

Regional Recreation Resource Districts

Introduction

Part A of this project outlined the need for Regional Recreation Parks, the amount of total acreage needed, and prospective locations for parkland acquisition. If all the acreage recommended is incorporated into an Outstate Regional Recreational Park System, then that park system has reached equity with the Metropolitan Region Parks. But, the pattern of development in outstate urban complexes is very different from development in the Metropolitan area. The outstate pattern is low-density amenity based development, thus locating growth on landscapes that are naturally scenic, hilly, and near water. This assertion is simply illustrated by visualizing where you see subdivision names like; Pheasant Run, Nature's Ridge, Hidden Meadow, Trout Brook, Oak Hill, etc. Development is also drawn to existing public lands, whether it is a wildlife area, state forest, or park. These public open space amenities are ringed by development, which inevitably diminishes the recreational, scenic, and natural resource value of these areas. Evidence of this can be observed at Carlos Avery Wildlife Management Area, where every year there is a story of conflict between hunters within the area and residents who abut the WMA.

It is inevitable that development will quickly be drawn to the new Outstate Regional Recreation Parks or other public facilities of the state outdoor recreation system. This development will increase property tax collection in the area and bring other benefits. But if the development is unplanned it has the potential to reduce the value of the Park in terms of recreational opportunities, natural and scenic worth, wildlife production and even reduce the long-term property tax generating potential of the region. Further, people are drawn to these outstate urban complexes by the natural amenities they offer, but these amenities are similarly threatened by unplanned development. Such unplanned development can threaten the immense value of high amenity areas such as the Central Lakes, and can inadvertently diminished its natural wealth if the outstanding resources are not sustained. To prevent the new Outstate Regional Recreation Parks from becoming islands-of-green ringed by development, and the character of the "North Woods and Lake Woebegone Country" from being diminished, it is necessary to comprehensively plan for development in these high amenity areas.



At Sibley State Park in Kandiyohi County development is now directly abutting the Park. This particular development maintains open space between the homes and the Park which act as a buffer reducing impact on the Park.

Such comprehensive planning could be facilitated within Regional Recreation Resource Districts, which encompass public and private lands of *outstanding* natural value and guide development to maximize the economic, natural, and social health of the region. Acquired Regional Parklands, while essential as a recreational hub, are insufficient to maintain the, natural integrity, scenic beauty, open space character, historic flavor and traditions, value as an amenity destination, competitiveness on the global market, and long-term economic significance of Minnesota's highest amenity areas. The Regional Recreation Resource District will enhance the Outstate Regional Parkland investment and the long-term economic health of Minnesota's new outstate urban complexes.

This is not an attempt to completely reinvent the conservation wheel. Rather, it is a comprehensive integration of tools, resources, and programs to achieve natural resource enhancement in the areas that are quintessentially Minnesota.

This section discusses why these Regional Recreation Resource Districts are needed, what they are, and presents several options as to how the goal of the Districts could be accomplished.

Why?

Mere acquisition of more Regional Parklands may not be sufficient to make Minnesota competitive in the global market for recreation dollars and amenity based investment. It is inevitable that development will quickly be drawn to the new Outstate Regional Recreation Parks, which will increase property tax collection in the area and bring other benefits. But if the development is unplanned it has the potential to reduce the value of the Park in terms of recreational opportunities, natural and scenic worth, wildlife production and even reduce the long-term property tax generating potential of the region. Further, people are drawn to these outstate urban complexes by the natural amenities they offer, but these amenities are similarly threatened by unplanned development.

There is immense stored wealth in the character of high amenity areas such as the Central Lakes that can inadvertently be diminished if these particular regions with outstanding resources are not sustained. To prevent these new Outstate Regional Recreation Parks from becoming islands-of-green ringed by development, and the character of the "North Woods and Lake Wobegone Country" from being diminished it is necessary to comprehensively plan for development in the park and surrounding areas.

