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- Interim river report.



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# INTERIM RIVER REPORT

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## Addendum

## INTERIM RIVER REPORT

### ADDENDUM NO. I (Page 19)

#### Chapter 351 - Floodplain Management

Amends Minnesota Statutes 1971, Section 104.01 by adding a subdivision; 104.03, Subdivision 1 by adding a subdivision; 104.04, Subdivision 3 by adding a subdivision; and Chapter 104 by adding a section.

The act adds additional policy which requires primary emphasis on non-structural floodplain management ordinances to reduce flood damages and requiring no alternative methods of flood damage reduction without adoption of local ordinances. The bill also encourages greater federal planning assistance to local governments and establishes provisions regarding emergency flood protection measures. In effect, the emergency construction measures must be justified as part of a future comprehensive flood emergency program and must be approved by the Commissioner. If the measures are not approved by the Commissioner, the Commissioner shall order the removal of the measures.

The bill also provides for action by local governments to establish floodplain ordinances within specific time limits after adequate technical data are available. If a local governmental unit fails to act within the presented time limit, the Commissioner is authorized to adopt the ordinances to the unit at the expense of the unit. A key addition to the law is the requirement that all local governments subject to recurrent flooding participate in the national flood insurance program. To implement this participation, the Commissioner is required to prepare and distribute a list of local governmental units having areas subject to recurrent floodings. The act is now in effect.

## INTERIM RIVER REPORT

### ADDENDUM NO. II

(Page 12)

#### Chapter 379 - Shoreland Management in Municipalities

Amends Minnesota Statutes 1971, Section 105.485, Subdivisions 2 and 3 and by adding a Subdivision; and 462.357, Subdivision 1, by extending the coverage of the Shoreland Management Act to include municipalities. Section 2 required the Commissioner of Natural Resources to promulgate model standards and criteria for the subdivision, use and development of shoreland in municipalities by April 1, 1974.

Section 3 requires each municipality having shoreland in its corporate limits to submit its ordinances relating to shoreland to the Commissioner by April 1, 1974, for his review. The Commissioner then determines whether the ordinances are in substantial compliance with the standards and criteria for such shoreland areas. If the Commissioner determines that the ordinances are not in substantial compliance, he notifies the municipality of this fact and the municipality has one year in which to bring its ordinances into compliance. Municipalities having no shoreland regulations must adopt such which comply with the standards and criteria by July 1, 1975. If a municipality fails to adopt regulations by July 1, 1975, or if a municipality fails to adopt an ordinance in substantial compliance with the state standards and criteria within the statutory period, the Commissioner may give notice and sit as a municipal council to adopt a complying ordinance in the manner provided by Minnesota Statutes, Section 462.357. The costs incurred by the Commissioner in such action are to be borne by the municipality.

Section 5 empower municipalities to adopt shoreland regulations which are more restrictive than the state standards and criteria.

## INTERIM RIVER REPORT

### ADDENDUM NO. III (Page 14)

#### Chapter 702 - Water Surface Use Zoning

The State Legislature proposed several changes to the Water Safety Act during the 1973 Legislative Session and on May 24, 1973, Governor Wendell Anderson approved Laws of Minnesota 1973, Chapter 702. This Act authorizes the Commissioner of Natural Resources to adopt statewide rules and regulations governing the use of watercraft on the surface waters of the state by January 1, 1975. Under this Act, local units of government would have the power to establish ordinances to control the use of watercraft on waters within their territorial limits, provided that such ordinances are approved by the Commissioner of Natural Resources. Furthermore, any water surface use ordinances adopted by a local unit of government after January 1, 1975, must be consistent with the statewide rules and regulations to be formulated by the Commissioner of Natural Resources.

Under the provisions of Chapter 702, local ordinances may regulate the type and size of watercraft allowed to be used on a particular body of water, the types and horsepower of motors allowed to be used on watercraft, the time and area in which watercraft may operate, the speed at which watercraft may operate, and the conduct of other activities on a particular body of water in order to secure the safety of the public and the most general public use.

