are met:

a. Low-water ford type crossings:

(1) The stream bed is capable of supporting the crossing without the use of pilings, culverts, dredging, or other special site preparation.

(2) The water depth does not exceed 2 feet under normal summer flow conditions.

(3) The crossing conforms to the natural cross-section of the stream channel and does not reduce or restrict normal low-water flows.

(4) The original stream bank at the site does not exceed four (4) feet in height.

(5) The crossing is constructed of gravel, natural rock, concrete, steel matting, or other durable inorganic material not exceeding one (1) foot in thickness.

(6) The approach is graded to a finished slope not steeper than 5:1, and all graded banks are seeded or mulched to prevent erosion and sedimentation.

(7) The crossing is not placed on an officially designated trout stream or on a federal wild, scenic, or recreational river.

b. Temporary bridges:

(1) The stream bank is capable of supporting the bridge without the use of foundations, pilings, culverts, excavation, or other special site preparation.

(2) Nothing is placed in the bed of the stream.

(3) The bridge is designed and constructed so that it can be removed for maintenance and flood damage prevention.

(4) The bridge is firmly anchored at one end and so constructed as to swing away in order to allow flood waters to pass.

(5) The lowest portion of the bridge shall be at least three (3) feet above normal summer streamflow.

2. Permit: A permit shall be required for the construction, reconstruction, or relocation of all other bridges, culverts, or other crossings over public waters. Except as noted below in 6 MCAR § 1.5025 relating to sewer and watermain crossings, crossings shall be permitted provided all of the following criteria are met:

a. The hydraulic capacity of the structure must be established by a competent technical study. The sizing shall not be based solely on the size of existing upstream and downstream structures. If a state or federal flood plain information study exists for the area, or a U.S. Geological Survey gaging station is located nearby on the stream, the hydraulics of the proposed bridge/culvert design must be consistent with these data. If acquisition of the study by the applicant would cause undue hardship and would be unreasonable under the circumstances, the Department may waive the requirement if:

(1) It has performed a rough hydraulic study based upon available information and reasonable assumptions.

(2) It has made a field investigation of the project site.

(3) The project will not cause flood-related damages or problems for upstream or downstream interests.

b. New crossings and replacements of existing crossings must comply with local flood plain management ordinances and with provisions of NR 87 (d) (1) (6 MCAR § 1.0087 (d) (1)).

(1) New crossings:

(a) No approach fill for a crossing can encroach upon a community designated floodway.

(b) Where a floodway has not been designated or where a flood plain management ordinance has not been adopted, increases in flood stage in the regional flood of up to .5 foot shall be permitted if they will not materially increase flood damage potential. Additional increases may be permitted if:

(i) A field investigation and other available data indicate that no significant increase in flood damage potential would occur upstream or downstream.

(ii) Any increases in flood stage are reflected in the flood plain boundaries and flood protection elevation adopted in the local flood plain management ordinance.

(2) Replacement of existing crossings:

(a) If the existing crossing has a swellhead of 0.5 feet or less for the regional flood, the replacement crossing shall comply with the provisions for new crossings (6 MCAR § 1.5025 B. 2. b. (1)).

(b) If the existing crossing has a swellhead of more than 0.5 feet for the regional flood, stage increases up to the existing swellhead may be allowed provided field investigation and other available data indicate that no significant flood damage potential exists upstream from the crossing. The swellhead for the replacement crossing may exceed the existing swellhead if it complies with the provisions for new crossings found in (i) and (ii) of 6 MCAR § 1.5025 B. 2. b. (1) (b).

(3) The decks and approaches to bridges or culverts on major transportation routes and on roads that provide access to development at urban densities shall be no lower than two feet below the flood protection elevation as defined in NR 87 (e) (6 MCAR § 1.0087 (e)) unless it can be shown that alternative routes or access can be provided during the regional flood.

c. The structure shall provide for game fish movement, unless the structure is intended to impede rough fish movement or the stream has negligible fisheries value.

d. The structure will not obstruct public navigation. For bridges, three (3) feet above the calculated 50-year flood stage, in keeping with Federal Highway Administration standards, will ordinarily satisfy navigational clearance requirements. For culverts, three (3) feet of clearance above the ordinary high water mark will ordinarily satisfy navigational requirements.

e. Any project proposed near an existing or proposed segment of the state trails system should be consistent therewith.

f. Footbridges and walkways:

(1) Over watercourses:

(a) Should be designed to cause negligible backwater effects during floods.

(b) Should be securely anchored or otherwise capable of withstanding the dynamic forces of flowing water, ice, and debris.

(c) Approaches should not be raised above the adjacent flood plain lands.

(2) New walkways across any portion of a lakebed to provide access to an island will be prohibited. Permits for reconstruction of existing walkways will be issued only if:

(a) The walkway provides the only existing access to the island.

(b) There is existing development thereon.

(c) The design will provide for any public navigational needs and is consistent with the natural surroundings.

C. Watermain and sewer crossings. A permit shall be required for the construction, reconstruction, or relocation of all watermain and sewer crossings. They shall be issued provided:

1. No site condition will cause frequent future disruption of the beds.

2. No alignment alternative is possible which would eliminate the crossing. The selection of an alignment shall consider the preservation of lakes, streams, wetlands, recreation lands, and other natural areas.

3. Minimum depth of cover is two feet.

4. Bed and banks must be restored as nearly as practicable to the original cross-section, alignment, and grade.

5. Banks must be revegetated by seeding and/or sodding.

6. The project must be designed by a professional engineer.

7. Pipe and pipe bedding/support specifications for sanitary sewer and force main crossings shall be submitted to the Department for approval. Construction plans and specifications shall be prepared by a professional engineer.

D. Intakes and outfalls.

1. Permitted uses: No permit shall be required to maintain the hydraulic adequacy of any storm sewer or agricultural drain tile outfall or ditch which has been functioning within the previous five (5) years if such work does not alter the original course, current, or cross-section of the public waters.

2. Permit: A permit shall be required for the construction, reconstruction, or relocation of all other water intake and sewer outfall structures placed in public waters. It shall be issued where:

a. Adequate attention is given to methods of screening the structure from view as much as possible from the surface of the public water through the use of existing vegetation and/or new plantings.

b. The project is not detrimental to public values including but not limited to fish and wildlife habitat, navigation, water supply, and storm water retention.

c. No site conditions will require frequent future disruption of the beds of public waters.

d. Adequate precautions must be planned during and after construction to prevent silt, soil, and other suspended particles from being discharged into public waters.

e. Adjacent to the intake structure, the banks and bed of the public water must be protected from erosion and scour by placement of suitable rip-rap shore protection.

f. The banks must be revegetated by seeding and/or sodding.

g. The structure must be designed by a professional engineer.

h. Intake structures:

(1) Dredging or excavation must be detailed in the application and on design plans.

(2) A water appropriation permit must be obtained from DNR prior to operation.

i. Outfall structure design shall:

(1) Where necessary, incorporate a stilling-basin, surge-basin, energy dissipator, or other device(s) to minimize disturbance and erosion of natural shoreline and bed resulting from peak flows.

(2) Where feasible, utilize discharge to natural wetlands, natural or artificial stilling or sedimentation basins, or other devices for entrapment (and possible future removal) of sand, silt, debris, and organic matter.

(3) Where feasible, maximize use of natural and/or artificial ponding areas to provide water retention and storage for the reduction of peak flows into public waters.

§ 1.5026 General administration.

A. Application for water resource permits. All applications pursuant to 6 MCAR §§ 1.5020 to 1.5025 shall be made on forms prepared by the Department and submitted to the regional office for the area where the majority of the proposed project is located.

1. Who may apply: Applications shall be submitted by the riparian owner of the land(s) on which a project is proposed, except:

a. A governmental agency, public utility, or corporation authorized by law to conduct the project may apply if the property rights acquired or to be acquired are fully described in the application.

b. A holder of appropriate property rights such as a lease or easement may apply provided that the application is countersigned by the owner and accompanied by a copy of the lease or other agreement. A permit may be issued for the term of the lease only, subject to cancellation prior to the termination date of the agreement if the agreement is cancelled.

c. A prospective lessee of state-owned lands may apply for a permit in his own name after he has requested a lease from the Departmental official responsible for the affected lands. Both the lease request and the permit application will be processed concurrently with appropriate coordination.

2. Information required: Pursuant to Minn. Stat., § 105.44, subd. 4, an application shall be considered complete when:

a. It includes all of the information specified in the appropriate section(s) of these standards.

b. It is accompanied by appropriate photographs, maps, sketches, drawings, or other plans which adequately describe the proposed project.

c. It includes a brief statement regarding the following points:

(1) Anticipated changes in water and related land resources.

(2) Unavoidable anticipated detrimental effects on the natural environment.

(3) Alternatives to the proposed action.

d. Application fees have been paid. Note that final permits cannot be issued until any field inspection fees are paid.

e. Proof of service of a copy of the application and accompanying documents on the mayor of the city or the secretary of the board of the district is included with the application if the project is within or affects a city, watershed district, or soil and water conservation district.

3. Fees: All applications shall be accompanied by an application fee as required by 6 MCAR § 1.5000 E. 1. An additional fee may be charged for field inspections conducted by Department personnel in the course of review subject to the provisions of 6 MCAR §§ 1.5000 G. 1. - 1.5000 G. 5.

B. Permit review.

1. Field inspection: The Department may conduct field investigations to determine a project's nature, scope, and impact on water and related land resources. The Department shall determine which applications must be investigated and such inspections shall be made in a timely fashion.

2. Coordination with other agencies: Nothing in these standards is in-

tended to supersede or rescind the laws, rules, regulations, standards, and criteria of other federal, state, regional, or local governmental subdivisions with the authority to regulate work in the beds or on the shorelands of public waters. The issuance of a permit shall not confer upon an applicant the approval of any other unit of government for the proposed project. The Department shall coordinate the review with other units of government having jurisdiction in such matters.

3. Procedure upon decision: The Commissioner is authorized to grant permits, with or without conditions, or deny them. In all cases, the applicant, the managers of the watershed district, the board of supervisors of the soil and water conservation district, or the mayor of the city may demand a hearing in the manner specified in Minn. Stat., § 105.44, subd. 3, within 30 days after receiving mailed notice outlining the reasons for denying or modifying an application. Any hearing shall be conducted as a contested case hearing before a referee appointed by the independent State Hearing Examiners Office in accordance with Minn. Stat., ch. 15 and §§ 105.44 and 105.45.

C. Statutory requirements. Further provisions for the administration of these rules are found in Minn. Stat., ch. 105, including but not limited to §§ 105.44 through 105.463, 105.541, and 105.55.

DEPARTMENT OF NATURAL RESOURCES

DAM SAFETY

(Effective Date March 24, 1980)

6 MCAR § 1.5030 General provisions.

A. Purpose. The purpose of these rules is to regulate the construction and enlargement of dams, as well as the repair, alteration, maintenance, operation, transfer of ownership and abandonment in such a manner as to best provide for public health, safety and welfare. In the application of these rules, the Department shall be guided by the policies and requirements declared in Minn. Stat. ch. 105 and 116D.

The rules are pursuant to Laws of 1978, ch. 779 § 8 and are intended to be consistent with the goals and objectives of applicable federal and state environmental quality programs and policies including, but not limited to, mine-land reclamation, and the management of: shorelands, flood plains, water surface use, boat and water safety, wild and scenic rivers, critical areas, recreational or wilderness areas, scientific and natural areas and protected vegetative species.

B. Scope. To achieve this purpose, the commissioner hereby sets forth minimum standards and criteria for dam classification and identification of hazards to health, safety and welfare and for permits for dam projects for water and waste impoundments and for ordering repairs.

C. Jurisdiction. These rules shall apply to all dams defined below (D.) unless excluded in other sections of the rules. They are supplementary and complimentary to the rules which establish standards and criteria for granting permits to change the course, current or cross-section of public waters. (6 MCAR §§ 1.5020-1.5023, 1.5025 and 1.5026)

Where these rules conflict with other appropriate rules and requirements, the most restrictive provision shall apply.

All provisions of 6 MCAR § 1.5024 are superceded by these rules as they relate to dams as defined herein, except the section relating to water level controls.

D. Definitions. For the purposes of these rules, certain terms used herein shall be interpreted as follows.

These definitions are in addition to those contained in 6 MCAR § 1.5020 D., except where the same word is contained in both lists of definitions in which case the definitions in these rules shall apply in respect to dam safety administration.

“Alteration” means any activity which will affect the safety of a dam and/or which will result in a change in the course, current or cross-section of public waters.

“Commissioner” means the Commissioner of the Department of Natural Resources and any duly authorized representative.

“Cost” includes labor and materials; preliminary investigations and surveys; construction plant properly chargeable to the project; excluding costs of right-of-way, detached powerhouses, electrical generating machinery, and roads and railroads affording access to the project.

“Dam” means any artificial barrier, together with appurtenant works, which does or may impound water and/or waste materials containing water except:

1. Dams which are less than 25 feet in height and have storage capacity at maximum storage elevation of less than 50 acre feet, which shall be exempt from dam safety permit requirements if they do not have potential for loss of life resulting from failure or misoperation.

2. Any artificial barrier which is not in excess of six (6) feet in height regardless of storage capacity or which has a storage capacity not in excess of fifteen (15) acre-feet regardless of height.

3. Underground or elevated tanks to store water and/or waste.

4. Any artificial barrier constructed solely for the purpose of containment of sewage or biological treatment of wastewater which is under the jurisdiction of the Minnesota Pollution Control Agency.

5. United States owned dams.

6. Dikes and levees constructed for flood control purposes to divert flood waters and which are not intended to act as impoundment structures.

This does not preclude the need for any permits from the commissioner which may be required under applicable provisions of 6 MCAR §§ 1.5020 through 1.5026 as further explained in the 6 MCAR § 1.5031, section on “Classification of Dams.”

“Enlargement” means any change which may raise the maximum storage elevation of the dam.

“Height” means the vertical distance from the natural bed of the stream or watercourse measured at the downstream toe of the dam or from the lowest elevation of the outside limit of the dam, if it is not across a stream channel or watercourse, to the maximum storage elevation.

“Maintenance” means any work which will not result in a change in the hydraulic capacity of the structure or entail any changes in the structural character of the dam.

“Maximum Storage Elevation” means the highest elevation to which water or waste materials can be effectively stored behind the dam on either a temporary or permanent basis, whichever is greater.

“Owner” means the owner or lessee of the property to which the dam is attached, unless the dam is sponsored by a governmental agency which will be responsible for operation and maintenance of the dam, in which case that sponsoring agency shall be considered the “Owner.”

“Repair” means any work which will change the hydraulic capacity of the structure or entail any changes in the structural character of a dam.

“Shall” is mandatory and not permissive.

“Surface” shall be determined by multiplying total dam length by average height.

“Total dam length” means the maximum horizontal distance between the outer limits of all artificial containment structures, including any artificially constructed dike, which are essential to containment, but does not include the length of emergency spillways which are located outside the abutments of the dam.

E. Severability. The provisions of these rules shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

6 MCAR § 1.5031 Classification of dams. All existing and proposed dams shall be classified by the commissioner into the following three (3) hazard classes.

Those dams where failure, misoperation, or other occurrences or conditions would probably result in:

Class I—any loss of life or serious hazard, or damage to: health, main highways, high-value industrial or commercial properties, major public utilities or serious direct, or indirect, economic loss to the public.

Class II—possible health hazard or probable loss of high-value property, damage to secondary highways, railroads or other public utilities or limited direct, or indirect, economic loss to the public other than that described in Class III.

Class III—property losses restricted mainly to rural buildings and local county and township roads which are an essential part of the rural transportation system serving the area involved.

Any dam whose failure, misoperation or other occurrences or conditions would result only in damages to the owner and would not otherwise affect public health, safety and welfare as described in Classes I, II and III, shall not be subject to this hazard classification.

A dam which is not classified as a Hazard Class I, II, or III dam, and those which are not included in the 6 MCAR § 1.5030 D., definition of dam, shall

be subject to applicable provisions of 6 MCAR §§ 1.5020 through 1.5026 and shall not be subject to these dam safety rules.

Changes in development in the vicinity of the dam may result in future re-classification.

6 MCAR § 1.5032 Procedure for existing dams.

A. General procedures for alteration, repair or removal.

1. Application. Before commencing action, the owner shall make a separate application for each existing dam proposed to be changed upon forms provided by the commissioner, except as provided in A. 2. for emergencies. The application shall contain:

- a. Name and address of owner(s);
- b. Proposed changes;
- c. Maps, plans and specifications which set forth pertinent details including location, type, dimensions and storage capacity; and
- d. Proposed date of start and completion of construction.

A filing fee of \$15.00 shall accompany the application in the form of a check or money order payable to the State Treasurer.

2. Emergency work.

a. Actions by the owner: Where immediate action is necessary for public health, safety and welfare, repairs may be started, but the owner shall notify the commissioner at once. As soon as practicable, the owner shall apply for a permit for the emergency necessary permanent repairs.

b. Commissioner's actions. Where necessary to protect public health, safety and welfare, if the condition of any dam or impoundment is imminently dangerous to the safety or life or property or imminent floods threaten the safety of a dam or impoundment, the commissioner may, in an emergency, require and enforce lowering or completely emptying of the water level from the impoundment and taking any other steps essential to safeguard life and property.

3. Removal. Before commencing removal, the owner shall comply with the application requirements of A. 1. above.

After removal, the owner shall submit evidence as to the manner in which the work was performed and the conditions obtained after the removal. The commissioner shall inspect to determine that a sufficient portion of the dam has been removed to eliminate the hazard directly attributable to the presence of the dam.

B. Inspections.

1. Hazard classification. The commissioner shall make initial inspections of each dam in the state to determine the appropriate hazard classification or exemption according to criteria in 6 MCAR § 1.5031.

2. Dam safety.

a. The commissioner shall make an initial detailed systematic technical inspection and evaluations of every Class I, II, or III dam in order to assess the general safety conditions including a:

(1) review and analysis of available data on the design, construction and operation;

(2) visual inspection of the dam and downstream and upstream areas,

(a) an examination of significant structural, geotechnical, hydraulic and hydrologic features including, where applicable, electrical and mechanical equipment for the operation of control facilities;

(b) evidence of leakage, erosion, seepage, slope instability, undue settlement, displacement, tilting, cracking, deterioration and improper functioning of drains and relief wells; and

(c) adequacy and quality of maintenance and operating equipment and procedures.

(3) report on general condition including, when possible, an assessment of storage capacity, hydraulic and hydrologic capabilities, structural stabilities, and any other conditions which constitute a hazard based upon current prudent design considering the size and hazard class of the dam. The safety evaluations involve constraints on water control such as blocked entrances, restrictions on operation of spillway and outlet gates, if any, inadequate energy dissipators or restrictive channel conditions, significant reduction in impoundment capacity by sediment deposits and for waste impoundments, the material balance. Where essential design data are lacking, evaluations of watershed characteristics, rainfall and impoundment records may be used to evaluate effects of the dam.

The report shall determine the need for:

(a) emergency measures or actions;

(b) corrective actions relating to design, construction and operation; and

(c) additional detailed studies, investigations and analyses.

b. Timing. Subject to the availability of staff and funds:

(1) The commissioner shall make initial inspections of all Class I, II and III dams as soon as reasonably possible based on the degree of hazard involved.

(2) After the initial detailed inspections, the commissioner shall make periodic inspections of dams based on the following schedule:

(a) Class I dams, at least one time every year:

(b) Class II dams, at least one time every two years; and

(c) Class III dams, at least one time every four years. The commissioner shall utilize the services of governmental agencies to the maximum extent feasible to provide for periodic inspections.

3. Reports on inspections. Upon completion of each inspection, the commissioner shall notify the owner of the dam, in writing, of the results of the inspection and if the dam needs corrective action, the commissioner shall order such action.

C. Transfer of ownership. The owner shall not transfer the ownership of any Class I or II dam without a permit from the commissioner. For Class III dams, the owner, or the party to whom a dam is transferred, shall apply to the commissioner for a permit for the transfer of ownership within thirty (30) days after the ownership changes. Permits shall be issued based on evaluation of the hazard class, the conditions and the financial capabilities of the transferee.