While Minnesota has a wealth of recreational resources and open space, that investment is not comprehensively managed or vertically integrated to ensure efficient, and uniform provision of high quality recreational opportunities, and effective conservation of high amenity landscapes.

Global Competition

With the advent of the information age people are increasingly able to live where they historically vacationed, and those high amenity areas are attracting investment as individuals and firms locate to areas of scenic beauty and recreational opportunities. Locations like Fort Collins, CO, the Flathead Valley, MT, and Lake Tahoe, CA are currently attracting this investment. A major factor for the attractiveness of these areas is the vast expanse of high-quality public open space within very close proximity to the population. Minnesota does not have the federal land

base of these areas, but Minnesota does have equally attractive natural assets that could be maintained in their current open space character to draw long-term economic investment.

Recreation experiences themselves compete on the global market. Thanks to the low cost of transportation, people are able to travel to distant locations to ensure that their recreational experience meets their expectations. For example, many Minnesota waterfowl hunters travel to North Dakota or Canada to ensure a good shoot because the wetland they used to hunt is now ringed by development, or the cornfield they used to enjoy in is now a subdivision.

In order to continue to bring in tourism dollars from outside the state, Minnesota must ensure that the recreational opportunities it provides are of a reliable high quality and meet the expectations of participants.

Provision of High Quality

What is high quality? High quality experiences meet the expectations of the participants, and one way to know if the experience is of a high enough quality is to



look at participation in the activity. Dr. Tim Kelly of the MDNR prepared a report in 2005 on the Outdoor Recreation Participation of Minnesotans⁴³ which generally shows that rates of participation in certain outdoor recreational activities are declining per capita. Dr. Kelly identified declining participation per capita for activities such as; fishing, hunting, wildlife watching and boating. A few simple hypothetical questions may illustrate possible reasons for the observed decline: If you go hunting in Minnesota and you routinely see no game then how long to you continue going? Now that your “secret” fishing lake is ringed by homes, is the experience sufficient to keep you coming back? Will you continue to paddle around the lake looking for herons if you are worried that your canoe will be swamped by wakes from large boats?

To keep people investing in Minnesota’s outdoor recreation, it is essential to provide an experience that is reliably high-quality. There are too many distractions and competition for time and dollars for people to invest in recreation practice that does not meet expectations. Unfortunately, setting aside acquired tracts of land will not guarantee the high-quality experience that keeps people coming back. That experience is a compilation of numerous factors; from driving down that familiar country road past the farmhouse to the same pull off where you have flushed grouse for the last decade, it is knowing that when you get to the “secret lake” the trees are still there and that a trophy walleye is lurking, it is the little bait shop that always has the right fly for the season, it is vista that you know you will be able to share with your grandchildren.

Minnesota has invaluable natural resources that if managed properly can provide the high quality experience that people desire, while creating jobs for the community, and preserving the

⁴³ See supra note 25.

last best places for future generations.

Vertical Integration

This provision of high quality can be accomplished within Minnesota's existing natural resource management systems, but those systems must be effectively integrated under a single authority and focused on specific geographic areas. In Minnesota natural resource management, provision of outdoor recreation, and conservation is accomplished through a decentralized approach. The declining use numbers illustrate that this approach may not be the most effective or efficient way outdoor recreation opportunities that attract use and participation.

To effectively address the myriad of issues that natural resource managers face it is essential to focus the many different, but compatible, players toward a specific goal within discrete regions. As the last remaining high amenity areas come under increasingly strong population growth pressures, a single authority must be charged with ensuring that all the resources at hand are cooperatively implemented to provide a high quality recreational resource, to maintain and enhance the unique character, and preserve the natural wealth of Minnesota's outstate urban complexes.

What?