According to this Act, the County Board of Commissioners is empowered to adopt such "Water Surface Use Ordinances" for any body of water situated wholly or partly within the boundaries of the county and not situated entirely within the boundaries of a single municipality. When a body of water is located entirely within the boundaries of a single municipality, the governing body of the municipality has the authority to adopt a water surface use ordinance. In a case where a body of water is located in two or more municipalities, the County Board of Commissioners will

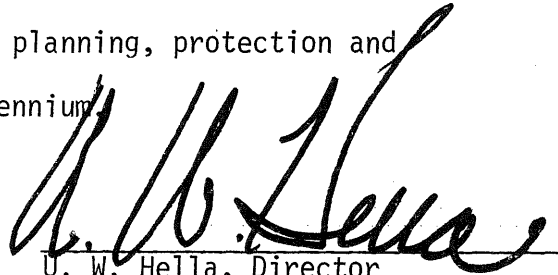
retain the authority to adopt such ordinances. Also, if a body of water is located in more than one county, no water surface use ordinance may be put into effect until it has been adopted by the county boards of all of the counties in which the body of water is located.



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**DEPARTMENT OF NATURAL RESOURCES**  
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This interim report concerns itself with the existing rivers programs within the Department of Natural Resources and other agencies. It should be mentioned here that this report is not meant to be a comprehensive review of all programs; but rather a brief resume' of those which are most directly related to that administered by the Division of Parks and Recreation.

The report places special emphasis on Parks rivers programs. It addresses itself to both the 1972-1973 expenditures and to the budget requests for river planning, protection and development for the 1974-1975 biennium.

  
U. W. Hella, Director  
Division of Parks and Recreation

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# Supply & Demand

Before any individual programs are discussed in any detail, it would be appropriate to briefly describe the supply of river resources in the State and the recreation demands for use of them.

## Supply

Minnesota has 25,000 miles of rivers and streams; most of these have excellent opportunity for fishing. Of the State's 25,000 river and stream miles, about 2,048 are classified as trout streams (cold water); and approximately 2,000 river miles classified as recreation rivers. In addition, it is estimated that there are 10,000 miles of streams providing fishing of warm water species.

Access already exists on a number of the State's streams. This access is provided on public land or by perpetual easement on private property.

## Demand

A fairly accurate indicator of boating and canoeing demand is the registration of watercraft. Watercraft registration for motorboats was first initiated in 1959. However, it was not until 1972 that a registration for canoes, kayaks, and sailboats was begun.

The total number of watercraft registered for each year from 1959 to the present time is given in Appendix #1. The apparent annual rise and decline in registration is somewhat misleading in that the total are cumulative. That is, the yearly totals reflect not only any new registrations, but also a re-registration of some watercraft owned prior to that date.

To get an accurate estimate of canoeing demand is difficult to say the least. However, another fairly reliable indicator of demand is wholesale and retail sales. Furthermore, the individual industries were reluctant to release exact sales figures

for publication. Yet, the consensus of opinion within the industry indicates that over the past 3 to 4 years there has been a 25% annual increase in canoe sales in Minnesota. Furthermore, it is expected that this annual increase will grow in the next few years. While this may seem like a relatively small increase, it must be noted that prior to the late 1960's, Minnesota already had a substantial base of watercraft. Further, that a 25% annual growth rate represents a substantial increase in numbers of canoes.

## Legislation

Presently, Minnesota has no specific Wild or Scenic Rivers legislation. (See Appendix.) However, some progress has been made in the protection and recreational development of our rivers. The following is a brief review of the Minnesota situation:

In 1963, the Legislature designated the St. Croix, Little Fork, Big Fork, and the Minnesota Rivers as official Canoe and Boating Route Rivers (Sec. 97.48). This statute gave the Commissioner of Natural Resources the authority to mark these routes and to enter into agreements with agencies and private landowners along these routes for campsites. The Commissioner also has the authority under this law to establish public access to these rivers.

Two years later, the 1965 Legislature authorized a study of 24 rivers to determine their potential as part of a State Recreational River System. The study was conducted during the summer of 1966 for the Department of Conservation (now Natural Resources) by the United States Geological Survey and Midwest Planning and Research, Inc.