No state agency or political subdivision may purchase or accept as a gift any privately owned dam subject to department permit requirements until after compliance with the commissioner and legislative action provided in Minn. Stat. § 105.521.

D. Operation and maintenance.

1. Responsibilities: The owner shall operate and maintain the dam. Regulation of maintenance and operation for public health, safety and welfare is vested with the commissioner.

2. Reports and records. Owners may be required to keep records and report on maintenance, operation, staffing and engineering and geologic investigations and any other data necessary to protect the public health, safety and welfare. In addition, the owner shall fully and promptly advise the commissioner of any unusual or alarming circumstance or occurrence affecting the dam.

E. Termination of operations and perpetual maintenance.

1. Unless the dam is removed, the owner shall perpetually maintain the dam and appurtenances so as to ensure the integrity of the structure.

2. The commissioner may impose such requirements as may be necessary prior to the ultimate termination of the owner's operations to insure that the owner will be financially responsible for carrying out the activities required for perpetual maintenance, and that adequate funding will exist.

3. In respect to dams utilized for waste disposal, the owner shall prepare and submit to the commissioner plans for termination of operations and perpetual maintenance which will address the owner's plans for both an unanticipated or premature termination of operations and for the ultimate intended termination of operations. The plans for termination of operations and perpetual maintenance shall, at a minimum, address the following issues, where applicable.

a. Perpetual maintenance and safety of the dam including adequate monitoring programs.

b. Disposal and treatment of ponded and channelled waters.

c. Monitoring and mitigation of surface water and groundwater pollution.

d. Silt, sedimentation and erosion control.

e. Vegetation and landscaping.

F. Reports to the legislature on publicly owned dams. As required by Laws of 1978, ch. 779 § 7. (Minn. Stat. § 105.482) the commissioner shall make an annual report to the legislature on the status of dams owned by the state or local governmental units which shall include recommendations for action including any requests for state share or matching funds for grants-in-aid to local governments.

6 MCAR § 1.5033 New dams or enlargements.

A. Class III dams, waivers. For Class III dams which are sponsored by a governmental agency which will be responsible for operation and maintenance or for which the design, construction supervision, and inspection is performed by a federal agency; the commissioner may waive certain details of the required submittals, provided that the federal agency will furnish the commissioner with adequate facts on the design and construction inspection to allow the commissioner to adequately evaluate the permit and approvals.

B. Specific procedural requirements.

1. The permit application, preliminary report, and filing fees.

a. The permit application. A separate application, including a preliminary report for each new dam or each dam proposed to be enlarged, shall be filed with the commissioner upon forms provided by the commissioner which shall contain the following:

- (1) Name and address of the owner(s) or prospective owner;
- (2) Purpose;
- (3) Location, type, size and height of the dam; and
- (4) Storage capacity of the impoundment.

For waste impoundment dams, the permit application shall include facts necessary for the issuance of a permit which extends throughout the life of the impoundment project.

b. The preliminary report. The preliminary report shall consist of:

(1) A general statement setting forth the effect on the environment.

(2) Maps showing the location of county, township and section lines; the outline of the impoundments; the location of state, county and township roads; the locations of utilities, e.g. pipelines, transmission, telegraph and telephone lines; the topography; and other structure or facilities including dwellings affected by the proposed dam. State, county and U.S.G.S. maps and aerial photographs may be used for this purpose.

(3) A written report of surface conditions, i.e. geology, topography, which is based on a field examination by the applicant's engineer and other qualified personnel.

(4) Typical cross-sections of the dam accurately showing elevations, proposed impoundment levels and top width.

(5) Logs of borings in the foundation and in the borrow areas, and results of seismic and resistivity subsurface investigations, when they are readily available.

(6) Preliminary design assumptions, operational aspects, tentative conclusions and references. The design assumptions shall pertain to such hydrologic features as drainage area, rainfall data, runoff, inflow, area-capacity-elevation data and flood routing, in addition to structural, geologic and geotechnical assumptions.

(7) A preliminary cost estimate.

(8) Where applicable, future plans on ultimate project size including dams and impoundments.

(9) A general description of all other activities and elements related to and part of the total dam project, such as operational plans and details of smaller dams, dikes, diversions, reclaim water facilities and other facility and utility lines including pipelines, roads and railroads. The report

shall identify each element or activity of the total dam project which would require a permit under the provisions of 6 MCAR §§ 1.5020-1.5026.

c. Filing fees. Each application for a permit must include a \$15.00 fee in the form of a check or money order payable to the State Treasurer.

2. Professional engineer's requirements. The applicant must engage professional engineer(s) registered in the State of Minnesota or acting solely as officers or employees of the United States as provided in Minn. Stat. § 326.13(3), who are proficient in dam engineering to prepare the engineering documents, plans and specifications, to inspect the construction, or enlargement, and to establish operation and maintenance procedures for the structure.

3. Final design requirements. Upon acceptance and agreement by the commissioner of the preliminary report, the applicant shall submit, for his approval, a final design report, together with plans and specifications and the initial inspection fee. The final design report shall include, but not limited to, the following:

a. General description of the project, such as its service life, production rates, required storage and area(s); geological considerations such as physiography, topography, geology, seismicity, groundwater conditions and maps; hydrologic studies such as physical features, climatology, design, storm and design flood characteristics, flood routing, water-material balance, free-board requirements, dam-break flood; geotechnical information, such as rock-soil sampling and logging, geophysical investigations, field and lab testing, instrumentation data; considerations of construction materials and their properties, such as quantities required, borrow and aggregate locations and volumes, field and lab work and investigations, concrete, waste materials generation and placement techniques, investigation of the stored waste materials such as generations, transportation, mechanical/chemical/special testing, disposal practice.

b. Analytical determinations, such as seepage and underseepage studies, stability, deformation and settlement analysis; analytical and design details of facilities, such as dam, foundation, impoundment, abutments, spillways (for the purpose of these rules, spillway means any facility appurtenant to the dam available to discharge excess water and/or waste from the impoundment) or decant facilities, diversions, outlet works, instrumentation; operational aspects, such as impoundment operating criteria, initial filling criteria, responsibility and coordination, emergency procedures and warning systems: air, water and solid pollution controls, sedimentation and erosion controls: operational and post-operational maintenance and abandonment considerations; surveillance and inspection programs.

c. A detailed cost estimate.

4. Plans and specifications.

a. Plans shall consist of a bound portfolio of the drawings with all sheets being of the same size, and shall be of such scale that specifications can be drafted, and construction accomplished.

b. Specifications shall contain:

(1) General provisions, specifying the rights, duties, responsibilities of the owner, designer, contractor; the prescribed order of work; and

(2) Technical provisions describing approved work methods, equipment materials and desired end results; and

(3) Special conditions.

5. Permit standards. Approval or denial shall be based on the potential hazards to the health, safety and welfare of the public and the environment including probable future development of the area downstream or upstream. The applicant may be required to take measures to reduce risks, and the commissioner shall furnish information and recommendations to local governments for present and future land use controls to minimize risks to downstream areas.

The commissioner shall determine if the proposal is adequate with respect to:

a. For Class I, a showing of lack of other suitable feasible and practical alternative sites, and economic hardship which would have a major adverse effect on population and socio-economic base of the area affected.

b. For Class II, a showing of lack of other suitable feasible and practical alternative sites and that the dam will benefit the population or socio-economic base of the area involved.

c. The need in terms of quantifiable benefits.

d. The stability of the dam, foundation, abutments and impoundment under all conditions of construction and operation, including consideration of liquefaction, shear, or seepage failure, overturning, sliding, overstressing and excessive deformation, under all loading conditions including earthquake. This determination must be based on current, prudent engineering practice, and the degree of conservatism employed must depend on hazards.

e. Discharge and/or storage capacity capable of handling the design flood based on current, prudent engineering practice and the hazard classification.

f. Compliance with prudent, current environmental practice throughout its existence.

6. Work inspection and constructor reports.

a. Conformity with approved designs, plans and specifications.

(1) The permittee shall be responsible for providing adequate controls of construction and operation activities and for the development of data in the ordinary course of those activities on design, construction and operation assumptions. The owner may engage a professional engineer to operate and inspect the construction, but the designer should also periodically monitor construction.

(2) All construction shall be carried out in accordance with the approved design, plans and specifications. No alteration, modification or addition to the approved designs, plans and specifications that could adversely affect the safety or environmental impact of the dam shall be made by the permittee without prior permission of the commissioner. Such approvals shall be provided, if a proper margin of safety is maintained, as rapidly as possible to preclude interference with construction work schedules. Emergency short term revisions may be made by the permittee followed by prompt notice to the commissioner. Records of alterations, modifications, or additions to the approved design, plans and specifications, for which written approval of the commissioner was not required shall be submitted with the Construction Report (§ 1.5033 B. 6. c.).

(3) The commissioner shall make inspections for the purpose of securing conformity with approved designs, plans and specifications and shall require the owner to perform, at the permittee's expense, work or tests as found necessary to disclose sufficient information to determine if there is conformity.

(4) If, at any time as work progresses, the commissioner finds that changes are necessary to protect health, safety, welfare and the environment, he shall order the owner to revise designs, plans and specifications.

(5) At his discretion, the commissioner may observe and approve foundation preparation and may approve construction material placement on an intermittent or continuing basis when field conditions dictate. The commissioner shall be notified at least three (3) days in advance of start of construction.

b. Permanent markers. At least one (1) permanent marker for vertical and horizontal control shall be established in the natural ground by the permittee in the vicinity of each dam so as to be accessible and protected against disturbance throughout its existence. The permanent marker for vertical control must be based upon datum and degree of accuracy based upon considerations of the hazards involved and the size of the dam, as specified by the commissioner.

The permittee shall submit the locations of these permanent markers plotted on the best available maps or plans within time limits prescribed in the permit.

c. Construction report. The permittee may be required to submit monthly reports on construction observation and quality control, when con-

struction is complex or hazardous, including: daily construction documentation; foundation preparation and treatment, quality control tests; records and summaries of actual tests of foundation and construction materials, cut-off trench, grouting, etc; instrumentation installation and maintenance of records and readings; geologic mapping, if any, of exposed foundations; of logs of drill holes and other exploration features, if any, completed during construction; review and evaluation of disclosed field conditions by the designer; and any other items which may be pertinent to a construction quality assurance program.

7. As-built plans and data. Immediately upon completion of construction the permittee shall file supplementary drawings or descriptions of the dam as actually constructed, or any other items which may be of permanent value bearing on the adequacy and permanency of the dam.

In enlargements the data need apply only to the new work.

8. Statement of completion and affidavit of cost. Within 90 days following completion of construction, the permittee shall notify the commissioner, by certified mail, including a statement of the designer or professional engineer in charge of construction inspection that to the best of knowledge, the dam was completed in accordance with the approved designs, plans and specifications and any revisions thereof.

As soon as practicable thereafter, the permittee shall file an affidavit stating the actual cost in detail or that the permittee is unable to report the actual cost stating the reasons therefor. In the latter event the commissioner shall make at the owner's expense an appraisal of the cost of construction or enlargement and determine what further fee, if any, is required. If a further fee is required, the commissioner shall notify the owner by certified mail of the amount within fifteen (15) days including notice that permittee may appear within sixty (60) days thereafter to protest the amount of the fee, in whole or in part and the sufficiency of the appraisal upon which such determination was based.

9. Issuance of impoundment approval. Impoundment approvals may be necessary for Class I and Class II dams to allow adequate time for inspection before actual impoundment begins.

The type, location, hazard involved and the purpose served by the dam will be considered in respect to the degree and nature of impoundment approval needed. Certain waste disposal dams which will not be constructed to maximum storage elevation in five years will require a series of impoundment approvals for various stages of construction.

Pending issuance of an Impoundment Approval (or reissuance in the event of termination) where required the owner of the dam shall not, through action or inaction, allow an impoundment.

The Impoundment Approval shall contain such terms and conditions as the commissioner may prescribe.

The commissioner may also revoke or amend the terms and conditions of any approval.

10. Performance reports. The permittee may be required in the case of complex or hazardous dams to submit yearly a Performance Report detailing the instrumentation data and analysis and interpretation of these data as they relate to the safety of the dam and design assumptions. The frequency of submission may be modified if field conditions so dictate.

6 MCAR § 1.5034 Miscellaneous provisions.

A. Legal claims. Any permit shall be permissive only and shall not be construed as estopping or limiting any legal claims of persons other than the state against the permittee, or as estopping or limiting any legal claims of the state against the permittee for violation of any of the terms or conditions of the permit.

B. Liability of owner and permittee. Nothing in these rules shall be construed to relieve an owner of a dam or permittee of the legal duties, obligations or liabilities incident to the ownership or operation of the dam.

C. Owner's rights. Nothing in these rules shall be construed to deprive any owner of such recourse to the courts.

D. Inspections. Owners of dams shall allow the commissioner prompt access to and inspection of all records, plants, structures, facilities and operations at all reasonable times. Entry is subject to reasonable compliance with the owner's safety rules and avoidance of unreasonable impairment of or interference with construction and operation. Inspection shall be limited to testing and observing, rather than supervising and shall not relieve the owner from the full responsibility of providing adequate inspection and supervision.

E. Compliance with other laws. The owner of a dam shall comply with all other state and federal laws and regulations and shall obtain such other permits as may be required including particularly any laws and rules regarding mineland reclamation.

F. Acquisition of property. Where activities authorized by a permit involve the rights or interests of any other persons, or of any public interests, the permittee, before proceeding, shall acquire all necessary interests or permissions, including paying the costs of the alteration, relocation or replacement of any publicly owned facility.

G. Assignment. Permits may be assigned in whole or in part only if the commissioner is notified and approves the assignment in writing.

Provisions of the permit shall extend to and bind the successors in authority of the commissioner and the legally assigned successors in interest of the permittee.

H. Warning systems and emergency procedures.

1. Class I dam owners shall prepare and file for approval a contingency plan for notifying any persons whose lives, property or health may be endangered by failure, misoperation or other circumstances or occurrence affecting the dam:

a. identifying most practical and expeditious means for warning considering the time factor involved based on the proximity of the dam to affected parties.

2. If there is no feasible or practical means to provide for adequate evacuation warning in sufficient time if a catastrophe occurs the owner shall be responsible for notifying affected downstream property owners of that fact.

I. Permit and hearing procedures. These rules, 6 MCAR §§ 1.5030-1.5034, are subject to the permit and public hearing provisions of Minn. Stat. §§ 105.44-105.462 and 105.64, including:

1. The commissioner must act on permit applications within thirty (30) days of the time that all required data and fees are filed in his office.

2. The commissioner may cancel or modify a permit at any time if the commissioner deems it necessary for any cause for the protection of the public interests.

3. Whether or not a dam is under permit, if the commissioner determines that it is unsafe or needs repair or alteration, he shall notify the owner to repair, alter or remove the dam as the exigencies of the case may require.

4. An order requiring immediate action is effective on the date thereof, but shall not be in effect for more than thirty (30) days from that date unless the permittee is on the same date mailed written notice of the order which includes notice of a Minn. Stat. § 105.44 public hearing on a date not more than thirty (30) days from the date of the notice.

5. If at any time during construction of a project, the commissioner finds that the work is not being done in conformance with approved designs, plans and specifications, except as provided in 6 MCAR § 1.5033 B. 6. a. (2), the commissioner shall notify the permittee and shall order immediate compliance and may order that no further work be done until such compliance has been effected and approved.

6. If the permittee fails to comply with approved designs, plans and specifications or if conditions are revealed which will not permit the construction of a safe dam, the permit may be revoked.

7. Acceptance of permit or approval. Initiating any work by the permittee, authorized in an issued permit or approval, constitutes acceptance of all terms and conditions contained therein.

J. Required information and waivers. When necessary to assess the safety of a dam or proposed project, the applicant or owner may be required to submit additional information at his own expense. Whenever information or conditions required by these rules is unnecessary, the commissioner shall waive those provisions and shall allow appropriate revisions to make the requirements less burdensome.

K. Inspection fees.

1. Exemption. No inspection fee shall be charged for dams owned or sponsored by a governmental agency or for any Class III dam for which the design, construction supervision, and inspection is provided by a federal agency.

2. The initial fee required by 6 MCAR § 1.5033 B. 3. shall be based on the following formula and no fees pursuant to 6 MCAR § 1.5000 shall be charged.

a. For the first \$100,000 of estimated cost (as defined in 6 MCAR § 1.5030 D., that portion of engineering evaluations and studies relating to safety which is also part of the final design report performed for the applicant which were included with environmental assessment worksheets and with Environmental Impact Statements required by law shall be subtracted provided that the applicant provides a notarized detailed accounting of expenditures), a rate of two and one-half percent.

b. For the next \$400,000, one and one-half percent.

c. For the next \$500,000, one percent.

d. One-half of one percent of all costs in excess of \$1,000,000.

e. If the final total cost exceeds the estimate, the difference as provided in 6 MCAR § 1.5033 B. 8.

For dams which will not be constructed to maximum storage elevation within five years of the date construction begins (such as dams for storage of mining waste materials) computation will be based on applicant's work schedule outlining proposed staging and a certified estimate of costs based on staging and a certified estimate of costs based on staging intervals not exceeding five years in duration. At the end of each stage, or at intervals not exceeding five years in duration, until completion, the applicant shall file an affidavit of actual costs for each stage or interval not exceeding five years. Whenever the actual costs exceeds the estimate the applicant shall pay the difference.

3. Periodic fees shall be charged to owners for each year an inspection is made pursuant to § 1.5032 B. 2. b. of \$30.00 per dam plus an additional fee based on surface (as defined in 6 MCAR § 1.5030 D.) of \$0.01 per square foot for the first 1,000 and \$0.001 for each square foot in excess of 1,000: payable on or before the end of the state fiscal year, June 30.

4. The commissioner shall keep annual records of inspection costs which shall be provided upon request of any applicant who paid inspection fees.

Department of Natural Resources
Rules for Appropriation of Waters of the State

6 MCAR § 1.5050 General provisions.

A. Statement of policy. The purpose of these rules is to provide for the orderly and consistent review of permit applications for appropriation and use of waters of the state in order to conserve and utilize the water resources of the state in the public interest. In the application of these rules, the Department of Natural Resources shall be guided by the policies and requirements declared in Minn. Stat. ch. 105 and 116D.

Any appropriation must be consistent with laws and rules of federal, state and local governments.

B. Scope. These rules set forth minimum standards and criteria pertaining to the regulation, conservation and allocation of the water resources of the state, including the review, issuance and denial of water appropriation applications and the modification, suspension or termination of existing permits.

Further provisions for the administration of these rules are found in Minn. Stat. ch. 105. Permits for water appropriation for mining shall be in agreement with provisions of Minn. Stat. § 105.64.

C. Jurisdiction. Permits shall be required for, and these rules shall apply to, any appropriation of waters of the state, except for the following:

1. Appropriation of water for domestic uses serving less than 25 persons for general residential purposes.
2. Test pumping of a ground water source.
3. Withdrawal for any use at a rate not to exceed 10,000 gallons per day and totaling no more than 1 million gallons per year.
4. Agricultural field tile or open ditch drainage systems, including pumping, to remove water from crop lands. This shall not preclude the need for compliance with Minn. Stat. ch. 106 and for permits for changes in course, current or cross-section of public waters in the event that the agricultural drainage system adversely affects public waters. Adverse effects on public waters may include partial or complete drainage of public waters, high water or flooding conditions on surrounding lands and accelerated erosion and sedimentation.
5. Reuse and discharge of waters resulting from an appropriation of waters of the state for which a permit has been granted, subject to applicable laws, and rules of other state and federal governmental agencies.

D. Definitions. For the purpose of these regulations, the terms or words

defined in this section have the meanings given therein, except where the context clearly indicates otherwise. The word "shall" is mandatory, not permissive.

"Aquifer" means any water bearing bed or stratum of earth or rock capable of yielding ground water in sufficient quantities that can be extracted.

"Appropriation" shall have the meaning prescribed in Minn. Stat. § 105.37, subd. 5, "Appropriation includes but is not limited to taking, regardless of the use to which the water is put".