This vertical integration, provision of high quality, and enhancement of global competitive position can be achieved within the Regional Recreation Resource District. These Districts will encompass high amenity areas within close proximity to regions of high population growth. Inspired by successful models such as; the Adirondack Park District, the English Lakes District National Park, and Deep Portage Environmental Learning Center, the Regional Recreation Resource District (District) is a comprehensively managed collection of private and public lands, with a primary goal of maintaining natural wealth and regional character in order to provide a high-quality resident, tourist, and recreational experience. The proposed Districts are sited according to several factors including; topography of the area, land roughness, land cover, proximity to waterways, character of existing development, existing public lands, projected population growth, etc.

It is not possible, nor is it wise to stop development of Minnesota's high amenity areas, development means that more Minnesotans will be able to enjoy these areas. However, it is imperative to ensure that development does not detract from the recreational, scenic, and natural wealth that makes these such desirable locations to experience.

The Districts will ensure that development is managed in a way that not only preserves the natural value of the area, but further enhances the desirability of the region.

How?

This is not something untested or absolutely new, rather it is a stitching together of programs, ideas, and practices that have been implemented elsewhere and are shown to be effective. In one sentence the District is: A public/private partnership governed by the Regional Recreation Resource District Board, to enhance the natural, recreational, historic, and scenic value of Minnesota's highest amenity landscapes in the areas of greatest population growth by comprehensively planning for land use.

The Adirondack Park in New York can serve as one model to accomplish the overarching goal of maintaining Minnesota's most special places special as they experience tremendous population pressure. The Adirondack Model is laid out below and is followed by brief options for consideration. Other possible models include: the Metropolitan Council with its taxing authority, the Deep Portage Conservation Reserve with its nonprofit status and governing board, the Land Exchange Review Board with its statewide oversight, or through expansion of the MDNR's powers to include regional planning.

While there are several options to accomplish the goal stated above there is a limited number of tools available to whatever the governing authority is to accomplish that goal. The authority/entity must have at least some of these tools to be effective. (See Table 9, next page)



General Structure⁴⁴

In general terms the RRRD's will begin by implementing a Land Use Plan which is designed to channel much of the future growth in the District around existing communities, where roads, utilities, services, and supplies already exist. Under the Land Use Plan, all private lands in the District could be classified into one of six categories that are drawn directly from the Adirondack Park Land Use Plan: Hamlet, Moderate Intensity, Low Intensity, Rural Use, Industrial Use, and Resource Management.

This Land Use Plan could be managed by a hypothetical Regional Recreation Resource District Board (Board). The Board would be charged with protecting the public and private resources within the Districts, ensuring provision of high-quality recreational resource, and maintaining the integrity of the natural environment. The Board needs to be a multi-jurisdictional governing body that has authority over all land use regulations and public activities within the District. The board does not manage the resource or recreational activities, rather the



Inspiration Peak in Otter Tail County is the type of natural feature where its value as a recreation and scenic asset can be enhanced through comprehensive planning that makes it part of a larger regional recreation system. Such a system could include bed-and-breakfasts, game farms, active recreation opportunities, agricultural and other outdoors attractions.

⁴⁴ This Structure is mainly based off the operation of the Adirondack Park Agency, and the New York Act (Adirondack Park Agency Act NYS Executive Law, Article 27, §§801-820) that created these policies. (Attached as Appendix C.)

Board is charged with creating and maintaining a Master Plan to ensure preservation and utilization of the resource.

As the primary land use authority within the District, other governmental entities are subject to the Plan it creates. A major portion of the Board's responsibilities will be to integrate management of the public lands with the boundaries of the Districts. By vertically integrating management of these lands, efficiencies can be attained by reducing competing or duplicative management practices, creating complimentary practices, utilizing landscape and ecosystem connections that were previously separated by management goals, comprehensively planning to integrate development with the natural environment, while maintaining and enhancing the ability of the open space resource and the region to respond to the projected population estimates.

Table 9⁴⁵

POTENTIAL TOOLS UNDER THE AUTHORITY OF THE REGIONAL RECREATION RESOURCE DISTRICTS GOVERNING ENTITY			
	Local	State	Private
LAND ACQUISITION	<ul style="list-style-type: none"> • Fee-Simple • Conservation and/or agricultural easements • Purchase of Development Rights • Transfer of Development Rights 	<ul style="list-style-type: none"> • Conservation Easements • Fee-Simple Acquisition • Forest Legacy • Historic preservation • Smart Growth Initiatives 	<ul style="list-style-type: none"> • Conservation Easements • Conservation and Wetland Banking • Fee-Simple Acquisition • Land Trusts • Riparian Easements
REGULATION	<ul style="list-style-type: none"> • Buffer or Landscaping Ordinances • Building Permitting • Comprehensive Plans • Conservation Banks • Development Impact Fees • Environment Impact Regulations • Mitigation Banking • Special Assessment Districts • Storm Water Regulations • Subdivision Ordinances • Zoning: Downzoning, Cluster, Open Space, Performance Zoning 	<ul style="list-style-type: none"> • Scenic Highway or Byway Legislation • Scenic Rivers or Lakes • Shoreland Zoning/Permitting/Setbacks • Conservation/Mitigation Banking • Species Permitting • Recreation Planning • Heritage Designation • Outdoor Recreation Act 	<ul style="list-style-type: none"> • Mitigation Banking • Remediation Programs
INCENTIVES	<ul style="list-style-type: none"> • Management Agreements • Notification and Education Recognition and Awards • Tax Incentives; Estate Management Strategies • Technical Assistance and Government Support • Grant Programs 	<ul style="list-style-type: none"> • Best Management Practices • Smart Growth Initiatives • Tax Benefits • Resource Development Grants (to <i>game farms, bed and breakfasts, ski areas, etc.</i>) 	<ul style="list-style-type: none"> • Conservation and Wetland Banking • Environmental Trading • Development Support (Ducks Unlimited support game farm development, Minnesota Off-Road Cyclists support development of mountain bike trails, etc)
FUNDING	<ul style="list-style-type: none"> • Developer Fees • Environmental Impact Fees • Environmental Mini-Bonds • Special Assessment Fees • Transfer Tax • Park Dedication Fees 	<ul style="list-style-type: none"> • Transfer Tax • Transportation Equity Funds • Transportation Enhancement Funds • Park Dedication Fees • LCCMR 	<ul style="list-style-type: none"> • The Conservation Fund • The Nature Conservancy • The Trust For Public Land • MN Land Trust

⁴⁵ This Table is adapted from: Mark A. Benedict & Edward T. McMahon, *Green Infrastructure Linking Landscapes and Communities* 153 Table 6.1 (Island Press 2006).

The following is a *Draft Statement of Findings and Purpose* which could conceivably be the purpose statement of new legislation to create the Districts and the Governing Board.

Statement of Findings and Purpose:

Minnesota is a state rich in natural resources, lakes, farms, and open space. But that wealth is increasingly under pressure by a growing population, advancing technologies, expanding economy, and less dense development patterns which combine to threaten our priceless natural resources. These open lands, forests, wildlife and aesthetic resources must be utilized to provide: an outdoor recreation experience of national and international significance; maintenance of invaluable ecosystem services; sustainable economic development opportunities; a conservation legacy that meets current needs while enhancing the natural wealth our children will inherit.

The increasingly vocal calls for action have recognized that Minnesota's resources are in a precarious position and something must be done to: (save vanishing habitats; become better stewards of our air, lakes and streams, forests, fish and wildlife, agricultural resources, and scenery; meet the recreation needs of an ever increasing and diverse population with the economic tools and resources that are available.

Continuing with "business-as-usual" in terms of our statewide natural resources strategy is not an option. The current scheme, while successful in the past, is no longer able to adequately address the current pressures on our priceless resources. A new strategy is needed, the State of Minnesota has an obligation to insure that the contemporary and future pressures on our natural resources are provided for in a comprehensive land use control framework which recognizes not only matters of local concern but also regional and state concerns.