"Artesian aquifer" or "confined aquifer" means a water body or aquifer overlain by a layer of material of less permeability than the aquifer. The water is under sufficient pressure so that when it is penetrated by a well, the water will rise above the top of the aquifer. A flowing artesian condition exists when the water flow is at or above the land surface.

"Basin" means a depression capable of containing water which may be filled or partly filled with waters of the state. It may be a natural, altered or artificial depression.

"Commissioner" refers to the Commissioner of the Department of Natural Resources or the commissioner's authorized representative.

"Consumptive use" or "consumption" refers to water withdrawn and not directly returned to the same waters as the source for immediate further use in the area.

"Division" means the Division of Waters, Department of Natural Resources.

"Domestic use" means use for general household purposes for human needs such as cooking, cleaning, drinking, washing and waste disposal, and uses for on-farm livestock watering excluding commercial livestock operations which use more than 10,000 gallons per day and 1 million gallons per year.

"Dug pit" means an artificial excavation such as sump, trench, pond, water hole or other basin constructed for the purpose of intercepting and capturing surface and ground water, and often involving ground water under water table or unconfined conditions.

"Ground water" means subsurface water in the saturated zone. The saturated zone may contain water under atmospheric pressure (water table condition), or greater than atmospheric pressure (artesian condition).

"Protected flow" is defined as the amount of water required in the watercourse to accommodate instream needs such as water-based recreation, navigation, aesthetics, fish and wildlife habitat, water quality and needs by downstream higher priority users located in reasonable proximity to the site of appropriation.

“Protection elevation” is defined as the water level of the basin necessary to maintain fish and wildlife habitat, existing uses of the surface of the basin by the public and riparian landowners, and other values which must be preserved in the public interest.

“Public water supply” refers to the various supplies of water used primarily for domestic supply purposes and obtained from a source or sources by a municipality, a water district, a person or corporation where water is delivered through a common distribution system, as further defined in Minn. Stat. § 144.382, subd. 4.

“Safe yield for water table condition” means the amount of ground water that can be withdrawn from an aquifer system without degrading the quality of water in the aquifer and without allowing the long term average withdrawal to exceed the available long term average recharge to the aquifer system based on representative climatic conditions.

“Safe yield for artesian condition” means the amount of ground water that can be withdrawn from an aquifer system without degrading the quality of water in the aquifer and without the progressive decline in water pressures and levels to a degree which will result in a change from artesian condition to water table condition.

“Water table aquifer” or “unconfined aquifer” means an aquifer where ground water is under atmospheric pressure.

“Waters of the state” means any waters, surface or underground, except those surface waters which are not confined but are spread and diffused over the land “Waters of the State” includes all boundary and inland waters (Minn. Stat. § 105.37, subd. 7).

“Watercourse” means any natural, altered or artificial channel having definable beds and banks capable of conducting confined runoff from adjacent lands (Minn. Stat. § 105.37, subs. 10, 11 and 12).

“Well” means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed where the intended use is for the location, diversion, or acquisition of ground water (Minn. Stat. § 156A.02, subd. 1).

E. Coordination with other agencies. Nothing in these rules is intended to supersede or rescind the laws, rules, regulations, standards, and criteria of other international, federal, state, regional, or local governmental subdivisions with the authority to regulate the appropriation of waters of the state. The issuance of a permit shall not confer upon an applicant the approval of any other unit of government for the proposed project. The Department shall coordinate the review of permit applications with other units of government having jurisdiction in such matters.

F. Severability. The provisions of these regulations shall be severable, and

the invalidity of any paragraph, subparagraph, or subdivision thereof, shall not make void any other paragraph, subparagraph, subdivision or any other part.

6 MCAR § 1.5051 General requirements for applying for permits.

A. Application forms required.

1. Applications shall be submitted for each surface or ground water source from which water is proposed to be appropriated. A separate application shall be required for the following:

a. For each distribution system if the water is used in more than one common distribution system.

b. For each well(s) completed in different aquifers if ground water is to be appropriated from separate wells completed in more than one aquifer.

c. For each basin or watercourse involved if surface water is to be appropriated from several different basins or watercourses.

2. The applicant must provide written evidence of ownership, or control of, or a license to use the land overlying the ground water source or abutting the surface water source from which water will be appropriated.

B. Applicant responsibilities. All applicants shall submit the following information when it is reasonably available. Additional submittals may be required as prescribed in 6 MCAR § 1.5053 and where deemed necessary by the commissioner in order to adequately evaluate the applications:

1. A completed application on forms supplied by the commissioner.

2. The required application fee (Minn. Stat. § 105.44, subd. 10).

3. Aerial photographs, maps, sketches, detailed plat, topographic maps or other descriptive data sufficient to show:

a. The location of the area of use.

b. The outline of the property owned, or controlled by the applicant in proximity to the area of use.

c. The location of the proposed point of appropriation such as well(s) location, stream bank pump(s) or the location of other facilities for appropriation of water.

d. If ground water is involved, the location of test hole borings which have been drilled on the property from which the appropriation will be made.

4. Signed statement that copies of the application and accompanying documents have been sent to the mayor of the city, secretary of the board of supervisors of the soil and water conservation district or the secretary of the board of managers of the watershed district if the proposed project is within a city or within or affects a watershed district or soil and water conservation district (Minn. Stat. § 105.44, subd. 1).

5. Statement of justification supporting the reasonableness and practicality of use with respect to adequacy of the water source, amounts of use and purposes, including available facts on:

a. Hydrology and hydraulics of the water sources involved, including for surface waters, the applicant's analysis of the effect of proposed withdrawals on level and flows and anticipated impacts, if any, on instream flow or lake level conditions to the extent that such facts are not already available to the commissioner.

b. Proposed pumping schedule including rates, times and duration.

c. Amounts of water to be appropriated on a maximum daily, monthly and annual basis.

d. Means, methods and techniques of appropriation.

e. Alternative sources of water or methods which were considered, to attain the appropriation objective and why the particular alternative proposed in the application was selected.

6. Information on any water storage facilities and capabilities and any proposed reuse and conservation practices.

7. Application for use of surface water shall include the following additional data:

a. A contingency plan which describes the alternatives the applicant will utilize if at any time appropriation is restricted to meet instream flow needs or to protect the level of a basin. The contingency plan shall be feasible, reasonable and practical, otherwise the applicant shall submit as part of the application a written statement agreeing in such case to withstand the results of no appropriation (Minn. Stat. § 105.417, subd. 5).

b. For appropriation from natural basins or natural watercourses, facts to show that reasonable alternatives for appropriating water have been considered including use of water appropriated during high flows and levels and stored for later use and the use of ground water.

c. For basins less than 500 acres in surface area the applicant shall:

(1) Notify all riparian landowners and provide the commissioner with a list of all landowners notified.

(2) Attempt to obtain a signed statement from as many riparian landowners as the applicant is able to obtain stating their support to the proposed appropriation; and

(3) Provide an accounting of number of signatures of riparian owners the applicant is unable to obtain (Minn. Stat. § 105.417, subd. 3 (c)).

8. Application for use of ground water, except for agricultural irrigation (6 MCAR § 1.5053A) shall include the following data:

a. Test hole logs (if any) and water well record(s).

b. Hydrologic test data; and

c. Hydrologic studies; if the above data are insufficient to allow the commissioner to properly assess the capability of the aquifer system in the area of withdrawal or are inadequate to allow assessment of the effects of the proposed appropriation on the water resource and on nearby wells.

C. Waiver of requirements. Whenever information required by 6 MCAR §§ 1.5051 and 1.5053 are unnecessary or inapplicable the commissioner shall waive those requirements.

6 MCAR § 1.5052 Commissioner's actions on permit applications. Upon receipt of the information required from the applicant under 6 MCAR §§ 1.5051 and 1.5053, where applicable, the commissioner shall take action on the application as follows:

A. Review and analysis of data.

1. The commissioner shall consider the following factors, as applicable:

a. The location and nature of the area involved and the type of appropriation and its impact on the availability, distribution and condition of water and related land resources in the area involved.

b. The hydrology and hydraulics of the water resources involved and the capability of the resources to sustain the proposed appropriation based on existing and probable future use.

c. The probable effects on the environment including anticipated changes in the resources, unavoidable detrimental effects and alternatives to the proposed appropriation.

d. The relationship, consistency and compliance with existing federal, state and local laws, rules, legal requirements and water management plans.

e. The public health, safety and welfare served or impacted by the proposed appropriation.

f. The quantity, quality and timing of any waters returned after use and the impact on the receiving waters involved.

g. The efficiency of use and intended application of water conservation practices.

h. The comments of local and regional units of government, federal and state agencies, private persons and other affected or interested parties.

i. The adequacy of state water resources availability when diversions of any waters of the state to any place outside of the state are proposed.

j. The economic benefits of the proposed appropriation based on supporting data when supplied by the applicant.

2. The commissioner shall further consider the following factors for appropriation from watercourses:

a. Historic streamflow records, and where streamflow records are not available, estimates based on available information on the watershed, climatic factors, runoff and other pertinent data.

b. Physical characteristics such as discharge, depth and temperature and an analysis of the hydrologic characteristics of the watershed.

c. Aquatic system of the watercourse, riparian vegetation and existing fish and wildlife management within the watercourse.

d. Frequency of occurrence of high and low flows.

e. Feasibility and practicability of off-stream storage of high flows for use in providing water supply during periods of normal low flows, when supply is limited by existing and anticipated use.

3. The commissioner shall further consider the following factors for appropriation from basins:

a. Total volume of water within the basin.

b. Slope of the littoral zone.

c. Available facts on historic water levels of the basin and other relevant hydrologic factors.

d. Cumulative long-range ecological effects of the proposed appropriation.

e. Natural and artificial controls which affect the water levels of the basin.

4. The commissioner shall further consider the following factors for appropriation of ground water:

- a. Type and thickness of the aquifer.
- b. Subsurface area of the aquifer.
- c. Area of influence of the proposed well(s).
- d. Existing water levels in the aquifer and projected water levels due to the proposed appropriation.
- e. Other hydrologic and hydraulic characteristics of the aquifer involved.
- f. Probable interference with neighboring wells.

B. Decision on applications. The commissioner is authorized to grant permits, with or without conditions, or deny them. In all cases, the applicant, the managers of the watershed district, the board of supervisors of the soil and water conservation district, or the mayor of the city may demand a hearing in the manner specified in Minn. Stat. § 105.44, subd. 3, within 30 days after receiving mailed notice outlining the reasons for denying or modifying an application.

Decisions by the commissioner are further subject to the administrative provisions of Minn. Stat. § § 105.44-105.463 and § 105.64. These sections include information and requirements on procedure, authority, timing of actions, fees, notice, investigations, violations and penalties and special provisions regarding mining operations.

Based on these statutory requirements and other applicable provisions of Minn. Stat. ch. 105 the commissioner shall make decisions as follows:

1. No permit shall be granted if:
 - a. For application involving diversion of any waters of the state, surface or ground water, to a place outside the state, the remaining waters in the state will not be adequate to meet the state water resources needs during the specified life of the diversion (Minn. Stat. § 105.405, subd. 2).
 - b. There is no conflict between competing users but the quantity of available waters of the state, in the area involved, are inadequate to provide the amounts of water proposed to be appropriated.
 - c. The appropriation is not reasonable, practical, and does not adequately protect public safety and promote the public welfare (Minn. Stat. § 105.45).
 - d. The appropriation is not consistent with approved state, regional

and local water and related land resources management plans, provided that regional and local plans are consistent with statewide plans (Minn. Stat. § 105.41, subd. 1a.).

e. There is an unresolved conflict between competing users for the waters involved and the conflict has not been resolved pursuant to provision of 6 MCAR § 1.5055.

2. Approval of any surface water appropriation application shall be further subject to the following:

a. For all watercourses, proposals for appropriation during periods of flood flows and high water levels shall be given first consideration unless this is not practical, reasonable or feasible (Minn. Stat. § 105.41, subd. 1a.).

b. For natural and altered watercourses, except for drainage ditches established under Minn. Stat. ch. 106, consumptive appropriation may be limited consistent with Minn. Stat. § 105.417, subd. 2, provided that adequate data are available to set such limits for watercourses. Where protected flow is designated by the commissioner, no appropriation shall be allowed when the flow is below that protected flow.

c. Permits to appropriate water for any purpose from streams designated trout streams by commissioner's orders, pursuant to Minn. Stat. § 101.42, shall be limited to temporary appropriations when not in conflict with the special designation, such as during periods of high flows or high water levels (Minn. Stat. § 105.417, subd. 4).

d. For natural and altered basins the commissioner shall:

(1) Establish a protection elevation below which no appropriation shall be allowed (Minn. Stat. § 105.417, subd. 3(b)).

(2) Limit the collective maximum annual withdrawals to not exceed a total volume of water amounting to one-half acre-foot per acre of surface water basin based on Minnesota Department of Natural Resources Bulletin No. 25, "An Inventory of Minnesota Lakes". The actual collective annual allocation may be considerably less than the maximum. This limitation is as provided by Minn. Stat. § 105.417, subd. 3(a).

(3) For natural and altered basins less than 500 acres, an application shall not be approved if the commissioner determines that the proposed appropriation would lower the water level in the basin to an extent which would deprive the public and riparian property owners of reasonable use of and access to the water.

e. The establishment of protection elevation and limitation on maximum withdrawals contained in sections d.(1). and d.(2). above, shall not apply to artificial and altered basins constructed primarily for the purpose of storing highwaters and flood flows as water conservation or contingency flow alternatives when such alternatives are approved by the commissioner.

f. Protected flows and protection elevations shall be established for the purposes as defined in 6 MCAR § 1.5050D and shall be based on available information considered in 6 MCAR § 1.5052 A.2. and A.3. For new applications the proposed establishment of protected flows or protection elevations shall be part of the permit process outlined in 6 MCAR § 1.5052 B. including opportunity for public hearing. Existing permittees who will be affected by the proposed establishment of protected flows or protection elevations shall be notified of such proposals and shall be provided opportunity for public hearing before modification of their permits based on the procedures outlined in 6 MCAR § 1.5056 D.1.b. Upon the submission of data set forth in 6 MCAR § 1.5052 A.1. or A.2. for the specified watercourse segment or basin by a state agency agreeing to pay the costs of any necessary public hearings, the commissioner shall establish requested protected flows and elevations.

3. Approval of appropriation from ground water shall be further subject to the following:

a. The amounts and timing of water appropriated shall be limited to the safe yield of the aquifer to the maximum extent feasible and practical.

b. If the commissioner determines, based on substantial evidence, that a direct relationship of ground and surface waters exists such that there would be adverse impact on the surface waters through reduction of flows or levels below protected flows or protection elevations the amount and timing of the proposed appropriation from ground water shall be limited.

c. Appropriation of ground water shall not be approved or shall be issued on a conditional basis in those instances where sufficient hydrologic data are not available to allow the commissioner to adequately determine the effects of the proposed appropriation. If a conditional appropriation is allowed, the commissioner shall make further approval, modification or denial when sufficient hydrologic data are available.

d. The commissioner shall limit the use of dug pits for appropriating water when such pits are so located that they may reasonably be expected to affect protected flows of watercourses or protection elevations of basins.

C. Waiver of requirements. The commissioner shall waive any of the provisions of 6 MCAR § 1.5052B. if it is determined that conditions are such that implementation of a provision would be unnecessary or inapplicable or if an applicant provides sufficient evidence to show just cause why such provision would not be reasonable, practical or in the public interest. In the event the commissioner does not grant an applicant's request for waiver the applicant may demand a hearing.

D. Specific types of appropriation and use. Additional requirements and decisions governing agricultural irrigation, public water supplies, dewatering, water level maintenance and mining are also contained in 6 MCAR § 1.5053.

6 MCAR § 1.5053 Special additional requirements and conditions for certain specific types of appropriation.

A. Agricultural irrigation including use of water for wild rice paddies.

1. For ground water appropriation, the applicant must submit to the commissioner the following data in addition to the requirements of 6 MCAR § 1.5051:

a. If the application is for use of ground water from an aquifer system for which adequate ground water availability data are available and therefore is designated by the commissioner as a Class A application, (Minn. Stat. § 105.416, subd. 1):

(1) Copies of test hole log(s) to identify the aquifer the proposed well will penetrate.

(2) Copies of the water well record(s) and production test data.

(3) Additional aquifer test data as may be required by the commissioner if the test holes, water well records and production test data are insufficient to allow the commissioner to properly assess the capability of the aquifer system in the area of withdrawal, or are inadequate to allow assessment of the effects of the proposed appropriation on other nearby wells.

b. If the application is for use of ground water from an aquifer system for which inadequate ground water availability data are available and therefore is designated by the commissioner as a Class B application, (Minn. Stat. § 105.416, subd. 1) the applicant shall supply the following additional information as required by Minn. Stat. § 105.416, subd. 2 including:

(1) Copies of test hole log(s) to identify the aquifer the proposed well will penetrate.

(2) Copies of water well record(s) and production test data.

(3) The anticipated ground water quality in terms of the measures of quality commonly specified for the proposed water use, when existing data indicate the water supply is not suitable for irrigation.

(4) The location of each domestic well, for which information is readily available, located within the area of influence or within 1½ mile radius of the proposed irrigation well, whichever is less.

(5) Readily available information from water well records, reports, studies and field measurements regarding the domestic wells within the area of influence or a 1½ mile radius of the proposed irrigation well which ever is less, such as:

(a) owner's name, address and phone number.

(b) depth of well (in feet).

(c) diameter of well and casing type (concrete curb, steel, wooden, clay tile, etc.).

(d) non-pumping water level (in feet) below land surface.

(e) age of well (when constructed).

(f) type of pump (shallow-jet, deep well jet, submersible reciprocating, etc.) and rate of discharge.

(g) Length of drop pipe in well.

(6) Results of a pumping test of the aquifer system as required in Minn. Stat. § 105.416, subd. 3.(e).

(7) The commissioner shall in any specific application, waive any of the requirements of 6 MCAR § 1.5053 A.1.b.(1)-(6), when the necessary data are already available, as required in Minn. Stat. § 105.416, subd. 2.

2. The commissioner's actions.

a. The commissioner shall analyze, and evaluate applications based on facts supplied by the applicant pursuant to 6 MCAR §§ 1.5051 and 1.5053A.1. Decisions shall be subject to the applicable procedures outlined in 6 MCAR § 1.5052 and based on recommendations of the soil and water conservation district, soil surveys and other available data on soil characteristics relating to soil suitability for agricultural irrigation and adequacy of existing or proposed soil and water conservation measures in order to protect water quality and prevent erosion and sedimentation.

b. The commissioner shall determine the amount of water allowed to be used under 6 MCAR § 1.5053 A.2.a. based on:

(1) Acreage of lands involved.

(2) Climatic characteristics of the area involved.

(3) Dominant soil types of the acreage to be irrigated and major crops to be irrigated.

(4) Best available technology, methodology and crop-water use requirement information including, but not limited to, "Irrigation Guide for Minnesota", Soil Conservation Service, U.S. Department of Agriculture, St. Paul, Minnesota, 1976.

(5) When adequate data on soil moisture and local climatic conditions are available for the area, the commissioner may in cooperation with irrigators and agricultural experts establish an irrigation scheduling system to provide for improved conservation of water.

(6) For irrigation from surface water, where stream flow or lake level records are unavailable or when available records indicate that flows or levels during the irrigation season would be inadequate if all potential riparian landowners would use the water for irrigation, the amount of appropriation shall be limited to no more than one-half acre-foot per acre of riparian land owned or controlled by the applicant except for appropriation for wild rice paddies as is provided in (7). Riparian lands for the purpose of these rules shall be those 40 acre tracts or government lots, or portions thereof, that directly abut a basin or watercourse. This provision shall apply until a protected flow or protection elevation has been established in accordance with 6 MCAR § 1.5052 B.2.

(7) The amount of appropriation for wild rice paddies shall be based on consideration of climatic characteristics of the area and the best available technology relating to amounts of water needed to raise wild rice.