Addressing the pressures on our resources can only be accomplished by balancing environmental concerns, economic interests and social issues. It is possible to balance these needs with currently available tools and financial resources. Unfortunately, in the past various agencies and departments have implemented these tool based on different and sometimes inconsistent conservation priorities. This practice, while effective at one-time, inefficiently utilizes resources resulting in an inability to meet sustainability the needs of today.

This report's basic purpose is to create a comprehensive framework to insure optimum overall conservation, protection, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, eco-

logical and natural resources of some of the last great places in Minnesota that are currently experiencing, and will experience, high population pressures. This goal is accomplished through creative exploitation of the tools and resources that Minnesota currently has.

This report directs the creation of a Board that has primary oversight over these tools within areas that are designated as Regional Recreation Resource Districts. Once the legislature designates these Regional Recreation Resource Districts the Board will assume responsibility for creating a comprehensive plan for each District which recognizes the needs of all Minnesotans for the preservation of the District's resources and open space character, and of the District's permanent, seasonal and transient population for growth and service areas, employment, agricultural and forest products, and a strong economic base.

In meeting these goals the Board will have authority to vertically integrate other agencies, departments, programs and expenditures to ensure consistent and efficient use of resources in furtherance of the priorities that are developed for each District and for the state.

The Board is also directed to designate at least one Regional Recreation Park within each District and direct its management in accordance with the "Minnesota's New Outstate Regional Recreation Park" policy document.

A further purpose of this report is to direct the Board to develop a long-range park policy, recognizing the major state interest in conservation, use and development of the District's resources and the preservation of its open space character, and at the same time, provide a continuing role for local government. This policy must provide for the plan's maintenance, administration and enforcement in a continuing planning process that recognizes matters of local concern and those of regional and state concern, provides appropriate regulatory responsibilities for the Board and the local governments of the District and seeks to achieve sound local land use planning.

Mechanics of the New Regional Recreational Resource District

Governance

As discussed above, the Board governs the District and has the responsibility of developing land use classifications and development maps for the Districts. It is the duty of the Board to ensure that all policies that affect other governmental entities are developed cooperatively to advance the goals of the Districts. To better understand the structure and responsibilities of the Board please refer to the “Citizens Guide to Adirondack Park Agency Land Use Regulations.”⁴⁶ This Guide is relevant in discussing the primary function of the Board and its land use planning responsibilities.

There are options for the structure of the Board; it could exist as a multi-jurisdictional agency similar to the Metropolitan Council, it could be an independent board that operates as a 501(c) foundation similar to the governance of Deep Portage Conservation Reserve, or the Districts could be governed by a combination of the two where the Foundation has control over the master and comprehensive planning, and the agency has authority over ensuring adherence with the master plan through permitting.

When contemplating the controlling authority it is essential to build an institution that will have the ability to resist influences that could corrupt the goal and vision of the District.

Land Use

Private Land

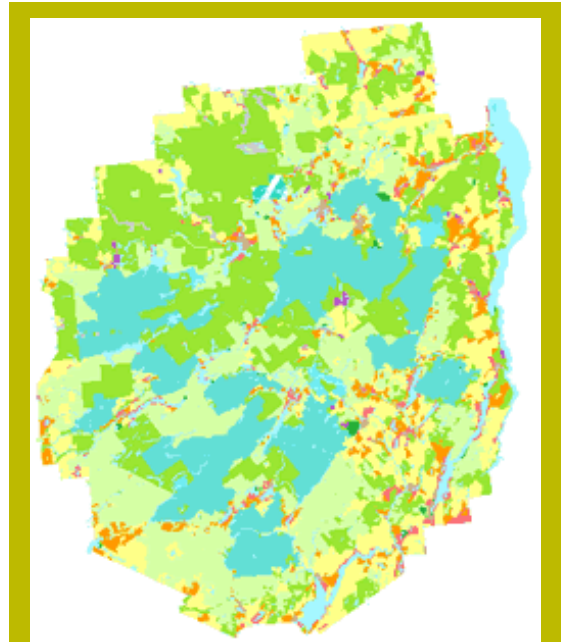
Like Adirondack Park, Districts could employ six classifications of private land use: hamlet, moderate intensity use, low intensity use, rural use, resource management, and industrial use. These classifications depend on such factors as: 1) existing land use and population growth patterns; 2) physical limitations related to soils, slopes and elevations; 3) unique features such as hill, streams, waterfalls, rock outcroppings, waterfalls, lakes, etc; 4) public considerations; 5) biological considerations.