B. Public water supplies.

1. The applicant shall be required to submit to the commissioner all or portions of the following data in addition to the requirements of 6 MCAR § 1.5051:

- a. The number of domestic users.
- b. Reasonable projection of population growth.
- c. The number and type of industrial and commercial users of the public water supply system.
- d. The amount of water to be supplied to domestic, industrial and commercial users respectively.
- e. Other users by type of use and amount to be used from the public water supply system such as:
 - (1) golf courses.
 - (2) recreational lake level maintenance.
 - (3) water transferred to other supply systems.
- f. Information regarding the quantity of the appropriated water to be used in distribution and waste water treatment facilities, not including volume of actual waste water.
- g. Details on emergency plans for water shortage periods outlining public information programs, priorities for limitations of discretionary water use, and alternate sources of public water supplies.

2. The commissioner's actions. The commissioner shall allow the appro-

priation of water for public water supply systems based on evaluation and analysis of the data submitted by the applicant under provisions of 6 MCAR §§ 1.5051 and 1.5053B.1., and the procedures outlined in 6 MCAR § 1.5052 and subject to 6 MCAR § 1.5053 B.3.

3. Appropriation permits issued to public water supply authorities shall be subject to requirements of Minn. Stat. § 105.418 relating to critical water deficiency periods and restriction of non-essential uses.

C. Water level maintenance for basins.

1. For water appropriation applications for the purpose of establishing and maintaining water levels for basins the applicant shall submit the following data in addition to the requirements of 6 MCAR § 1.5051:

a. Information on the basin and proposed source of supply or source of discharge, including facts indicating how the water will be appropriated and discharged and the proximity of the basin to the proposed source of supply or source of discharge.

b. Information on the design of any discharge facility into or out of the basin.

2. The commissioner shall evaluate and make decisions on applications based on facts supplied by the applicant and subject to the applicable procedures outlined in 6 MCAR § 1.5052 and the following determinations:

a. Effects on public welfare of the proposed appropriation.

b. The proposed appropriation is reasonable, practical, technically feasible and effectively accomplishes its purpose.

c. The proposed appropriation will have minimal or no detrimental effect on the basin, the proposed source of supply or the receiving water and property of riparian owners.

d. The quality of the water of the basin or the receiving water source will not be detrimentally impaired by the appropriation.

e. The proposed appropriation is consistent with 6 MCAR § 1.5024 B.1.b., public waters permits rules.

D. Dewatering. Dewatering, which involves appropriation of water from ground or surface water sources for purpose of removing excess water shall be subject to water appropriation permit requirements, unless otherwise exempted by these rules. The commissioner shall evaluate and make decisions on such application based on applicable provisions of 6 MCAR §§ 1.5051 and 1.5052 and the following additional requirements:

1. The applicant must show there is a reasonable necessity for such dewatering and the proposal is practical.

2. The applicant must show that the excess water can be discharged without adversely affecting the public interest in the receiving waters, and that the carrying capacity of the outlet to which waters are discharged is adequate.

3. The proposed dewatering is not prohibited by any existing law.

E. Mining and processing of metallic minerals and peat.

1. All applicants for permits for mining and processing of metallic minerals and peat must provide the following information in addition to the requirements of Minn. Stat. § 105.64 and 6 MCAR § 1.5051:

a. All plans and specifications regarding withdrawal, use, storage and disposal of waters of the state.

b. Details of the rates, volumes and source of water to be appropriated and consumed in the processing, including all losses such as uncontrolled seepage, evaporation, plant losses and discharge volumes.

c. Criteria used in estimating the proposed appropriation, distribution and discharge based on climatic averages and extremes.

d. Details of the sources, rates, and volumes of water released from the mining operations involved.

e. Details of the hydrologic and hydraulic impacts and effects of the operation on the watershed(s) including changes in basins, watercourses and ground water systems.

2. The commissioner shall analyze, evaluate, and make decisions on appropriations for mining and processing of metallic minerals based on facts submitted by the applicant pursuant to 6 MCAR §§ 1.5051 and 1.5053E.1., subject to the conditions outlined in 6 MCAR § 1.5052 and the following considerations:

a. The commissioner shall direct the applicant to utilize available surplus water from preexisting mining operations or facilities, whether owned or controlled by the applicant or others, whenever feasible and practical unless justification is provided on why such practice should not be allowed. If the commissioner finds that an existing permittee has available unused water, for which there is inadequate justification, the commissioner, after notice and opportunity for hearing, shall amend the existing permit to promote better utilization of the water.

b. The commissioner shall base the allocation of water on consideration of the legal requirements for water quality, the impact of the appropriation on those requirements and the following order of priorities of water supply sources located within reasonable distance to the mining or processing site:

- (1) Runoff from the mining areas;
 - (2) Water from active mine pits and tailing basins when such water is not utilized for other purposes or operations;
 - (3) Water from existing mining operation reservoirs where such water is not utilized for other purposes or operations;
 - (4) Water from other mining and processing operations;
 - (5) Water from inactive mine pits;
 - (6) Water from streams appropriated during periods of high flows;
 - (7) Water from ground water sources;
 - (8) Water collected and stored behind off-stream impoundments;
 - (9) Water collected and stored behind impoundments on streams;
- and
- (10) Water from natural basins greater than 500 acres in size.

c. If the disposal of excess water is necessary and if any mining operation in the area has caused or will cause a substantial reduction in water-course flow, the commissioner shall where feasible and practical require the permittee to discharge excess water in a manner that would restore the flow. Such action shall consider the existing and anticipated use of excess water by higher priority users and must be in compliance with appropriate rules of the Minnesota Pollution Control Agency.

6 MCAR § 1.5054 Well interference problems involving appropriation.

A. For new applications. If the commissioner determines that an adequate supply of water is available and that the proposed project is reasonable and practical as determined based on 6 MCAR §§ 1.5052 and 1.5053, but that there is a probable interference with public water supply well(s) and private domestic well(s) which may result in reducing the water levels beyond the reach of those wells, the following procedures shall apply:

1. The applicant shall be responsible for obtaining and providing to the commissioner, available information including depth, diameter, non-pumping and pumping levels, quality and well construction details for all domestic and public water supply wells located within the area of influence of the proposed appropriation well.
2. The commissioner may require aquifer tests or other field tests to be conducted.

3. The commissioner shall determine the probable interference with the domestic and public water supply wells based on theoretic computations using available information regarding the aquifer characteristics obtained from aquifer tests and/or from hydrologic studies, and the probable effects of lowering the water levels in the domestic and public water supply wells due to the proposed appropriation in the area. For public supply wells only the probable interference with that portion which is used for domestic water supply is considered.

4. The commissioner shall provide the prospective appropriator with an evaluation of the nature and degree of effect of the appropriation on the water levels of the domestic well(s) and public water supply well(s).

5. The commissioner shall not issue the permit until the applicant agrees to exercise any of the following options within 30 days after written notification by the commissioner:

a. accept a modification or restriction of the permit application to provide for an adequate domestic water supply; or

b. submit a written agreement signed by the applicant and all parties identified under 6 MCAR § 1.5054 A.3. as having probable interference. Such agreement shall outline the measures that will be taken to insure maintenance of water supplies to such identified parties to the extent that would have existed absent the proposed appropriation. In cases where no agreement can be reached, the commissioner shall implement the settlement procedure identified in 6 MCAR § 1.5054 D.

B. For existing permits. If complaints are made to the commissioner by private domestic well owner(s) or public water supply authority regarding the effects of a water appropriation on the domestic water supplies, the following procedures shall be followed:

1. The commissioner shall provide complaint forms to the parties making the complaint, thereafter referred to as "complainant."

2. Upon receipt of the completed complaint forms the commissioner shall notify the permittee, the applicable watershed district, and the soil and water conservation district and any other governmental agency or person who may be affected or has expressed interest in the complaint.

3. The commissioner shall investigate and assess the complaint by:

a. Analyzing and evaluating the submitted complaint forms, hydrologic facts and characteristics of the water supply systems involved.

b. Requesting additional facts from the complainant(s) and the permittee when necessary. In order to assure that available data on domestic well(s) are provided, the complainant shall cooperate with the permittee in providing such facts as may be available and allowing the commissioner access

to obtain necessary available facts. If the complainant does not cooperate in providing available facts or allowing the commissioner access to the domestic well(s), the commissioner shall dismiss the complaint.

c. Conducting, if necessary, a field investigation.

d. Additional hydrologic tests and evaluation shall be required if hydrologic information is unavailable or inadequate to make a determination of necessary facts in the matter. For irrigation appropriations, the timing and conduct of such tests shall be in accordance with the provision of Minn. Stat. § 105.41, subd. 1a. relating to modifying or restricting appropriation for irrigation.

e. In evaluating the probable influence of the water appropriation on the domestic well(s) and public water supply well(s) the commissioner shall consider whether the domestic well(s) provides a dependable water supply while meeting the appropriate health requirements for the existing use of the affected well. For public water supply wells only the probable interference with that portion which is used for domestic water supply is considered.

4. Where adverse effects on the domestic well(s) are substantiated, the commissioner shall notify the permittee of the facts and findings of the complaint evaluation. In the event that the commissioner determines that the domestic water supply is endangered the commissioner shall, pursuant to 6 MCAR § 1.5056 E., unless a temporary solution is worked out, restrict or cancel the appropriation until such time as a decision has been made by either negotiation, settlement or hearing.

5. The permittee shall within 30 days after written notification by the commissioner take appropriate action by exercising any of the following options:

a. Requesting the commissioner to modify or restrict the permit in order to provide for an adequate domestic water supply.

b. Negotiating a reasonable agreement with the affected well owner(s). If no agreement is reached, the settlement procedure outlined in 6 MCAR § 1.5054 D. shall apply; or

c. Requesting a public hearing.

C. New domestic wells installed after appropriation permits have been issued.

In the event that new domestic wells, exempt from permit requirements, are installed in area of adequate ground water supplies where permits have been issued for appropriation the following shall apply:

1. It shall be the responsibility of the prospective new domestic well owner to insure that the new domestic well will be constructed at adequate

depth so that it will provide an adequate domestic water supply which will not be limited by the permitted appropriation.

2. Holders of valid permits for appropriation of water in areas where adequate water supplies are available shall not be responsible for well interference problems, involving new domestic wells exempt from permit, when such exempt domestic wells are installed subsequent to authorized appropriation.

D. Settlement. If the applicant or permittee and the complainant(s) have been unable to negotiate a reasonable agreement pursuant to 6 MCAR § 1.5054 A.5. and B.5. the following procedure shall be implemented:

1. The applicant or permittee shall submit to the complainant a notarized written offer including a statement that the complainant must respond in writing to the commissioner within 10 days from the receipt of the offer either accepting the offer or explaining why it is rejected. The offer must be submitted to the complainant with a copy to the commissioner within 40 days after the receipt of the written notification provided in 6 MCAR § 1.5054 A.5. and B.5., based on the following:

a. If an existing domestic well provides an adequate domestic water supply which meets state health standards, (MHD 7 MCAR §§ 1.217-1.222) and such well no longer serves as an adequate supply because of the proposed or permitted appropriation in the vicinity the applicant or permittee shall be responsible for all costs necessary to provide an adequate supply with the same quality and quantity as prior to the applicant's or permittee's interference.

b. If an existing well provides an adequate domestic water supply but does not meet state health standards (MHD, 7 MCAR §§ 1.217 to 1.222) and such well would no longer serve as an adequate supply because of the proposed or permitted appropriation in the vicinity, the applicant or permittee shall be responsible for that portion of costs of providing an adequate water supply, but shall not be responsible for those costs necessary to bring the domestic well(s) to state health standards.

2. The complainant shall, within 10 days from the receipt of the notarized written offer, respond to the commissioner in writing either accepting the offer or making argument on why the offer is not reasonable. If no response is received from the complainant, within the time limit, the commissioner shall dismiss the complaint.

3. If the offer is not accepted the commissioner shall make a decision based on the written offer and arguments and available facts, within 10 days, as follows:

a. That the applicant or permittee has submitted a reasonable offer, the commissioner shall issue or continue the permit involved;

b. That the applicant or permittee has not submitted a reasonable offer, the commissioner, after notice and opportunity for hearing, shall deny, modify or terminate the permit involved.

c. That there is a need for a public hearing in which case it is ordered.

6 MCAR § 1.5055 Water use conflicts.

A. **Conflict defined.** For the purpose of these rules a conflict occurs where the available supply of waters of the state in a given area is limited to the extent that there are competing demands among existing and proposed users which exceed the reasonably available waters. Existing and proposed appropriations could in this situation endanger the supply of waters of the state so that the public health, safety and welfare would be impaired.

B. **Procedure.** Whenever the total withdrawals and uses of ground or surface waters would exceed the available supply based on established resource protection limits, including protection elevations and protected flows for surface water and safe yields for ground water, resulting in a conflict among proposed users and existing legal users the following shall apply:

1. In no case shall a permittee be considered to have established a right of use or appropriation by obtaining a permit.

2. The commissioner shall analyze and evaluate the following:

a. The reasonableness for use of water by the proposed and existing users.

b. The water use practices by the proposed and existing users to determine if the proposed and existing users are or would be using water in the most efficient manner in order to reduce the amount of water required.

c. The possible alternative sources of water supply available to determine if there are feasible and practical means to provide water to satisfy the reasonable needs of proposed and existing users.

3. If conflicts can be resolved by modifying the appropriation of the proposed and existing users, the commissioner shall do so.

4. If conflicts cannot be resolved through modification of proposed and existing permits the commissioner shall base the decision regarding issuance of new applications and retention, modification or termination of existing permits on the basis of existing priorities of use established by the legislature as follows:

a. If the unresolved conflict involves users who are or would be in the same priority class, the commissioner shall require the proposed users and

existing permitted users to develop and submit a plan which will provide for proportionate distribution of the limited water available among all users in the same priority class. The commissioner shall withhold consideration of new applications and shall, if the existing permitted appropriations endanger the supply of waters of the state, suspend or limit existing permits until a plan is approved by the commissioner.

(1) The plan must include proposals for allocating the water which address the following:

(a) possible reduction in the amounts of appropriation so that each user would receive a proportionate amount of water for use.

(b) possible restrictions in the timing of withdrawals so that each user would be allowed to withdraw a proportionate share of water for use over certain periods of time.

(2) If the commissioner approves the proposed plan, new permits will be issued and existing permits will be amended in accordance with that plan.

(3) If the commissioner determines that the proposed plan is not practical, or reasonable the commissioner shall develop a new plan or modify the proposed plan to provide proportionate share of water among the users involved. The commissioner shall issue new permits and amend existing permits based on that plan.

b. If the unresolved conflict involves users who are or would be in a different priority class the available water supply shall be allocated to existing and proposed users based on the relative priority of use. Highest priority users shall be satisfied first. Any remaining available water supply shall be allocated to the next succeeding priority users, until no further water is available. Users in the same priority class shall be offered the same options as provided in section B.4.a. above.

C. All actions by the commissioner shall be made after notice and opportunity for public hearing.

6 MCAR § 1.5056 Provisions and conditions of permits. Water appropriation permits shall include the following provisions and conditions, unless otherwise required by law:

A. Term of permits. Permits shall be issued for temporary or for long-term appropriation.

1. Temporary permits involve a one-time, limited life, not more than 12 months, non-recurring appropriation of waters of the state, such as for highway construction, exploratory drilling for minerals, hydrostatic testing of pipelines and other short-term projects. Requested time extensions shall be permitted, but in no case shall the total length of time the permit remains in force exceed two years.

2. Long-term permits will remain in effect subject to applicable permit provisions and conditions of the permit, the law and these rules, provided that in cases where the permittee is not the landowner of record, the term of the permit shall be the same as that of the property rights or license held.

B. Monitoring. All permittees shall measure and keep monthly and yearly records of the quantity of water used or appropriated at the point of taking from each source under permit.

1. **Measuring water appropriated.** Each installation for appropriating or using water shall be equipped with a device or employ a method to measure the quantity of water appropriated to within ten percent of actual withdrawal.

a. The commissioner shall determine the method to be used for measuring water appropriated based on:

- (1) the quantity of water appropriated or used;
- (2) the source and location of the appropriation;
- (3) the method of appropriating or using water;
- (4) other facts supplied by the permittee.

b. The commissioner shall require flow meters to be used whenever the rate of appropriation is greater than 1500 gallons per minute, unless the permittee can show justification why flow meters cannot practically be used or are not necessary considering the factors contained in 6 MCAR § 1.5056 B.1. and B.1.a. Such justification must be supported by facts which indicate the technical difficulties which would be encountered if flow meters were required.

2. Measuring water levels.

a. For surface water appropriations, where applicable, the permittee shall measure flows or levels in the watercourse or basin at a specific gage designated by the commissioner and located within the area of appropriation. The commissioner shall require permittees to pay necessary costs of establishing and maintaining such gages as provided in 6 MCAR § 1.5000, rules for permit fees.

b. For ground water appropriation, the commissioner, based on availability of hydrologic data on the aquifer involved, frequency and rate of pumping and probability of conflict or well interference, shall require the permittee to measure and keep records of the water levels in each production well at reasonable times prescribed in the permit. Observation wells may be required as a condition of the permit to better evaluate hydrologic conditions and effects in areas where hydrologic data are unavailable, where probable conflict or well interference problems may occur and where such wells are required by law.

C. Reporting. Annual calendar year monthly records of the amount of water appropriated or used and the water level measurements shall be recorded for each installation. Such readings and the total amount of water appropriated and used shall be reported annually to the commissioner, on or before February 15 of the following year upon forms to be supplied by the commissioner unless otherwise specified in the permit.

1. Such records shall be submitted with an annual water appropriation processing fee as required by Minn. Stat. § 105.41, subd. 5, for each permit whether or not any water was appropriated during the year.

2. Additional information shall be required such as acreage irrigated, identification of water disposal sites and amount of water discharged, when necessary for the statewide water information system (Minn. Stat. § 105.41, subd. 2).

3. Failure to report and pay the fee shall be sufficient cause for terminating a permit 30 days following written notice by the commissioner of the violation of the permit.

4. No fee is required from any state agency as defined in Minn. Stat. § 16.011 or any federal agency.

D. Changes to permits.

1. Amendments.

a. Request for amendments by permittees.

(1) Major modification of any water appropriation permit shall not be made before obtaining the written permission from the commissioner. Major modification includes changes such as substantial increase or decrease in the rate and quantity of water withdrawn, any change in source of appropriation or substantial change in the amount of land irrigated, when applicable.

(2) Request for amendment can be made by letter or on forms supplied by the commissioner. New applications shall be required when there are changes in the source of supply, the purpose of appropriation, or when the proposed increases in rates and amounts of water would probably create conflict or well interference.

(3) Requests for amendments shall be reviewed as if they were for a new application, subject to provisions of 6 MCAR §§ 1.5050-1.5057.

b. Amendments initiated by the commissioner. Pursuant to authority in Minn. Stat. § 105.44, subd. 9, the commissioner may modify or amend any existing permits based on the following procedures and the criteria in 6 MCAR §§ 1.5052 and 1.5053, where applicable:

(1) The commissioner shall notify the permittee of the intent to amend the permit. The notice will include details on modifications to be implemented by the permittee and the timing to complete the modifications.

(2) The permittee shall respond within 30 days from receipt of the notice. Such response period shall be thereafter extended by the commissioner for good cause shown.

(3) If no response is received in 30 days and no extension of response time is authorized by the commissioner, the proposed amendments shall be made.

(4) The commissioner based on the permittee's response and the criteria established in these rules shall either modify the proposed amendment or adopt the original proposed amendment.

c. All amendments and modifications are made after notice and opportunity for hearing.

2. Transfers or assignments. If the property involving a water appropriation permit is sold, transferred or assigned to another person, the permit may be transferred to the transferee without the necessity of reapplication, subject to the following:

a. The transferee shall, within 90 days after date of property sale, transfer or assignment, or within a longer period of time allowed by the commissioner for good cause shown, submit written notification to the commissioner stating the intention to continue the appropriation as stated in the permit. If the transferee intends to make major modifications to the existing permit, a new application shall be required subject to the provisions of 6 MCAR § 1.5056 D.1.

b. No permit is assigned except with the written consent of the commissioner.

E. Limitations on permits. All permits issued by the commissioner since 1949 are subject to the provisions of Minn. Stat. § 105.44, subd. 9 relating to cancellation and conditions of permits and Minn. Stat. § 105.45 relating to terms and reservations with respect to the amount and manner of such use or appropriation or method of construction or operation of controls as appears reasonably necessary for the safety and welfare of the people of the state.

The commissioner, subject to the terms and conditions of such existing permits, may modify, restrict or cancel an existing appropriation or use until such time as a decision has been reached by either negotiation, settlement or after a public hearing. If a permit does not contain a provision which restricts appropriation or use for the protection of safety or welfare of the people of the state the commissioner cannot modify or restrict an existing appropriation until opportunity is provided for a public hearing and where ordered a public hearing has been completed.

F. Terminations. Permits shall be terminated under the following:

1. Request by the permittee.
2. When any of its provisions are violated.
3. When the permittee sells, transfers or assigns the property described in the permit and the transferee does not wish to continue appropriating.
4. Upon finding that the permittee has violated the provisions of any applicable laws and rules.
5. Where the permittee has not for 5 consecutive years, from the date of issuance of the permit, appropriated the water. Such time shall be extended by the commissioner for good cause shown.
6. When the lease or contract for deed is forfeited or cancelled.
7. Permits for agricultural irrigation shall be subject to termination by the commissioner upon justifiable recommendation of the supervisors of the soil and water conservation district, wherein the land irrigated is located, regarding the inadequacy of the soil and water conservation measures.
8. When the commissioner deems it necessary for the conservation of the water resources of the state or in the interest of public health, safety and welfare.
9. When the commissioner deems it necessary pursuant to 6 MCAR § § 1.5054 and 1.5055.
10. Any action pursuant to 2,4,5,6,7,8 and 9 above shall be subject to appropriate notice and opportunity for hearing, except as provided in 6 MCAR § 1.5056 E.
11. In the case of permits for mining issued in conjunction with Minn. Stat. § 105.64 procedures for termination shall be subject to provisions of Minn. Stat. § 105.64, subd. 6.

6 MCAR § 1.5057 Miscellaneous provisions.

A. Local permits. The commissioner, pursuant to Minn. Stat. § 105.41, subd. 1b, shall delegate to municipal, county or regional level of government, the authority to process and approve permit applications for the appropriation and use of waters of the state in amounts of more than 10,000 gallons per day and more than 1 million gallons per year, but less than 3.6 million gallons per year. Such delegation shall be made at the municipal, county, or regional level which means a governmental entity, or several governmental entities in combination, having authority or jurisdiction over areas of geographical extent beyond the limits of a single county, or a watershed district.

The delegation by the commissioner shall be subject to the following requirements:

1. The authorized unit of government has established an administrative process which includes provisions for establishing a water appropriation management planning process consistent with 6 MCAR § 1.5058.

2. The review and approval of applications are consistent with the applicable provisions of these rules.

3. A formalized agreement is made and signed by the commissioner and the appropriate municipal, county or regional level authority involved.

4. Copies of all applications and records of local actions on applications are provided to the commissioner upon receipt and action.

5. Records of water appropriation amounts and the processing fee shall be submitted by the permittee to the commissioner as required by 6 MCAR § 1.5056 B and C and Minn. Stat. § 105.41, subd. 5.

B. Water conservation. In order to maintain water conservation practices in the water appropriation and use regulatory program it is necessary that existing and proposed appropriators and users of waters of the state employ the best available means and practices based on economic considerations for assuring wise use and development of the waters of the state in the most practical and feasible manner possible to promote the efficient use of waters.

Based on data submitted by applicants and permittees and current information on best available water conservation technology and practice the commissioner, in cooperation with the owners of water supply systems, may analyze the water use practices and procedures and may require a more efficient use of water to be employed by the permittee or applicant, subject to notice and opportunity for hearing.

C. Abandonment of wells. The permittee shall notify the commissioner prior to abandoning, removing, covering, plugging or filling the well or wells by means of which a water appropriation was made. The commissioner shall require abandonment procedures and methods consistent with the Minn. Health Department rules, 7 MCAR § 1.218.

D. Field investigations. In order to fully evaluate water appropriations, the commissioner shall conduct field investigations to determine the nature and scope of the appropriation and the impact it has or will have on water and related land resources. Such field inspection shall be made in a timely fashion and shall be coordinated with one or more of the following divisions of the Department: enforcement, fish and wildlife, forestry, minerals, lands and parks and recreation. A fee shall be charged for field inspections subject to 6 MCAR § 1.5000, subd. G.1. - G.5., rules for permit fees.

E. Information on appropriation permit laws. The applicants or existing permittees shall, upon request to the commissioner, be furnished copies of applicable portions of the law or synopsis, where they exist, relating to their proposed or existing appropriation.

6 MCAR § 1.5058 Water appropriation and use management plans.

A. In order to address the provisions of Minn. Stat. §§ 105.403, 105.405 and 105.41, subd. 1a, the commissioner, in cooperation with other state and federal agencies, regional commissions and authorities, local governments and citizens, establishes the following process for the preparation and implementation of the elements of any state, regional and local plan relating to water appropriation and use.

B. Criteria and procedures. Since the availability, distribution and utilization of waters of the state and the character and use of related land resources vary considerably throughout the state, a comprehensive water appropriation management planning process must be based on these considerations and according to the following principles and procedures:

1. Water appropriation management plans should be prepared for specific definable areas of the state on consideration of:

a. The hydrologic and physical characteristics of the water and related land resources for which a management plan is necessary. The area must be of sufficient size and areal extent so that the interrelationship of geohydrologic and climatic factors can be adequately defined and managed.

b. The determination by the commissioner of the need for establishment of a water appropriation management plan for the waters of the state within a specific definable area based on:

(1) Areas where development of the waters of the state is, or is likely to, increase considerably within the next 5-10 years.

(2) Areas where severe water availability problems exist or are soon likely to exist.

(3) Areas where there are adequate facts and available geohydrologic data relating to the availability, distribution and use of the waters of the state and where there is local interest in establishing water appropriation management plans.

2. Upon establishment of the need for a water appropriation management plan pursuant to B.1. above, the commissioner shall establish a management planning process including procedures, a public participation process and development of a planning team consisting of representatives of the Department, permittees, and any other interested, concerned and involved government or citizen group listed in section A above, to review and cooperate in preparation of the plan.

C. General requirements and contents. Every water appropriation plan should, at a minimum, include:

1. An evaluation of the amount and dependability of information on the hydrologic systems of the area and the adequacy of the information to provide necessary facts on the amounts of water which can be reasonably withdrawn from the waters of the state in the area without creating major environmental problems or diminishing the long-term seasonal supply of water for various purposes. This will provide essential background information for establishing protected flows and protection elevations, 6 MCAR § 1.5052 B.2.f.

2. An evaluation of data on stream quality and flows, lake water quality and levels, ground water quality and levels, and climatic factors. This will provide essential data useful to the applicant and the commissioner in permit application considerations, 6 MCAR §§ 1.5051, 1.5052 and 1.5053.

3. An evaluation of present and anticipated future use of waters and lands and the amounts and distribution of use within the area. This will facilitate the determinations necessary under 6 MCAR § 1.5052 A.1.b.

4. An evaluation of the problems and concerns relating to use of the waters within the area.

5. Water conservation alternatives and methods and procedures for dealing with water shortages or excesses during periods of deficient or excess water, see 6 MCAR §§ 1.5051 B.6., 1.5053 B.1.g. and 1.5058 B.

6. Considerations of the relationship of the water appropriation and use management plan to other water resources programs of the state, such as floodplain management, shoreland management, water surface use management, water quality management, soil and water conservation management and agricultural land management.

Department of Natural Resources

Rules for Establishment of Lake Improvement Districts

6 MCAR § 1.5060 General provisions.

A. Purpose. In order to provide for the orderly establishment of lake improvement districts in a manner that will preserve and protect the lakes of Minnesota and increase and enhance the use and enjoyment of these lakes, the Commissioner of Natural Resources does hereby provide guidelines, criteria, and standards for establishment of lake improvement districts by counties, cities, and towns, as authorized by Minn. Stat. §§ 378.41-378.56 and 459.20 in furtherance of the policies declared in Minnesota Statutes.

B. Scope. These rules establish minimum guidelines, criteria, and requirements relating to:

1. Procedures by which proposed lake improvement districts shall be reviewed prior to establishment.

2. Standards and criteria which all proposed lake improvement districts shall meet before establishment, modification, or termination.

C. Jurisdiction. These rules shall apply to all existing and proposed lake improvement districts.

These rules shall not apply to lake conservation districts established by special legislation of the Minnesota State Legislature.

D. Definitions. For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows: The word "shall" is mandatory, not permissive.

"Agency" means the Minnesota Pollution Control Agency.

"Commissioner" means the Commissioner of the Department of Natural Resources or his authorized representative.

"Direct drainage basin" means that portion of a lake's total watershed which is not drained to an upstream water basin, as defined herein. The determination of size and physical limits of a lake's direct drainage basin shall be made by the Commissioner.

"District boundaries" means, for the purpose of these rules, the territorial boundaries of a lake improvement district. All lands and waters within the direct drainage basin, as defined herein, shall be included within the district boundaries, except those exclusions for which written approval is obtained from the Commissioner. The boundaries shall include a sufficient amount of the lake's watershed and related land to develop and implement feasible solu-

tions to the problems the district intends to address. The boundaries shall also include all lands and waters which can reasonably be considered adversely affected by the proposed programs, plans or actions of the lake improvement district.

“Lake” means, for the purpose of these rules, any public water basin identified and classified in the shoreland management ordinances of the local county or municipal unit of government.

“Lake improvement district” means a district formed around a lake in accordance with Minn. Stat. ch. 378. A lake improvement district is a local unit of government established by resolution of appropriate county boards and/or city governing bodies, or by the Commissioner, for the implementation of defined lake management projects and for the assessment of the costs thereof.

“Natural hydrologic boundaries” means the boundaries of a lake’s direct drainage basin, as defined herein.

“Resident” means a person eighteen years of age or older who meets the residency requirements of Minn. Stat. § 201.26.

“Resident owner” means a Minnesota resident who is the owner of land or the contract purchaser of land within the boundaries of a lake improvement district.

“Water basin” means an enclosed basin normally partly or completely filled with water. The water basin may have inlet and outlet streams, it may have only an inlet or outlet, or it may be completely enclosed.

“Watershed” means the entire surface drainage area that contributes water to a lake.

E. Severability. The provision of these rules shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision, or any other part.

6 MCAR § 1.5061 Goals for lake improvement districts. Proposals for the establishment of lake improvement districts shall be evaluated according to the degree to which they promote the following goals:

A. Lake protection and rehabilitation.

B. Protection and enhancement of environmental values by preventing degradation of fish and wildlife habitat, surface and ground water quality, natural beauty and unique scientific values, recreational values, and the quality of life generally.

C. Preservation of the public rights in the public waters of the state and to provide the public use of the lake consistent with the preservation of environmental values.

D. Ensuring local involvement in the project and a commitment to future lake management.

E. Conformity with federal, state, regional and local laws, rules and water and related land management policies.

F. Fair and objective resolution of conflicts between competing lake related interests in and around the district.

6 MCAR § 1.5062 Types of lake improvements eligible for the creation of a lake improvement district.

A. Studying the sources of and solutions to lake problems.

B. Preserving and improving water quality by means of:

1. Water and related land management, excluding land use zoning authority.

2. Inlake water treatment.

C. Sedimentation and siltation control.

D. Shoreline erosion control.

E. Aquatic nuisance control.

F. Preserving and improving fish and wildlife habitat.

G. Preserving and improving recreational potential of the lake.

H. Any other purposes approved by the county board pursuant to Minn. Stat. § 378.51, subd. 3.

6 MCAR § 1.5063 Criteria and standards for establishment. Proposals for the establishment of lake improvement districts shall be evaluated based on the extent to which they demonstrate the following:

A. Local need for district. The proposal shall demonstrate the need for the district and why another unit of government with similar powers, or a voluntary lake association, can not or will not satisfactorily accomplish the district's proposed purposes.

B. Appropriateness of proposed boundaries. The proposed boundaries shall be consistent with district boundaries as defined in 6 MCAR § 1.5060 D. The proposed boundaries shall include all lands and waters within the lake's direct drainage basin, unless justification is provided for including a lesser area and approved in writing by the commissioner. The proposed boundaries shall include a sufficient amount of the lake's watershed and related land to develop and implement feasible solutions to the identified problems. The pro-

posed boundaries shall include those lands and waters which can reasonably be considered adversely affected by the proposed actions of the district. The proposed boundaries shall be delineated so as to provide appropriate public representation and the equitable distribution of benefits and levying of costs.

C. Appropriateness of proposed purposes. The proposed purposes shall be consistent with existing state, federal, regional and local laws, policies, objectives, and plans pertaining to water and related land management, fish and wildlife habitat, surface and ground water quality, natural beauty and unique scientific values, economic and recreation values, and the quality of life. The proposed purposes shall be consistent with the public rights in the public waters of the state. When a district is proposed for the purpose of conducting a feasibility study of the sources of and solutions to lake problems, the proposal shall demonstrate an understanding that subsequent lake restoration measures may require modification of the district's boundaries and statement of purposes, pursuant to 6 MCAR § 1.5065 A. and Minn. Stat. § 378.55.

D. Technical feasibility of proposed plans and programs. The proposal shall demonstrate the technical feasibility of the proposed plans and programs, or provide for the determination of technical feasibility.

E. Adequacy of proposed means of financing. The proposal shall demonstrate capability of raising sufficient funds to meet district purposes, to ensure continuity of district operations, and to meet the requirements of these rules and regulations.

F. Adequacy of procedures for planning, decision-making, and public involvement. The proposal shall assure consideration of the interests of concerned citizens both within and outside the boundaries of the proposed district. The proposal shall include the identification of varying and often conflicting interests regarding water and related land management in and around the proposed district, and procedures to assure the consideration of such diverse interests so that decisions are made in the best overall interests of fairness and public health, safety and welfare.

G. Public access. The proposed plan shall provide for public access when adequate public access consistent with size of the lake, the extent of public interest in using the lake, and the combined uses of the lake is unavailable. Service charges may not be imposed on the use of a public access if other units of government cost share the acquisition, development or maintenance of the public access.

H. Adequacy of long range monitoring of the environmental effects of district programs. The proposed plan shall demonstrate an understanding of potential environmental effects of the proposed district plans and programs, and provide for a long range monitoring of such effects.

I. Coordination with other special purpose districts. The proposal shall demonstrate how the proposed district programs will be coordinated with existing special purpose districts formed for water and related land manage-

ment. Examples of such units of government are watershed districts, sanitary districts, drainage and conservancy districts, lake conservation districts and soil and water conservation districts. Lake improvement districts shall not be established where a special purpose unit of government for water and related land management exists which can implement the purposes of the proposed lake improvement district, unless written approval is acquired from such unit of government or from the commissioner. The proposal should demonstrate efforts in good faith to resolve at the local level any conflicts between an existing special purpose district and the proposed lake improvement district.

6 MCAR § 1.5064 Creation of a lake improvement district.

A. Petition or county board document requirements:

A county board document proposing the creation of, or a petition to create a lake improvement district shall contain the following elements:

1. A written statement of lake problems and objectives.
2. The proposed type or types of water and related land resource management programs to be undertaken by the proposed district. This shall include a detailed statement of intended studies, management programs, remedial actions, and construction projects.
3. A statement of the means by which the programs will be financed.
4. A map showing the boundaries of the proposed lake improvement district. The map shall show the number and location of permanent homes and seasonal dwellings in the district. The scale of the map, and basic geographical information, such as range, township, and section numbers, shall be clearly indicated on the map.
5. The number of directors proposed for the district.
6. Copies of local ordinances which regulate use of the lake or any public access.
7. Any information indicating the degree of local interest and commitment to future management.
8. The identification of any lands and waters which may be adversely affected by the implementation of district purposes, and a preliminary assessment of these adverse effects.
9. A statement outlining the adequacy and ownership of public accesses, including public lands and beaches.
10. An estimate of the total equalized valuation of the property within the district.

11. Any other information demonstrating accordance with the criteria and standards for establishment as contained in 6 MCAR § 1.5063.

B. Procedural requirements.

1. Initial Submittal of Petition or Resolution to county board, the commissioner, and the agency for:

a. Creation by petition. No later than five days after the official filing of a petition for the establishment of a lake improvement district with the county board, the citizens or organization sponsoring the petition shall provide a certified copy of the petition to the commissioner and the agency. This is necessary in order to facilitate preliminary review of the proposed district boundaries prior to the notification of the public hearing.

b. Creation by resolution. At least 40 days prior to the public hearing, the county board shall provide a certified copy of the document containing the information required by 6 MCAR § 1.5064 to the commissioner and the agency. This is necessary to facilitate preliminary review of the proposed district boundaries prior to notification of the public hearing.

2. Notification of the public hearing. At least 21 days prior to the public hearing, the county board shall give notice of the public hearing to the commissioner and the agency, and make a reasonable attempt to notify every resident and every resident owner within the proposed district of the pending resolution or petition and the public hearing. A reasonable attempt to notify shall consist of mailing notice to the last known address of each landowner within the proposed district, publication of notice in two successive issues of a newspaper widely circulated in the proposed district, and posting notice in public buildings and several leading commercial establishments in or near the proposed district, as appropriate and reasonable. All local and regional units of government, special purpose districts, and development commissions within and adjacent to the boundaries of the proposed district shall be given notice of the public hearing. All corporations and utilities owning real estate or corporate property within the proposed district shall be given notice of the public hearing.

As part of the notification procedure, a statement shall accompany the notice setting forth the following:

a. A description of the proposed purposes, programs, funding and boundaries of the proposed district, and the name proposed for the district.

b. The time and place of the public hearing.

c. The following paragraph shall be included:

“The establishment of the proposed lake improvement district requires review by the Commissioner of Natural Resources and the approval of the (as appropriate) county board(s) (and/or city governing body). Concerned citizens may

submit evidence at a public hearing to be held prior to the passage of any resolution establishing the proposed lake improvement district. Concerned citizens may also submit evidence and opinions to the Commissioner of Natural Resources. A copy of the petition (or document, as appropriate) for the establishment of the lake improvement district is available for public review at the (as appropriate) county courthouse (or other appropriate public building; give address and telephone number where interested citizens can review the document)."

If the establishment of the lake improvement district is proposed by the county board pursuant to 6 MCAR § 1.5064 B. 1. b. and Minn. Stat. § 378.42, the following paragraph shall be included in the notice of the public hearing:

"Citizens may call for a referendum on the question of whether or not to establish a lake improvement district by filing a petition requesting such a referendum. The petition shall be signed by twenty-five percent of the land owners within the territory of the proposed district, who are Minnesota residents. Upon receipt of such a petition prior to the effective date of creation of the district, the county board shall hold the creation in abeyance pending the referendum vote of all qualified voters residing within the boundaries of the proposed district."

3. Public review of petition or resolution. The county board shall make the petition or document containing the information required by 6 MCAR § 1.5064 available for review by concerned citizens, at the county courthouse or other appropriate public building.

4. Review by the commissioner and the agency. Upon receipt of a copy of the petition or document by the commissioner, he shall:

a. Review the petition or document and any evidence presented by the agency or concerned citizens pertaining to the establishment of the proposed district. This review shall include an evaluation of the statement of district purposes and its relation to existing laws, rules and regulations, units of government, water and related land management programs and policies. The proposed district boundaries shall be examined to assess their consistency with these rules. When one or more of the stated purposes of the proposed district relate to pollution control, this review shall be conducted with the assistance of the agency.

b. Prepare an advisory report stating his findings as to whether the proposed lake improvement district should be established. The commissioner shall set forth in his report any matters pertaining to the district which should be further investigated and evaluated. If the commissioner determines that the establishment of the proposed district is not in the public interest, he shall so report the specific reasons and inadequacies. The commissioner may request additional time for review of the proposed district in such cases where additional time can be shown to be necessary for proper evaluation. The commissioner's report may contain reports by the agency.