The six land use classifications are based on Adirondack Park Land Use and Development Plan (APLUDP), but are updated using more recent concepts of land-use planning and are defined as follows:

- **HAMLET** -- These are the growth and service centers of the District where the Board encourages development. Intentionally, the Board has very limited permit requirements in hamlet areas. Activities requiring a Board permit are; erecting buildings or structures over 50 feet in height, projects involving more than 100 lots, sites or units, projects involving wetlands, airports, watershed management projects, and certain expansions of buildings and uses. Hamlet boundaries usually go beyond established settlements to provide room for future expansion. Development within hamlets shall be undertaken to facilitate pedestrian and alternative modes of transport, ensure a positive street level experience, encourage participation in available activities, create a sense of place, and highlight the character of the region.

⁴⁶ Citizens Guide to Adirondack Park Agency Land Use Regulation. (Attached as ‘Appendix D.’)

- MODERATE INTENSITY USE -- Most uses are permitted; concentrated, clustered and, planned unit residential developments are most appropriate. Developments should maintain the character of the region and be based on existing infrastructure.
- LOW INTENSITY USE -- Most uses are permitted; residential development at a lower intensity than hamlet or moderate intensity is appropriate. Clustered, concentrated, and planned unit residential developments are preferred and require significantly more open space than that is required in moderated intensity use. Developments should maintain the rural character of the area and be based on existing infrastructure.
- RURAL USE -- Most uses are permitted; uses that maintain the land as working are strongly preferred. Residential uses and reduced intensity development is suitable, but must be undertaken so that the landscape is maintained in a rural character. Development of new public infrastructure is not permitted unless it is shown to be essential to enhance the character of the landscape.
- RESOURCE MANAGEMENT -- Most development activities in resource management areas will require a Board permit; preferred uses include recreational uses, agricultural, forestry and limited compatible residential vacation. Special care is taken to protect the natural open space character and recreational value of these lands.
- INDUSTRIAL USE -- This is where industrial uses exist or have existed, and areas which may be suitable for future industrial development. Industrial and commercial uses are also allowed in other land use area classifications.



The Adirondack Park is represented here by its zoning map. Each color identifies a different land use, and the map is maintained by the Adirondack Park Agency. This type of map could be created for each of the RRRDs and be used to comprehensive plan for development and enhance the recreational value of the District's outdoor assets.

District planning is also informed by the experience in the English Lake District National Park. In the Lake District it is well understood and accepted that “road and housing schemes have immediate, and permanent visual impact on the landscape. Without careful design they can introduce a suburban element inappropriate a rural setting. Excessive lighting associated with development has the same effect and denies us views of the night sky. Other changes are gradual and, although insignificant in isolation, can seriously damage landscape quality...”⁴⁷ To maintain the character of value of Minnesota’s most scenic places, it is essential to use the tools and practices that have worked for other landscapes, and to comprehensively plan and manage for the development of our last best places.

Public Lands

Public lands within the District could utilize the state land classifications as codified in Minn. Stat. §86A.05, and will be the responsibility of the Board. The Board will ensure that lands are properly classified, and units are administered to accomplish the purpose and objectives of the classification. This can be accomplished through creation and maintenance of a Master Plan for each District. The new Regional Recreation Park⁴⁸ and Heritage Lakes are additional classifica-

⁴⁷ Lake District National Park Management Plan, Ch. 5 p.17.

⁴⁸ See Appendix B for the Proposed Regional Recreation Park Policy document.

tions for public lands within the Districts. With the addition of the Regional Recreation Park and Heritage Lakes, the Board can classify public land units as any one of fourteen different classifications. With the exception of the two new classifications all of the unit classifications can be found at Minn. Stat. 86A.05 2006. The existing classifications are briefly summarized below.

- STATE PARK -- A state park shall be established to protect and perpetuate extensive areas of the state possessing those resources which illustrate and exemplify Minnesota's natural phenomena and to provide for the use, enjoyment, and understanding of such resources without impairment for the enjoyment and recreation of future generations.
- STATE RECREATION AREA -- A state recreation area shall be established to provide a broad selection of outdoor recreation opportunities in a natural setting which may be used by large numbers of people.
- STATE TRAIL -- A state trail shall be established to provide a recreational travel route which connects units of the outdoor recreation system or the national trail system, provides access to or passage through other areas which have significant scenic, historic, scientific, or recreational qualities or reestablishes or permits travel along an historically prominent travel route or which provides commuter transportation.
- STATE SCIENTIFIC AND NATURAL AREAS -- A state scientific and natural area shall be established to protect and perpetuate in an undisturbed natural state those natural features which possess exceptional scientific or educational value.
- STATE WILDERNESS AREA -- A state wilderness area shall be established to preserve, in a natural wild and undeveloped condition, areas which offer outstanding opportunities for solitude and primitive types of outdoor recreation.
- STATE FOREST
- STATE WILDLIFE MANAGEMENT AREAS -- A state wildlife management area shall be established to protect those lands and waters which have a high potential for wildlife production and to develop and manage these lands and waters for the production of wildlife, for public hunting, fishing, and trapping, and for other compatible outdoor recreational uses.
- STATE WATER ACCESS SITE -- A state water access site shall be established to provide public access to rivers and lakes which are suitable for outdoor water recreation and where the access is necessary to permit public use.
- STATE WILD, SCENIC AND RECREATIONAL RIVERS -- State wild, scenic, and recreational rivers shall be established to protect and maintain the natural characteristics of all or a portion of a river or stream, or its tributaries, or lake through which the river or stream flows which together with adjacent lands possesses outstanding scenic, scientific, historical, or recreational value...
- STATE HISTORIC SITES -- A state historic site shall be established to preserve, restore, and interpret buildings and other structures, locales, sites, antiquities, and related lands which aptly illustrate significant events, personalities, and features of the history and archaeology of the state or nation.
- STATE REST AREAS -- A state rest area shall be established to promote a safe, pleasurable, and informative travel experience along Minnesota highways by providing areas and facilities at reasonable intervals for information, emergencies, or the rest and comfort of travelers.
- AQUATIC MANAGEMENT AREAS -- Aquatic management areas may be established to protect, develop, and manage lakes, rivers, streams, and adjacent wetlands and lands that are critical for fish and other aquatic life, for water quality, and for their intrinsic biological value, public fishing, or other compatible outdoor recreational uses.



The additional classifications, Heritage Lakes and Regional Recreation Parks, are based directly off existing programs. The Regional Recreation Parks, as discussed earlier, are based on the 1985 Recreational State Park Policy Plan, and the Heritage Lake is based off of Glendalough State Park's "Heritage Fishery" on Annie Battle Lake as well as other lakes with creative regulation.

Heritage Lakes can be designated by the Board to ensure the serenity of the most special lakes are maintained, and to give anglers an opportunity to catch sizable fish. Special regulations will, in effect, allow visitors to experience fishing and the idyllic setting of a Minnesota lake as it was 100 years ago. For illustrative purposes current Glendalough regulations include: No motors, this includes electric trolling motors. No electronic fish-finding devices, this includes depth finders, graphs, GPS, underwater video equipment. Fishing is catch-and-release only for large-mouth bass and northern pike, these species must be returned to the water immediately. Sun-fish are limited at 5 per person for all sunfish species in combination. Crappie limit is also 5 per person with a minimum size limit of 11 inches. Normal Minnesota inland water limits apply to walleyes and other species not designated. No gas augers are allowed during winter fishing. These limits can be adapted depending on the Board's goals for the fishing resource.