5. The county board may grant requests by citizens, the commissioner or the agency for postponement or continuance of the public hearing to a time more than 30 days after receipt of the petition and verification of the signatures thereon. Such requests may be granted if the county board determines that the additional time requested is appropriate and reasonable in order for the requesting organization or citizens to adequately prepare for the public hearing, and consistent with the goals of promptness and fairness in the proceedings.

6. The commissioner's advisory report shall be publicly read into the record at the public hearing.

7. The commissioner may modify his findings based on evidence presented during and subsequent to the public hearing.

8. No sooner than 10 days but within 30 days following the holding of the public hearing, the county board shall formally convene to approve or disapprove the establishment of the proposed lake improvement district. At least 10 working days notice shall be given to the commissioner of the time and place where the board will formally convene for this purpose. If the commissioner or his representative does not appear, any modifications of the commissioner's advisory report shall be publicly read into the record.

6 MCAR § 1.5065 General administrative provisions.

A. Modification.

1. No program, remedial action, project or change of district boundaries which is not specified in the resolution creating a lake improvement district may be undertaken, except by modifying the appropriate items listed in 6 MCAR §(1.5065)A. 1.-5.

2. For an established district, any of the items listed in 6 MCAR § (1.5065) A. 1.-5. may be modified by petition to or resolution by the county board, in the same manner that a district is created.

B. Legal responsibilities and liabilities of lake improvement districts.

1. Nothing in these rules shall be construed to relieve a lake improvement district of the legal duties, obligations, or liabilities incident to the programs, plans or actions of the district.

2. The lake improvement district shall assume all legal risks and liabilities, including those for damages or any injury to persons or property, arising from the construction, operation, maintenance, alteration, or abandonment of its programs, plans or actions.

3. In the event of termination of the district, or failure of the district to meet its obligations, these responsibilities and liabilities shall fall upon the unit or units of government which established the lake improvement district.

Ed. T. 2/11/82

1.5064

C. Limited state liabilities. The establishment of a lake improvement district shall not impose any liability upon the State of Minnesota, its officers, employees, agents, or consultants, for any damage or injury to any persons or property resulting from the activities of the lake improvement district.

D. Rights of lake improvement districts. Nothing in these rules shall be construed to deprive any lake improvement district of such recourse to the courts as it may be entitled to under the laws of this state.

E. Inspections. The commissioner shall be given prompt access to and inspection of all records, structures, facilities, and operations at all reasonable times as may be necessary to monitor compliance with the terms of existing permit and to insure protection of the public health, safety, and welfare. The commissioner's inspections shall not relieve the lake improvement district from the full responsibility of providing adequate inspection and supervision for all programs and projects undertaken by the district.

F. Compliance with other laws and water management policies. Lake improvement districts shall conform to federal, state, regional, and local laws, rules, and fish and wildlife, water, and related land management policies. Lake improvement districts shall obtain all necessary permits, as required by law, prior to implementing district purposes and programs.

G. Compliance by pre-existing lake improvement districts.

1. Within one year following promulgation of these rules and regulations, lake improvement districts in existence prior to the promulgation of these rules shall submit to their county board and to the commissioner a certified copy of a document containing the information required by 6 MCAR § 1.5064. This document shall also contain a report on the past and current activities and financial condition of the district.

2. The commissioner shall review the document and prepare an advisory report stating his findings as to whether the district is consistent with these rules and regulations. The report may contain such recommendations as the commissioner determines is necessary to bring the district into compliance with these rules and regulations.

3. Within 60 days following the official filing of the commissioner's report with the county board, the board shall formally convene to consider the report. The county board shall give 10 working days notice to the commissioner of the time and place where it will convene to consider his report. If the commissioner or his representative does not appear, the report shall be publicly read into the record.

State of Minnesota
DEPARTMENT OF NATURAL RESOURCES
Rules and Regulations

**CHAPTER FIFTY-ONE: UTILITY CROSSINGS OF
PUBLIC LANDS AND WATERS**

NR 5100 General Provisions

(a) **Policy.** Pursuant to Minnesota Statutes, Section 84.415, as amended by Laws of Minnesota 1973, Chapter 479, Section 1, the Commissioner of Natural Resources hereby establishes rules and regulations concerning utility crossings over public lands and waters under the control of the Commissioner, setting forth (1) fees, and (2) standards and criteria for minimizing the environmental impact of such crossings.

(b) **Definitions.** "Public waters" means all waters of the state which serve a beneficial public purpose, as defined in Minnesota Statutes, Section 105.38.

"Electric transmission" means lines, cables, or conduits used to transport large blocks of power between two points — generally, 69 kilovolt-amperes or more. As distinguished from "distribution" which means lines, cables, or conduits used to distribute power to the utility company's customers — generally, less than 69 kilovolt-amperes.

"Utilities" means lines, cables, and conduits for telephone, telegraph, or electric power, and pipelines for gases, liquids or solids in suspension, and any other such item covered by the licensing requirements of Minn. Stat. § 84.415

(c) **Severability.** The provisions of these regulations are severable, and the invalidity of any lettered or numbered paragraph, subparagraph, or subdivision thereof, shall not invalidate any other part.

NR 5101 Fee Schedules

(a) **Policy.** The following fees defray administrative costs, and provide a reasonable return for private use of public land or water.

(b) Application Fee

(1) The applicant shall include \$15.00 with each application for a license to construct utility crossings over or under public lands. An application may contain more than one crossing.

(2) The applicant shall include \$15.00 with each application for a license to construct utility crossings over or under public waters. An application may contain more than one crossing. In the case of underwater crossings, the application fee charged hereunder shall satisfy the application fee requirements of NR 5000, but such crossings shall be subject to all inspection and monitoring fees required by law or regulation.

(3) The checks shall be made payable to the State Treasurer. The Commissioner will acknowledge the receipt of the application, indicating

whether or not the correct application fee was included. The Commissioner will take no other action on the application until he has received the correct fee. He will not return application fees, even if the application is withdrawn or denied.

(c) **Utility Crossing Fees.** One-time payment fees securing a 50-year license, made payable to the State Treasurer, shall be established for two classes of utility crossings as follows:

(1) **Fees for crossing of public waters:**

(aa) For utility crossings under public waters involving a disturbance of less than 10 feet in width at the water's edge, RATE TABLE I shall apply.

(bb) For utility crossings under public waters involving a disturbance of 10 feet or more in width at the water's edge. RATE TABLE II shall apply.

(cc) For utility crossings over public waters, RATE TABLE III shall apply.

(2) **Fees for crossing of public lands:**

(aa) For utility crossings over, under or across public lands, RATE TABLE IV shall apply.

(bb) The minimum utility crossing fee for any utility crossings of public lands shall be \$10.00.

(d) **Option for 25-Year License.** An applicant may request a 25-year license instead of a 50-year license. In such a case, a one time payment fee securing a 25-year license shall be established based on sixty percent (60%) of the fee for a 50-year license as computed under NR 5101 (c) and RATE TABLES I-IV

(e) **Renewal of License.** At the end of the license period if both parties wish to renew, the renewal fee and time period will be determined by such methods as are developed by the Commissioner or his successor.

(f) **When Applicable**

(1) Application fees required under these regulations shall be charged for all applications received after the effective date of these regulations.

(2) The license fees required under these regulations shall apply to all licenses which have not been fully executed at the effective date of these regulations.

RATE TABLE I
Underwater Crossings involving a disturbance of less than 10 feet
in width at the water's edge.
TOTAL LENGTH IN FEET ALL CROSSINGS PER APPLICATION

	0-100	101-200	201-300	301-400	401-500	500+
Type of Utility	BASE RATE					
Pipeline	\$80.00	\$100.00	\$120.00	\$140.00	\$160.00	\$160.00 plus \$20.00 per 100 feet or fraction thereof additional
Electric Transmission	60.00	75.00	90.00	105.00	120.00	\$120.00 plus \$15.00 per 100 feet or fraction thereof additional
Electric Distribution Telephone and Telegraph	40.00	50.00	60.00	70.00	80.00	\$80.00 plus \$5.00 per 100 feet or fraction thereof additional

The length of an underwater crossing is measured by the number of feet of line between banks or shores.

The license fee is determined by adding the length of all such underwater crossings on the same application and, using this total distance, selecting the appropriate column to determine the base rate. The license fee is the base rate plus \$10.00 for each crossing in excess of one listed in the application.

Example #1. Electric distribution line application. Five water crossings.
 Crossing #1, length, 40 feet Base rate ... \$50.00 (from 101-200 feet column)
 Crossing #2, length, 10 feet Plus \$40.00 (4 crossings in excess of one)
 Crossing #3, length, 75 feet License fee.. \$90.00
 Crossing #4, length, 22 feet
 Crossing #5, length, 35 feet

Total 182 feet

Example #2. Pipeline application. One crossing.
 Crossing #1, length, 650 feet Base rate .. \$200.00 (from the 500+ column)
 Plus 00.00 (no crossings in excess of one)
 License fee. \$200.00

RATE TABLE II

**Underwater Crossings involving a disturbance of more than 10 feet
in width at the water's edge.**

TOTAL LENGTH IN FEET PER EACH CROSSING

	0-100	101-200	201-300	301-400	401-500	500+
Type of Utility	RATE PER CROSSING					
Pipeline	\$100.00	\$125.00	\$150.00	\$175.00	\$200.00	\$200.00 plus \$25.00 per 100 feet or fraction thereof additional
Electric Transmission	75.00	94.00	113.00	131.00	150.00	\$150.00 plus \$19.00 per 100 feet or fraction thereof additional
Electric Distribution Telephone and Telegraph	50.00	63.00	75.00	88.00	100.00	\$100.00 plus \$13.00 per 100 feet or fraction thereof additional

The length of an underwater crossing is measured by the number of feet of line between banks or shores.

The license fee is determined by calculating separately the length of each crossing, finding the rate for each crossing by referring to the appropriate column, and then adding together the resulting rate determinations.

Example: Pipeline application — 3 underwater crossings.

Crossing #1, length, 461 feet	Rate, Crossing #1 —	\$200.00
Crossing #2, length, 24 feet	Rate, Crossing #2 —	\$100.00
Crossing #3, length, 231 feet	Rate, Crossing #3 —	\$150.00
	License fee	\$450.00

RATE TABLE III

Overwater Crossings

TOTAL LENGTH IN FEET ALL CROSSINGS PER APPLICATION

Type of Utility	0-100	101-200	201-300	301-400	401-500	500+
	BASE RATE					
Pipeline	\$125.00	\$163.00	\$200.00	\$238.00	\$275.00	\$275.00 plus \$38.00 per 100 feet or fraction thereof additional
Electric Transmission	100.00	130.00	160.00	190.00	220.00	\$220.00 plus \$30.00 per 100 feet or fraction thereof additional
Electric Distribution Telephone and Telegraph	75.00	98.00	120.00	143.00	165.00	\$165.00 plus \$23.00 per 100 feet or fraction thereof additional

The length of an overwater crossing is measured by the number of feet of line between banks or shores.

The license fee is determined by adding the length of all such overwater crossings on the same application and using this total distance, selecting the appropriate column to determine the base rate. The license fee is the base rate plus \$10.00 for each crossing in excess of one listed in the application.

Example: Telephone line application. Three overwater crossings.

Crossing #1, length, 27 feet	Base rate . . . \$75.00 (from the 0-100 feet column)
Crossing #2, length, 31 feet	Plus \$20.00 (2 crossings in excess of one)
Crossing #3, length, 10 feet	License fee. . . \$95.00
Total <u>68 feet</u>	

RATE TABLE IV

**Public Land Crossings
Width of Right-of-Way**

Type of Utility	0-66'	67'-99'	100'-132'	133'-165'	166'-198'	198'+
RATE PER ROD OF LENGTH OF CROSSING						
Pipeline	\$1.50	\$2.25	\$3.00	\$3.75	\$4.50	\$5.25
Electric Transmission	1.00	1.50	2.00	2.50	3.00	3.50
Electric Distribution Telephone and Telegraph	.50	.75	1.00	1.25	1.50	1.75

Example #1. Electric transmission line request: 100 foot right-of-way, across two descriptions of public land, 1320 feet in length for each description.

Total length of public land crossing — 2640 feet
 2640 feet = 160 rods
 160 rods × \$2 per rod = \$320

Example #2. Pipeline request: 75 foot right-of-way, 400 feet across public land

400 feet = 24.24 rods
 24.24 rods × \$2.25 per rod = \$54.54

If an additional crossing is to be placed in an existing right-of-way by the original licensee or any other licensee, the fee will be 50 per cent of the amount which would be charged if this crossing were the original crossing in the right-of-way.

If the appraised value of the land over which a utility will cross is over \$100.00 per acre, a fee in addition to that contained in Rate Table IV will be charged. The additional fee shall not exceed fifteen percent (15%) of the appraised value in excess of \$100.00 per acre of the actual acreage being taken by the right-of-way.

NR 5102 Protecting the Environment

(a) Policy. It is essential to regulate utility crossings of public lands and waters in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from utility crossings. These standards and criteria provide a basic framework of environmental considerations concerning such a proposed crossing. The standards deal with route design, structure design, construction methods, safety considerations, and right-of-way maintenance.

(b) Application content. For each environmental standard listed in these regulations, the applicant shall indicate whether he is satisfying the standard, where applicable, or if he is not, why not. In dealing with route design standards, the application must, where applicable, also supply data on relevant site conditions. Except when the Commissioner determines that it is not feasible and prudent, or not in the best interests of the environment, the applicant shall comply with the following standards in designing, constructing, and maintaining utility crossings.

(c) Route design

(1) With regard to topography:

(aa) Avoid steep slopes.

(bb) Avoid scenic intrusions into stream valleys and open exposures of water.

(cc) Avoid scenic intrusions by avoiding ridge crests and high points.

(dd) Avoid creating tunnel vistas by, for example, building deflections into the route or using acceptable screening techniques.

(2) With regard to vegetation:

(aa) Avoid wetlands.

(bb) Run along fringe of forests rather than through them. But if it is necessary to route through forests, then utilize open areas in order to minimize destruction of commercial forest resources.

(3) With regard to soil characteristics:

(aa) Avoid soils whose high susceptibility to erosion would create sedimentation and pollution problems during and after construction.

(bb) Avoid areas of plastic soils which would be subject to extensive slippage.

(cc) Avoid areas with high water tables, especially if construction requires excavation.

(4) With regard to crossing of public waters:

(aa) Avoid streams, but if that is not feasible and prudent, cross at the narrowest places wherever feasible and prudent, or at existing crossings of roads, bridges or utilities.

(bb) Avoid lakes, but where there is no feasible and prudent alternative route, minimize the extent of encroachment by crossing under the water.

Crossings on or under the beds of streams designated by the Commissioner as trout waters shall be avoided unless there is no feasible alternative. When unavoidable, maximum efforts shall be taken to minimize damage to trout habitat.

(5) With regard to special use areas, which are those areas designated under Minnesota Statutes §84.033 as scientific and natural areas, those areas designated pursuant to Minnesota Statutes, §104.35 as units of the Minnesota Wild and Scenic River System, and those areas subject to special regulation for recreational, scenic, natural, scientific or environmental purposes:

(aa) Avoid them, but if there is no feasible alternative route, then utilities shall be placed underground

(bb) Locate such crossings with existing public facilities such as roads and utilities.

(d) Structure design

(1) With regard to locating the utility overhead or under the ground or water:

(aa) Primary consideration shall be given to underground and underwater placement in order to minimize visual impact. If the proposal is for overhead placement, the applicant shall explain the economic, technological, or land characteristic factors, which make underground placement infeasible. Economic considerations alone shall not be the major determinant.

(bb) If overhead placement is necessary, the crossing shall be hidden from view as much as practicable.

(2) With regard to the appearance of the structures, they shall be made as compatible as practicable with the natural area with regard to:

(aa) Height and width

(bb) Materials used

(cc) Color

(3) The right-of-way width shall be kept to a minimum.

(e) Construction methods

(1) When crossing roads or rivers, leave a screen of vegetation between the structures and the road or river.

(2) When crossing under public waters, take steps to prevent excessive erosion of lake or stream banks and construct temporary sediment traps to reduce sedimentation.

(3) Construct across wetlands in the winter in order to minimize damage to vegetation and in order to prevent erosion and sedimentation.

(4) Construct at times when local fish and wildlife are not spawning or nesting.

(f) **Safety considerations.** Applicants for crossings of electrical transmission lines and pipelines shall adhere to Federal and State safety regulations, both with regard to prevention (such as safety valves and circuit

breakers) and with regard to emergency procedures in the event of failure (fire suppression, oil spill cleanup).

In order to insure adequate safety for commercial or recreational navigational uses of waterways, overhead crossings shall be constructed at adequate heights to provide maximum safety compatible with existing or potential navigational uses.

(g) Right of way maintenance

(1) Natural vegetation of value to fish or wildlife, which does not pose a hazard to or restrict reasonable use of the utility, shall be allowed to grow in the right-of-way

(2) Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and trees, recommended by the Commissioner shall be planted and maintained on the right-of-way.

(3) Chemical control of vegetation shall be in accordance with rules, regulations and other requirements of all state and federal agencies with authority over the use.

(h) Relationship to other laws. There are other Minnesota and Federal laws and rules and regulations concerned with utility crossings and the environment. In case of conflict with other environmental regulations, the regulations included herein will be subordinated to any law, rule or regulation which is stricter in its protection of the environment. Other related environmental laws and rules and regulations include but are not limited to those associated with:

- (1) Federal and state wild, scenic and recreational rivers.
- (2) The Minnesota Environmental Protection Act.
- (3) Natural and Scientific areas.

(i) License conditions. In granting a license, the Commissioner may include therein any terms, conditions, or reservations which may be necessary to minimize the adverse effect on the environment or to carry out the policies of these regulations.

(j) Cancellation of license. Upon violation of any of the terms, conditions, or reservations contained in a license, the Commissioner may cancel any license granted under these regulations.

Filed November 8, 1974.

DEPARTMENT OF NATURAL RESOURCES
 ESTABLISHING EMERGENCY RULES AND REGULATIONS,
 PROCEDURES AND GUIDELINES CONCERNING
 PUBLIC WATERS, INCLUDING THEIR DESIGNATION
 AND CLASSIFICATION.

§ 1.5200 Authority; scope.

A. Authority; effective date. These regulations are of no effect and null and void unless they are authorized and made valid and enforceable by an Act of the 1976 Minnesota Legislature establishing an accelerated program of inventorying, classifying, and designating waters of this state, and prescribing these regulations by making specific reference to them. If such an Act becomes law, these regulations are effective on the effective date of that Act, and shall remain in effect for each county until the designation and classification of public waters in that county pursuant to the Act and these regulations has been completed. Any procedure specified herein, shall be modified as necessary so as not to conflict with the language of the act.

B. Scope.

1. These regulations supplement the above-referenced Act by providing additional procedures and criteria for the identification and classification of public waters.

2. These regulations also provide interim guidelines for making public waters determinations as the need arises prior to completion of the process described in the Act.

C. Water basins and watercourses. Only those surface waters of the state which are confined may be considered for designation as public waters. There are two types of confining containers: water basins, and watercourses. The definitions of the two types relate only to their ability to contain confined waters. The determination of whether or not the confined waters are public waters is based on the criteria in Minn. Stat. §§ 105.37, subd. 6, and 105.38, and on the further delineation of those criteria in these rules.

1. Definition of water basin: An enclosed basin normally filled or partly filled with water may be defined as a water basin. The water basin may have inlet and outlet streams, it may have only an inlet or outlet, or it may be completely enclosed.

All water basins have a natural fluctuation in water levels. Water basins with intermittent surface water inflow and little ground water inflow fluctuate through great ranges in levels from very low to extremely high. Other water basins which have perennial streams as inlets and outlets may fluctuate within a narrow range. Water basins which receive a major portion of their water sup-

ply from ground water, springs and seeps will generally have fairly uniform levels as long as the ground water supply to the basin remains somewhat constant.

Water basins may include all natural enclosed depressions which have substantial banks normally containing water and which are discernible on aerial photographs taken during normal conditions. This includes all bodies of water, except streams, which are shown within the meander lines on plats of the General Lake Office surveys.

Water basins constantly undergo changes in size, depth, and shape. The rate and type of change in a given water basin is dependent upon several factors including: the climatic and topographic conditions; the nature of the soil or rock materials which underlie the water basin and cover the basin watershed; the biological environment; the physical configuration; and the nature and extent of artificial and natural drainage within the watershed of the water basin.

2. Definition of watercourse: There are three kinds of watercourses.

a. Natural watercourses: Natural watercourses may be defined as any natural channel having definable beds and banks capable of conducting generally confined runoff from adjacent lands. During floods, water may leave the confining beds and banks but under low and normal flows, water is confined within the channel. A watercourse may be intermittent or perennial. Natural, as defined herein, means in a state provided by nature without deepening, straightening or widening.

b. Altered natural watercourses: An altered natural watercourse is a former natural watercourse which has been affected by man-made changes resulting in straightening, deepening and widening of the original channel. Altered natural watercourses have been altered as the result of legally authorized changes under provisions of Minn. Stat., ch. 106, public drainage laws, or prior applicable laws, or as the result of private actions without any public drainage procedures.

c. Artificial watercourses: An artificial watercourse is a watercourse which has been artificially constructed by man where there was no previous natural watercourse.

3. Wetlands types referred to in these rules are as described in Circular 39, Wetlands of the United States, published by the United States Department of Interior.

D. Public waters.

1. The following water basins shall be public waters:

a. All water basins which have been classified as public waters under the Shoreland Management Act (Minn. Stat., § 105.485) and which have been specified as public waters under county and municipal shoreland zoning

ordinances, subject to a determination that such water basin is not permanently dry or has not reverted to wetland Types 1 or 2.

b. All meandered lakes, except those which have been legally drained.

c. All water basins designated by the Commissioner for management for a specific purpose pursuant to applicable laws. For example, trout lakes.

d. All water basins located within and surrounded by publicly owned lands, including, but not limited to State Parks, Scientific and Natural Areas, and Wildlife Management Areas.

2. The following water basins not listed in (1) above may be public waters, subject to application of the statutory criteria of Minn. Stat., §§ 105.37, subd. 6 and 105.38, as further explained in Table 1 of these rules.

a. In unincorporated areas, water basins greater than 10 acres in area, excluding Type 1 and Type 2 wetlands.

b. In incorporated areas, water basins of any size.

c. Any water basin which a county or municipality asks to be considered for designation as public waters.

d. Any water basin which the private owners of all the land around the basin ask to be considered for designation as public waters.

3. Any watercourse may be public waters which fits the criteria of Minn. Stat., §§ 105.37, subd. 6, and 105.38, as further explained in Table 1 of these rules.

§ 1.5201 Inventory and designation of water basins as public waters.

A. Preliminary designation procedures. The Commissioner, using an analysis of the data on file and a review and analysis of aerial photos, shall make preliminary evaluations of those water basins which may be considered for inclusion as "Public Waters" within each county.

1. The Commissioner will prepare maps for each county showing the location of all water basins in each county originally inventoried in Bulletin 25, "An Inventory of Minnesota Lakes" published in 1968 by the Division of Waters, Soils and Minerals, and the location of any other water basins of any size in incorporated areas and of 10 acres or more in unincorporated areas not listed in the Bulletin but determined from the most recent available detailed aerial photographs of the county, not taken during a period of flooding, or drought. The use of the photos is only to determine if a basin exists and not to prove the basin is public waters solely on the photographic data.

2. The Commissioner shall designate on the map, as a preliminary eval-

uation, those water basins which are considered to be public waters, utilizing the criteria specified in 6 MCAR § 1.5200 D. and Table 1 of these regulations. This preliminary designation will be supported by explanations of the basis for making the designation of each water basin as public waters. A listing of those basins, a map showing their general location in the county, and an explanation of the reason for the preliminary selection of the water basin as public waters will be submitted to those local governmental agencies with jurisdiction in the area where the water basin is located for their review, analysis and comment. Local governments may add any water basin for consideration, regardless of the size of the water basin.

B. County review.

1. Where the county disagrees with the preliminary designation of the Commissioner, the Commissioner shall undertake discussions with the county in order to resolve differences. Where necessary, he may initiate a detailed field investigation.

2. A field investigation, when necessary, may be made by the Department of Natural Resources with full cooperation and consultation with local governmental authorities and any of their designated representatives in order to assure maximum input from the local governmental authorities and to allow maximum discussion and interchange of facts regarding the area involved, utilizing the criteria specified in Table 1 of these regulations.

3. At a minimum, the Commissioner shall seek assistance in making field investigations from the following:

a. Counties and other local governmental agencies and their representatives.

b. Soil and Water Conservation Districts.

c. Watershed Districts, if there are any organized districts, located in the area where the water basins are situated.

d. Any U. S. Governmental agencies which may be willing to assist in the field investigation in a fact-finding capacity.

e. Affected property owners and parties who may wish to contribute technical expertise.

C. Further procedures. The Commissioner shall make maximum efforts to resolve any problems involving designations after completion of field investigations. Further procedures for designating water basins as public waters are specified in the Act prescribing these regulations.

§ 1.5202 Inventory, designation and classification of watercourses as public waters.

A. Preliminary designation procedures.

1. The Commissioner will furnish each county with copies of the latest available U. S. Geological Survey Topographic (quadrangle) maps for use in making a preliminary designation and classification of watercourses which may be public waters within the county. Counties may use any other available maps and information in making the inventory. It is recommended that counties enter into agreements with Soil and Water Conservation Districts and Watershed Districts, where existent, in order to expedite the inventory and provide maximum local assistance and cooperation.

2. It is recommended that counties use, as official work maps, the U. S. Geological Survey Topographic (quadrangle) maps of the county, and where such maps are not available, the use of similar scale aerial photographic blue-line prints. These maps and prints form the best available base for showing the location and extent of the various watercourses. It should be noted that the maps may not and often will not contain all of the watercourses, especially since the maps were prepared at various times and some are quite old.

3. The Commissioner will furnish each county with reproducible county maps at a scale of 1 inch equals 1 mile for use as an official designation map for final watercourse designation and classification.

4. Each county shall indicate on the official map the location of all watercourses, natural, altered, and artificial as defined in 6 MCAR § 1.5200 C.

5. Counties shall include the location and extent of all these watercourses and identify them as to their character by using the following map symbol along the watercourse extent:

- a. Natural watercourses, solid lines.
- b. Altered natural watercourses, dashed lines.
- c. Artificial watercourses, dotted lines.

6. Each county shall indicate on the official map the name of the natural watercourse or the number and designation of the altered natural or artificial watercourse.

7. The county shall designate on the map, as a preliminary evaluation, those watercourses which it considers to be public waters, utilizing the criteria specified in 6 MCAR § 1.5200 D. and Table 1 of these regulations. The county shall classify each public watercourse as to the degree of regulation which shall apply to each watercourse. The criteria for each class, and the degree of regulation which the Commissioner shall apply to each class, are as follows:

- a. Class I public watercourses: Natural watercourses serving as major drainage outlets, or major tributaries to those outlets, which are capable of

servicing a number of beneficial public purposes. Examples include the Rainy River, Mississippi River, Red River, Root River, Blue Earth River and the Rum River. Smaller natural watercourses serving specific values such as trout streams and scenic watercourses. Examples might include: Nine Mile Creek, Hennepin County; Minnehaha Creek, Hennepin County; Baptism River, Lake County; and Spring Creek, Goodhue County. Permits shall be required under Minn. Stat., § 105.42 for all activities which change the course, current, or cross-section of Class I public watercourses and under Minn. Stat., § 84.415 for all utility crossings thereof.

b. *Class II public watercourses: Natural watercourses serving as tributaries of Class I watercourses which are often perennial streams serving more than one beneficial public purpose. Permits shall be required under Minn. Stat., § 105.42 for all activities which change the course, current, or cross-section of Class II public watercourses and under Minn. Stat., § 84.415 for all utility crossings thereof.*

c. *Class III public watercourses: Smaller natural watercourses and altered natural watercourses not constructed under Minn. Stat., ch. 106, which are often intermittent streams serving at least one beneficial public purpose.*

Permits shall not be required under Minn. Stat., § 84.415. Nor shall permits be required under Minn. Stat., § 105.42, except for the following types of activities on Class III public watercourses.

(1) Any activity which would require widening, deepening, or straightening of a Class I or II public watercourse as a result of the change in the Class III public watercourse.

(2) Construction of any dam 20 feet or more in structural height as measured vertically from the lowest point of the foundation surface to the top of the dam and/or impounding 50 acre-feet or more of water at maximum storage capacity. (Based on the National Dam Inspection Program.)

(3) Any diversion of water from a Class III public watercourse into a different watershed which is not part of the same drainage basin.

(4) Any lowering of the streambed elevation which would result in an overfall of two feet or more in elevation of a channelization project when there is no provision for erosion control structures to prevent headward erosion.

d. *Class IV watercourses: These shall include any watercourses in existence at the time of inventory which are artificial watercourses and altered natural watercourses, constructed under the provisions of Minn. Stat. ch. 106 or prior laws, or as the result of private actions without any public drainage proceedings.*

Permits shall not be required under Minn. Stat., § 84.415. Nor shall permits

be required under Minn. Stat., § 105.42, except for the following types of actions on Class IV watercourses:

(1) Any activity which would require widening, deepening, or straightening of a Class I or II public watercourse as a result of the change in the Class IV public watercourse.

(2) Construction of any dam 20 feet or more in structural height as measured vertically from the lowest point of the foundation surface to the top of the dam and/or impounding 50 acre-feet or more of water at maximum storage capacity. (Based on the National Dam Inspection Program.)

(3) Any diversion of water from a Class IV public watercourse into a different watershed which is not part of the same drainage basin.

(4) Any lowering of the streambed elevation which would result in an overfall of two feet or more in elevation of a channelization project when there is no provision for erosion control structures to prevent headward erosion.

8. Counties shall indicate on the official designation map their preliminary classification of watercourses as to Class I, II, III, or IV.

9. Upon completion of the preliminary classification of watercourses delineated by the county, the county will submit the preliminary inventory and classification to the Commissioner by indicating the classification review, evaluation and comment.

B. Commissioner review. Where the Commissioner disagrees with the preliminary designations and classifications of the county, he shall undertake discussions with the county in order to resolve differences. He may initiate field investigations of the sort described in 6 MCAR § 1.5201 B.

C. Further procedures. The Commissioner shall make maximum efforts to resolve any problems involving designations and classifications after completion of discussions and field investigations. Further procedures for designating watercourses as public waters and classifying them are specified in the Act prescribing these regulations.

§ 1.5203 Interim procedures and criteria for making public waters determinations.

A. Purpose. In order to provide a systematic transition from the present method for dealing with determinations of "public waters" and the program for statewide delineation on a county-by-county basis, it is necessary that interim procedures for classifying public waters be adopted. It is intended that these procedures be especially applicable in the agricultural areas of the state and where, because of the need for agricultural land drainage, there are major problems involving these waters.

B. Procedure. Any person contemplating a change in the course, current, or cross-section of a water basin or watercourse which may be one of the kinds described in 6 MCAR § 1.5200 D. shall consult with the nearest regional office of the Department of Natural Resources to find out if it is public waters, or ask county or municipal officials to contact the Department for him or her. Except during periods when climatic conditions prevent adequate field investigations, the Commissioner shall have not to exceed 60 days from the date of request by the party or county or municipality to determine whether or not the basin is public waters, and if the determination is not made within that time, then the water basin is not public waters for purposes of the particular change contemplated by the particular party, or the watercourse is Class III, or is Class IV if it is a part of a legal drainage system.

C. Criteria. The Commissioner's interim criteria for determining whether or not a water basin or watercourse is a public water are those specified in 6 MCAR § 1.5200 D. His criteria for classifying watercourses are those specified in 6 MCAR § 1.5202 A.7.

§ 1.5204 Interim criteria for Commissioner's permits for public drainage projects.

A. New projects. A drainage project undertaken under the authority of Minn. Stat. ch. 106 or 112 which will alter the course, current or cross-section of a water basin whose status as public waters or not public waters has not yet been determined pursuant to 6 MCAR § 1.5201, or which will alter the course, current or cross-section of a watercourse whose status and classification have not yet been determined pursuant to 6 MCAR § 1.5202, may be limited by the Commissioner's authority under Minn. Stat., §§ 105.42 and 106.021, only if the waters to be affected are determined to be public waters pursuant to 6 MCAR § 1.5203 and then only if the project will substantially affect such waters. Substantially affect means:

1. Partly or wholly drain a water basin.
2. Channelize a natural watercourse.

B. Repairs and improvements. Normal repairs and improvements in existing legal drainage systems undertaken under the authority of Minn. Stat., §§ 106.471 or 106.501, or ch. 112, should not involve any requirements for regulation by the Commissioner except for substantial affects similar to those for new projects as set forth in 6 MCAR § 1.5204 A.

TABLE 1
CRITERIA TO BE CONSIDERED WHEN DETERMINING WHETHER A WATER BASIN OR WATERCOURSE WHICH MAY BE A PUBLIC WATER, AS LISTED IN 6 MCAR § 1.5200 D.2. and D.3., IS A PUBLIC WATER.

PARAMETER	REASON CODE	
Nutrient Entrapment	N	<ol style="list-style-type: none"> 1. Proximity to lakes and streams and relationship to surface drainage system. 2. Chemical quality of waters and other adjacent lakes and streams. (Requires a laboratory analysis of samples collected.) 3. Vegetation characteristics and analysis of chemical composition of vegetation. (Requires a laboratory analysis of samples collected.) 4. Estimated nutrient assimilation load of the water area involved. (Based on an analysis and evaluation of chemical quality analysis samples.) 5. Analysis of the area as a sediment collection basin to prevent sediment pollution in nearby lakes or streams.
Wildlife Habitat	W	<ol style="list-style-type: none"> 1. Wetland characteristics in regard to vegetation types and value of vegetation as feeding, nesting or rearing areas or as protective cover. 2. Relationship of this area to other areas in the county and in the surrounding region. What kind of cover is available? Is this a unique area? 3. What evidence is available regarding the kinds and numbers of animals that use the area. What is the importance of these animals? 4. What would be the impact on fish and wildlife of the waters involved if the area was destroyed as a wetland? 5. Is it within an existing water bank program or is there a firm proposal to include it in a water bank program subject to fund availability. 6. Is the water within or directly adjacent to a state or federally acquired wildlife management area? Are there plans for acquiring the area as a wildlife area within the immediate future (i.e., Are there files or records which show the area is planned for acquisition within the present biennium subject to fund availability).

TABLE 1 (Cont.)

PARAMETER	REASON CODE	
Wildlife Habitat (Cont.)	W	7. Is there available eye witness testimony to show the water is used by a number of animals? What are the names and assumptions of observers?
Recreational Activities	R	1. Is the area readily accessible to the public? How is public access granted? 2. Are other characteristics of the area adequate for certain uses including but not limited to: hunting, fishing, swimming, boating? Is there evidence to show the area is used for any of the above purposes? If so, by how many persons and for what periods of time? 3. What is the potential of the area for public recreational use, in regard to possible future availability and use both locally and in the county and region? 4. Is there any eye-witness testimony available regarding public use of the area? What are names, addresses and occupations of observers?
Flood Water Retention	F	1. What is the damage occurrence and frequency adjacent to and downstream from the waters involved? And what is the character and value of lands involved and extent of damages? (This determination may include information from aerial photos, county flood maps, soils evaluations, eye-witness accounts, flood marks and other engineering determinations.) 2. What are the hydrologic and topographic relationships between the waters involved and the areal drainage system? 3. What percentage of floodwaters of the local drainage system would be retained within the waters involved if the waters were used as floodwater retarding and retardation basin? What effect would the loss of the water involved have on local flooding conditions?

TABLE 1 (Cont.)

PARAMETER	REASON CODE	
Scientific and Natural Areas	H	1. Does the water area involved have an inherent natural value for: a living museum; site for scientific study; an area for teaching natural history and conservation; a habitat for rare and endangered species of plants and animals? If so, would the area be designated as a Scientific and Natural Area under provisions of Minn. Stat. § 84.033 and acquired by gift, lease, easement, or purchase, if funds were available.
Public Navigational Purposes, other than recreational	P	1. Is there any evidence to show the waters involved are important for public navigational purposes, other than recreational? If so, describe the characteristics which make the area important including depth, areal extent and type of navigational use? Are there any records of such navigational use? By whom? How often?
Water Supply	S	1. Is there any evidence to show the waters involved are important sources of water supply? If so, for what uses and how is the water obtained? Who owns the lands around the waters involved? How long has the water been used for a water supply for a particular purpose?
Underground Water Recharge	G	1. What are the local groundwater-surface water relationships in and around the waters involved? 2. What are the shallow ground water levels? (i.e., depth to water table?) 3. What are the soils of the area and underlying the waters involved? Is this area part of a larger recharge area? If so, what significance would loss of the waters involved have on the recharge?
Surrounding Land Character and Potential	L	1. What is the nature of the land surrounding the waters involved? What is the suitability of the land and beds of the waters for agricultural use in regard to soils, slopes, and other characteristics? 2. What would the impact be on agricultural values and cropping practices if the waters were not allowed to be drained for agricultural use.

DEPARTMENT OF NATURAL RESOURCES
STATE WATER BANK PROGRAM

6 MCAR § 1.5300 Basic provisions.

A. Authority and scope. These rules are promulgated under the authority of Minn. Stat., § 105.392, subd. 2, and § 105.415. Their purpose is to implement and make specific the state water bank program and the indemnification process established by Minn. Stat., § 105.391, subd. 3 for the purpose of compensating farmers for not converting certain kinds of wetlands to cropland.

B. Definitions.

1. Commissioner means the Commissioner of the Department of Natural Resources or his designated agents.

2. Drain means to conduct drainage activities that will remove or reduce the surface water from the basin. Acts constituting draining include, but are not limited to pumping, lowering the outlet, enlarging the outlet, tiling or reducing the amount of water entering the basin. (Drainage does not include temporary water level reduction for conservation purposes.)

3. Public waters for purposes of these rules means waters of the state so designated in a county by the process described in Minn. Stat., § 105.391 and those waters that have been determined to be public waters or navigable waters by the district court or if appealed, by the State or Federal supreme court.

4. Adjacent land means any lands abutting a basin that is eligible for inclusion in the state water bank program.

5. Less than 50 acres in area means the area of a plane bounded by the ordinary high water mark which is a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the vegetation changes from predominantly aquatic to predominantly terrestrial.

6. Fair market value is an estimate of a property's value based upon standard and accepted land appraisal methods. The appraisal for eligible wetlands will estimate the potential value of the area as agricultural cropland less the cost of drainage.

7. Professional soil classifier is a person who qualifies as a professional soil classifier on the basis of criteria specified by the Minnesota Association of Professional Soil Classifiers. The requirements are a Bachelor of Science degree in Soil Science or adequate credits (15 semester or 23 quarter hours) in Soil Science, and four years of field experience in mapping soils.

C. Procedures.

1. Application for a permit to drain basins that are potentially eligible for compensation from the Department because of being declared public waters shall be made on such forms as the Commissioner may provide and shall include all data specified by the form and any required application fees.

a. The applicant shall include the following information to enable the Commissioner to determine the feasibility, practicality, and lawfulness of the proposed drainage:

(1) A statement by the owner that there are no burdens on the property or agreements which drainage would violate.

(2) A demonstration by the owner that the right to use the outlet can be obtained.

(3) A description of the proposed drainage project.

(4) A demonstration of the project costs, showing how the costs were estimated, together with an explanation of why the investment would be profitable.

b. A statement by a Professional Soil Classifier that the basin would be high quality cropland. The determination shall be based on the following criteria:

The kinds of soils that will qualify as high quality cropland are based on the following method arranged from best to poorest.

Rating Value	Soil Properties
1.	Loamy or clayey mineral soils (loamy or clayey average particle size in the control section.)
2.	Deep organic soils (Typic subgroups,) and shallow organic soils with a loamy or clayey substratum (Terric subgroups with loamy or clayey particle size.)
3.	Shallow organic soils with a sandy or gravelly substratum (Terric subgroups with sandy or sandy skeletal particle size.)
4.	Sandy or gravelly mineral soils (Aquepts, aquepts, and Aquolls with sandy or sandy skeletal average particle size in the control section.)
5.	Other soils (mostly soils with limnic materials dominating the control section.)