As a subset of Heritage Lakes are "Heritage Fisheries" which will employ similar experimental catch limits and equipment limitations, but provide for surface water uses that employ motors.

Options

When evaluating other options to accomplish the concept of the Regional Recreation Resource District it is essential to remember that the underlying goal is to: maintain the natural wealth and regional character of Minnesota's highest amenity areas and to provide a high quality resident and tourist recreational experience while enhancing the long term economic vitality of the region.

The aforementioned options include; the Metropolitan Council, Deep Portage Conservation Reserve Area, and the Land Exchange Review Board. Each option presents different tools that can be incorporated into the managing entity. These options are briefly outlined below.

Metropolitan Council

The Metropolitan Council (Council) is the regional planning agency serving the Twin Cities seven-county metropolitan area. Among many other responsibilities the Council "engages communities and the public in planning for future growth, and provides planning, acquisitions and funding for a regional system of parks and trails."⁴⁹

The Council is made up of 17 members 16 of which represent a geographic location, and a chairman. The members are appointed by the Governor and the State Senate confirms the appointments. Such governance structure is a viable option for the RRRD. The Council is funded in several ways with the largest source as state and federal funds. The Council also collects user

⁴⁹ Metropolitan Council, *About the Metropolitan Council* <<http://metro council.org/about/about.htm>> (accessed June 1,2007).

fees from wastewater and transit fares which account for about 40% of its revenue. The remainder of the Council's revenue is from property taxes and other sources.⁵⁰

The parks within the Council's jurisdiction are operated by cities and counties. The cities and counties partner with the Council to acquire and develop these parks. They also work together "to develop regional park policies that protect the region's water quality, promote best management practices, and help integrate the park systems with housing, transportation, and other regional priorities."⁵¹

Deep Portage Conservation Reserve Area

Deep Portage is operated by the Deep Portage Foundation, a 501(c)(3) non-profit corporation that provides recreational, educational, and environmental programs for people of all ages.⁵² While a non-profit managing board may not be a prudent option to managed private land use, each of the Regional Recreation Parks within the RRRDs could be individually operated by this type of foundation, or the Regional Recreation Parks could be collectively operated by such a board. This foundation-type governance structure gives flexibility to the operation of the parks and may enhance the ability of the governing body to engage for profit business in provision of recreational and tourism opportunities. This non-profit status also requires that the parks maintain their attractiveness to both users and supporters for financial support. Deep Portage Foundation does not own the land land that it is located on, instead Cass County owns the 6,000 plus acres and the Foundation provides the programs, services and infrastructure that make it such an attractive facility.

Land Exchange Board

The Land Exchange Board (LEB) is an example of a board that has state-wide oversight of certain land management decisions. LEB is offered as an example as the members have the ability to make decisions regarding the protection, use, or management of Minnesota's natural resources, and it works to increase the public benefit for present and future generations.⁵³ The LEB does this by approving, or withholding approval for, exchanges of state-owned land for privately-owned land. The LEB consists of three members, the Governor, the Attorney General, and the State Auditor, and all three members must approve an exchange of public lands. The LEB also has authority to approve acquisition by the U.S. Department of the Interior of any lands involved in the Waterfowl Production Areas program.

The LEB could serve as a model of a board with authority over management decisions within the RRRDs. Such authority could extend to zoning, acquisition, funding, etc. while leaving routine management decision to individual units.

⁵⁰ *Id.*

⁵¹ Metropolitan Council, *Regional Parks* <<http://metrocouncil.org/about/about.htm>> (accessed June 1, 2007).

⁵² Deep Portage Conservation Reserve, *Our History* <<http://www.deep-portage.org/history.html>> (accessed June, 1 2007).

⁵³ Minnesota Department of Natural Resources, *Land exchange* <http://www.dnr.state.mn.us/lands_minerals/landexchange.html> (accessed June 1, 2007).