Growing degree days (GDD) will be used as a climatic parameter to use for assessing soil quality. The groups from best to poorest are:

Rating Value	Climate Parameter
1.	More than 4400 GDD
2.	3400 - 4400 GDD
4.	Less than 3400 GDD

The following counties fall within the individual climate parameters:

More than 4400 GDD

Anoka	Lac Qui Parle	Rice
Big Stone	Le Sueur	Rock
Blue Earth	Lincoln	Scott
Brown	Lyon	Sibley
Carver	McLeod	Steele
Chippewa	Martin	Stevens
Cottonwood	Meeker	Swift
Dakota	Mower	Traverse
Dodge	Murray	Wabasha
Faribault	Nicollet	Waseca
Fillmore	Nobles	Washington
Freeborn	Olmsted	Watonwan
Goodhue	Pipestone	Wilkin
Hennepin	Ramsey	Winona
Houston	Redwood	Wright
Jackson	Renville	Yellow Medicine
Kandiyohi		

3400 - 4400 GDD

Aitkin	Hubbard	Otter Tail
Becker	Isanti	Pennington
Beltrami	Itasca	Pine
Benton	Kanabec	Polk
Carlton	Kittson	Pope
Cass	Koochiching	Red Lake
Chisago	Lake of the Woods	Roseau
Clay	Mahnomen	Sherburne
Clearwater	Marshall	Stearns
Crow Wing	Mille Lacs	Todd
Douglas	Morrison	Wadena
Grant	Norman	

Less than 3400 GDD

Cook	Lake	St. Louis
------	------	-----------

To arrive at a value, an index is determined by multiplying the soil property rating by the GDD rating. A value of four or less shall be considered high quality cropland.

The determination of soil properties shall be done by a Professional Soil Classifier with at least one observation of soil properties to depths of 50 inches for each ten acres of the wetland. Points of observations should be located systematically in the wetland, recorded on a map, and a log of soil made for each observation. The information shall be included with the permit application.

2. If the public waterbasin is eligible for compensation the Commissioner shall mail to the applicant, within 60 days of receipt of an application for a permit to drain, the various choices of indemnification, to include:

a. An offer

(1) To place the basin in the state water bank program, together with a sample water bank agreement.

(2) To acquire the basin and such interest as is necessary to make entry upon the acquired area available to the public.

(3) To acquire an easement in the nature of a conservation restriction as described by Minn. Stat., §§ 84.64 and 84.65 together with a sample of such an easement.

(4) To acquire a lease on the basin, together with a sample lease agreement.

b. A statement

(1) If such be the case, that the wetland appears to be eligible for the federal water bank program and who the landowner should contact. The state program, however, does not incur any obligations on the federal program and if the landowner chooses to select this option he will be subject to the federal program's priorities and procedures.

(2) That the landowner may suggest any other appropriate indemnification method, along with the proposed terms and conditions that he would like to have included.

(3) That the landowner and commissioner may agree to include adjacent property in the terms of the agreements.

(4) That the landowner has his choice of any one of the indemnification offers or any other method of indemnification that the Commissioner will agree to.

c. An explanation of the balance of these procedures in order to

establish the dollar amount of each offer as soon as the landowner specifies what adjacent land, if any, he would like to have included.

3. If the area is ineligible for compensation the Commissioner will so inform the applicant and advise him that a Minn. Stat., § 105.44, hearing on the issue of eligibility may be demanded.

4. If within 60 days of receipt of an application for a permit to drain, the Commissioner does not mail the landowner his choice of indemnification, the landowner is entitled to drain the basin.

5. Upon receipt of an offer of indemnification, the landowner shall inform the Commissioner of the amount (if any) and location of adjacent land that he would like to have included in the agreement, and what alternative (if any) methods of indemnification he would like the Commissioner to consider.

6. Within 60 days of receiving the above information the Commissioner shall complete an appraisal of the property and submit it to the Department of Administration for certification. If it is not so submitted within the 60 day period, the landowner may drain the basin.

7. When an appraisal has been certified, the Commissioner shall inform the landowner of the dollar amount of each offer, and begin negotiations. The outcome of the negotiations can be either;

a. The landowner accepts one of the offers made or agreed to by the Commissioner.

b. The landowner places the basin in a federal water bank program.

c. The landowner signs a consent to condemnation pursuant to Minn. Stat., § 84.027, subd. 9, specifying which of the methods of indemnification offered or agreed to by the Commissioner he has selected; or

d. The landowner does none of the above, in which case the basin cannot be drained unless and until a new application for a permit to drain is submitted and the Commissioner does not make an offer of indemnification.

8. If the landowner chooses to sell the basin and access area to the Commissioner he shall obtain from the County Board of Commissioners the approval to sell the property as required by Minn. Stat., § 97.481. The Commissioner must be supplied with a copy of the Board's resolution and if the County Board refuses approval, the applicant must select from among those options not requiring County Board approval. This procedure does not apply in those counties where blanket approval to sell the property to the State has been granted to those landowners who are eligible for compensation under Minn. Stat., § 105.391, subd. 3.

9. Water bank, lease and easements obtained on an area shall be re-

corded and indexed in the office of the county recorder in the county where the basin lies.

D. Effective date. These rules apply to applications for permits to drain received after the waterbasin involved has been designated a public water pursuant to Minn. Stat., § 105.391 or has been identified as public waters or navigable waters by a district court or if appealed, by the state or federal supreme court.

E. Payment rates.

1. Annual payment rates for the state water bank program will be determined by multiplying the fair market value of the waterbasin and any adjacent lands by five percent.

2. Annual lease payments for the waterbasin and any adjacent lands will be based on a fair market rental rate.

3. Conservation restrictions in the form of easements will be established by an appraisal and their lengths will be subject to negotiation.

4. The rate for any other method of indemnification that is agreed to will be negotiated with the landowner and judged on its merits based upon the proposed restrictions and their relationship to the other payment rates.

F. Terms for the water bank and lease agreements.

1. Agreement period and beginning date

a. Eligible basins are placed in the state water bank program for a period of ten calendar years and under a lease agreement for, not to exceed, twenty calendar years.

b. The lease agreement is continuous and shall transfer with the property if ownership changes during the time of the lease agreement.

c. A water bank or lease agreement finalized during the current calendar year shall be effective January 1 of that year. Exception: In cases where compliance with the terms of agreement cannot be rendered during the current calendar year, the beginning date of the agreement shall be January 1 of the following year.

d. Water bank or lease payments for the first year of an agreement will be made as soon as possible after an agreement has been finalized. Payments for the duration of a water bank or lease agreement will be made on or about August 1 of each continuous year thereafter.

2. Terms

a. Waterbasins

(1) In return for receipt of an annual payment the landowner must agree not to adopt any practice which would tend to defeat the purposes of the agreement. At a minimum, the designated basin may not be:

(a) drained, burned, filled, clipped, or otherwise used in such a manner that would effect its wetland character. Exception: Noxious weeds may be controlled by the landowner by spot clipping and spot spraying. If cutting is used the area should not be clipped closer than 6 inches so as to protect nesting wildlife;

(b) harvested for agricultural purposes;

(c) grazed;

(d) used as a source of irrigation water;

(e) used as a receptacle for draining other wetlands.

Exception: The Commissioner may approve designated acreage to receive limited drainage waters if such use is in keeping with sound wetlands management and prescribed in a mutually agreed upon conservation plan.

b. Adjacent lands

(1) If the Commissioner finds it desirable he may mutually agree with the landowner upon the amount and location of adjacent lands to include in the agreement.

(a) Up to one acre of adjacent land may be obtained for each acre of waterbasin.

(b) The Commissioner may negotiate and outline a conservation plan for the waterbasin and adjacent lands. Upon signing the agreement, the landowner shall agree to effectuate the wetland conservation and development plan. Terms that may be included are:

(i) development of food and/or cover plots,

(ii) specified planting and harvesting dates,

(iii) areas desirable for permanent cover,

(iv) habitat improvement methods such as:

(aa) clearing

(bb) tilling

(cc) re-establishment of former wetlands or the creation of new wetlands.

(dd) fencing to protect the area

(v) advice on conservation and development practices,

(vi) any other mutually agreed upon practice that would effectuate wetland conservation and development.

3. Signatures

a. The agreement shall be on forms provided by the Commissioner and shall be signed by:

(1) the owner of the designated acreage, and

(2) the Commissioner

G. Modifications of water bank and lease agreements. The Commissioner and the land owner may mutually agree to any modification of agreement terms that may be desirable to carry out the purposes of the program or facilitate its administration. Exception: No changes in payment rates for acreage under agreement is authorized during the term of the water bank or lease agreement.

1. Change in ownership of lands underlying public waters

a. All landowners shall notify the Commissioner of the sale of property that is covered by the water bank or lease agreement.

b. Upon transfer of an individual's right and interest in lands subject to a water bank agreement during the agreement period, the former land owner forfeits all rights to further payments under the agreement and refunds to the state all payments received thereunder during that year of the transfer. Forfeiture of payments is not required for those participating in a lease agreement nor if the transferee of any such land agrees with the Commissioner to assume all obligations of the former owner.

(1) The new land owner may choose not to participate in the water bank program; however, any water declared public shall not be drained. If an alternative form of indemnification is desired, or if the new owner wishes to have payment rates adjusted on the existing water bank agreement, a permit application will have to be submitted to the Commissioner to initiate the procedures in these rules. The requirement for soils information and borings shall be waived on those basins that have been determined eligible for the water bank program by previous permit applications.

c. When two or more farms are combined that share mutual public waters the land owner who is adding to his property shall have the option of adding the new property to his original agreement, continuing the former owners' agreement, or decide not to participate in the program and not be able to drain the basin.

d. When a transfer of ownership occurs on or before August 1 of the current calendar year and the new owner agrees to continue the former owner's obligation, payments due will be made to the new owner.

2. Registration of modification.

a. All modifications will be completed on amendment forms provided by the Commissioner.

b. Modifications will be noted on the original agreement and the original amendment forms will be retained by the Commissioner.

H. Agreement terminations.

1. Upon termination of an agreement the landowner shall forfeit all rights to further payments.

2. The Commissioner may terminate any agreement with mutual consent of the landowner if the Commissioner determines that termination would be in the public interest. If such be the case, no refund of payments made under the agreement is required.

3. The landowner must refund to the state all payments, partial or in full, received under the agreement upon any violation of the agreement terms during the time that the landowner has control of the property.

a. Subject to the Commissioner's determination that the violation is material and of the nature that warrants termination of the agreement the landowner shall:

(1) Refund, to the state, all payments received,

(2) Forfeit all rights to further payments,

(3) Not be entitled to drain the affected basin, and

(4) Not have the basin considered for a permit to drain or be allowed compensation under Minn. Stat., § 105.391, subd. 3, until a transfer of ownership has taken place.

b. Subject to the Commissioner's determination that the violation does not warrant termination of the agreement, the Commissioner may require partial refunds or make payment adjustments as he deems appropriate.

4. Termination action

a. The Commissioner shall notify each party to the agreement of the termination.

b. The reason for termination.

c. The amount of payment refund due.

d. That the landowner is no longer required to comply with the agreement terms and that the public waters cannot be drained.

e. The landowner may challenge the termination by demanding a hearing under Minn. Stat., § 105.44.

I. Extension of water bank or lease agreement.

1. At the end of an agreement period the Commissioner shall offer the landowner his choice of the five indemnification offers without requiring a new application for a permit to drain.

2. The landowner has 60 days to notify the Commissioner, in writing, if he will be:

a. continuing the former agreement terms, subject to any rate re-determination, or

b. dissolving the former agreement, and

c. changing to another form of indemnification, or

d. deciding not to participate in the program with the knowledge that the basin cannot be drained.

3. If the landowner chooses to select another indemnification method, the choice must be specified in the landowner's notice to the Commissioner.

4. If the notification of the landowners intent to continue in the program is not given, the landowner will be required to submit an application for a permit to drain the basin to establish future eligibility to the water bank program.

5. Upon receipt of the landowner's choice, the Commissioner shall conduct an appraisal to establish the fair market value of the property. Once completed, the agreement may be finalized.

6 MCAR § 1.5400 Criteria for regulating agricultural dike construction along the Red River of the North and Bois de Sioux Rivers.

A. General purpose. The purpose of these rules is to provide for the orderly and consistent review of permit applications to construct, relocate, rebuild or alter agricultural dikes along the Red River of the North and Bois de Sioux Rivers in order to assure that the granting of such permits would be in the best interests of the people of Minnesota and North Dakota. These rules are mutually applicable in both states. The authority to establish these joint criteria is granted to the Commissioner of Natural Resources in Minn. Stat., §§ 105.42, 105.49 and 471.59 and to the North Dakota State Water Commission by Sections 61-02-24 and 61-16-15 of the North Dakota Century Code. The two states recognize that establishment of these rules governing the issuance, review and denial of permits to construct, relocate, rebuild or alter agricultural dikes along the boundary rivers is but the first step in the exercise of joint control over those activities which could contribute to an increased flood potential of these rivers. The two states further recognize the need to exercise this joint control in that water management decisions which appear logical in a local or statewide context may have negative interstate and international impacts.

These rules are being established at this time because there is a current need to provide a basis for the review of existing, unauthorized agricultural dikes and permit applications for the construction of additional agricultural dikes along the boundary waters. Local land owners view such dikes as interim solutions to local flood problems.

B. Jurisdiction. These rules governing the review, issuance and denial of permits to construct, relocate, rebuild or alter agricultural dikes along the boundary rivers pertain to all such dikes located within the flood plains of the Red River of the North and the Bois de Sioux Rivers. Floodplain areas of the Red River of the North are defined by Appendix O, Volume 8 of the Souris-Red-Rainy Basins Comprehensive Study as "Red River of the North Main Stem Regional Floodplain Area" and the floodplain of the Bois de Sioux River is defined by the U.S. Geological Survey one percent chance of recurrence area flood quadrangles. These rules apply to dikes constructed on tributaries within the floodplains of these boundary rivers. These rules shall be superseded by local authority adoption of Commissioner approved floodplain ordinances which include agricultural diking provisions as conditional uses.

C. Definitions. For the purposes of these rules certain terms or words used herein shall be interpreted as follows:

"Boundary Rivers" means the Red River of the North and the Bois de Sioux River as they form a natural boundary between the States of Minnesota and North Dakota.

"Dike" means an embankment constructed of earth and/or other suitable materials to protect agricultural lands.

“Farmstead” means a farm dwelling and/or associated farm buildings.

“Flood Frequency” means the average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equalled or exceeded. This frequency is usually expressed as having a probability of occurring, on the average, once within a specified number of years.

“Flood Waters” means those waters which temporarily inundate normally dry areas adjoining a watercourse. This inundation results from an overflow of the watercourse caused by excessive amounts of rainfall and/or snowmelt which exceed its capacity.

“Public waters” means all natural and altered natural watercourses with a total drainage area greater than two square miles, except that trout streams officially designated by the Commissioner shall be public regardless of the size of their drainage area.

“Watercourse” means a channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.

D. Severability. The provisions of these rules shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision, or any other part.

E. Design criteria.

1. Dike setbacks and elevation. Dikes are to be constructed at a location and elevation so as not to cause an increase in elevation of the 100-year frequency flood of more than one-half foot at any point along the river. Calculation of the effects of the dikes shall be based on an assumed equal degree of encroachment along the opposite side of the river. If mutual agreement has been reached between persons on both sides of the river, dikes on one side may utilize up to the entire increase in flood elevation allowable. In all instances the applicants maintain the liability for damages resulting from any and all activities.

2. Dike dimensions. Dike top width shall not be less than six (6) feet. Side slopes shall not be steeper than 3:1, except where slope stability analysis and slope erosion control can justify steeper slopes. No organic soil or material shall be allowed in the foundation of the fill of dikes.

3. Vegetative cover and riprap. A protective cover of grasses shall be established on all exposed surfaces of the dike. Riprap shall be used where required for control of erosion.

4. Interior drainage. Dikes shall have provisions for interior drainage. The design shall include plans to handle the discharge from the drainage area based on drainage design requirements for the local area.

F. Hydrologic data for design. The North Dakota State Water Commission and the Minnesota Department of Natural Resources shall provide the discharges and corresponding elevations of the various frequency floods (and other available flood data), in relation to known historic floods, for use in dike design.

G. Dikes across natural waterways and legal drains. Dikes shall not be constructed across public waters or watercourses without permit from the Commissioner of Natural Resources, under Minn. Stat. § 105.42.

Dikes constructed across legal drains or public ditch systems shall require the approval of the appropriate local authority (watershed district, county, city, etc.).

II. Farmstead diking. Within an existing dike system, ring dikes around individual farmsteads shall not require dike permits if they are not provided with tie-backs to existing roadways or dikes. Ring dikes provided with tie-backs shall be considered part of the overall dike system and will be required to secure diking permits. Outside the dike system there shall be no limitations on tie-backs of dikes around farmsteads. However, appropriate authorization must be obtained from the local land use authority consistent with adopted codes or ordinances.

I. Administration.

1. Application for permit. All applications submitted by the owner to construct, to relocate, rebuild or alter dikes shall be made on forms provided by the Commissioner and shall be accompanied by two (2) complete sets of plans and specifications. Such plans and specifications shall include the following:

a. A general location map with a minimum scale of 1"=800' showing the following:

- (1) Location of the dike with respect to the watercourse;
- (2) Location of field inlets to provide for internal drainage; and
- (3) Location of legal drains and natural channels tributary to the main river channel.

b. Detailed cross-sections of the dike showing elevation, in relation to mean sea level, and side slopes.

c. Other data as deemed appropriate by the Commissioner to properly evaluate the application for permit.

After review of the information required above and other available data, the state agency to which the application is made shall determine the location and number of required cross-sections of the river channel and overland areas.

These locations shall be provided to the applicant who shall then provide the required cross-section data. The applicant shall undertake and agree to pay the expenses incurred in securing these cross-sections.

2. Joint permit applications. Joint permit applications involving two or more landowners or a permit application on behalf of two or more landowners will be accepted by the state agencies. These permit applications, taken together, must meet the above rules.

3. Joint administration. A copy of each application for a permit shall be forwarded by the state agency receiving the initial application to the other state for comment and recommendation before final approval is granted. If no response is received within 30 days, the commissioner shall process the permit without such comments or recommendations.

4. Permit revocation. The applicant shall provide for certification by a registered land surveyor, engineer, or other qualified person or agency that the finished dike elevations are not higher than those approved by the Commissioner. The permit will be revoked for failure to provide this certification.

The permit may be revoked for failure to construct the dike in accordance with the plans and specifications submitted. Structural alteration of the dike without permission of the appropriate state agency will also result in having the permit revoked.

5. Reconstruction/maintenance. Reconstruction of any authorized dike may be performed after notification to the commissioner of the repair needed. Permittee shall again certify the repair concurrent with this section. The maintenance of dikes must include periodic removal of woody vegetation (for example, trees and shrubs) which may become established on the embankment.

6. General administration. All applicants for permit to construct dikes shall be subject to the provisions of 6 MCAR § 1.5026.

J. Exception to the criteria. Under special circumstances, exceptions to the dike rules may be authorized on an individual basis but they must have the concurrent approval of the N.D. State Engineer, local water management board in North Dakota, Minnesota Department of Natural Resources and local watershed district in Minnesota. Factors that will be considered include but shall not be limited to dike setback line, location of farmsteads, property lines, existing roads, stream velocity, environmental effects, and acquisition of flowage rights. Request for exceptions must be accompanied by a plan satisfactory to all agencies.

K. Application to existing dikes.

1. These rules shall apply to all unauthorized dikes constructed in the past for the protection of those agricultural lands located within the floodplains of the Red River of the North and the Bois de Sioux, as defined in

Section B of these rules. Exceptions are farmstead dikes if they meet the provisions of Section H of these rules.

2. The commissioner shall have the authority to order removal, modification, or reconstruction of dikes not conforming to these rules.

*See new →
6 MCAR 55 1.5600 - 1.5603
(AR 03335T)*