After an analysis of the recreational potential of several waterways (rivers, reservoirs and lakes), authority was given to the Commissioner of Conservation by the 1967 Legislature (MSA 85.32, See Appendix) to mark canoe and boating routes on 16 rivers (including the four above) which have historic and scenic values. The Commissioner now has the authority to mark appropriate points of interest, portages, dams, rapids, waterfalls, whirlpools, and other points of interest,

and enter into agreements on campsites with local units of government and private groups and individuals.

Some protection for our waterways has been provided by the Flood Plain Management Act (104.05) and the Shoreland Zoning Act (105.485). Each is a cooperative state-local effort for protecting public waters and their respective water corridors.

Other progress has been made in the protection and recreational development of our rivers and streams. Land acquisition through purchase and exchange within state forests has been instituted to increase public ownership and control on recreational rivers in such forests. Where feasible, state forest and park boundaries have been expanded to encompass designated streams. The Department of Natural Resources has adopted a special status for the handling of plans for the St. Croix where management cuts across several lines of authority within the department.

Besides the legislation mentioned above, several public agencies and concerned private groups have advanced proposals for a state-wide wild and scenic rivers program. Project 80, a report prepared jointly by the State Planning Agency and the Department of Natural Resources, has developed a tentative proposal for a State Wild and Scenic Waterway System. Also, several private groups, such as the Sierra Club and the Izaak Walton League, have advanced a proposal for the development of such a waterway system. However no such system yet exists.<sup>1/</sup>

## **1972-73 Rivers Budget**

The 1971-1973 spending plan and balance sheet for Canoe and Boating Route Rivers is shown below. These funds were appropriated during the 1971 Extra Session of

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<sup>1/</sup> Bureau of Planning, Planning Notes, November 21, 1972.

the Legislature for the planning, development and protection of the 16 designated Canoe and Boating Route Rivers (MSA 85.32). The amount of the appropriation was \$85,000. In addition, a special appropriation of \$15,000 was made available to Rice County for a Cannon River study. Contracts were given to Itasca Engineering, Inc., to prepare a land and water trail feasibility study; and to Carlton College to conduct a water quality study. The land and water trail study is under the supervision of Parks and Recreation staff. Thus, the special \$15,000 appropriation for Cannon River studies brings the total rivers budget for the 1971-1973 biennium to \$100,000.

## Canoe and Boating Route Rivers

### 1971-1973 BIENNIUM BALANCE SHEET

#### River Recreation Studies

<u>Consultant</u>	<u>Total Cost</u>	<u>Balance</u> (as of 3/6/73)
Cannon River		
Itasca Engineering, Inc.	\$12,000	\$ 3,450
Carlton College	3,000	- 0 -
Rum River		
Itasca Engineering, Inc.	20,000	8,410
Crow River		
Nason, Wehrman, Chapman, Assoc., Inc.	19,500	5,352
Mississippi River		
Mark Hurd Aerial Survey, Inc.	14,000	14,000
Rum River Photography		
Mark Hurd Aerial Survey, Inc.	800	800

#### D.N.R. Salaries and Expenses

Rivers Coordinator & Planner I Salaries	\$16,275	\$ 5,512
Travel	939	939
Signs and Posts	6,536	6,536
Contributions	1,650	516
River Studies		
Printing Costs	4,500	4,500

	<u>Total Cost</u>	<u>Balance</u> (as of 3/6/73)
Miscellaneous Expenses		
Engineering	\$500	\$500
ALP	300	300

## 1972-73 Study Status

### Cannon R.

Currently, Itasca Engineering is proceeding with the Cannon River Study. The study area includes that stretch from Gorman Lake to Red Wing, a distance of approximately 120 river miles. Preliminary recommendations have been made and a series of 12 public informational meetings have been held at towns along the river. The final series of public meetings was held, during February, 1973. The study concerns itself with the desirability and feasibility of land and water trails along the Cannon River.

A portion of the \$15,000 appropriation for the preparation of a land and water trail plan was used to accomplish a water quality study. This water quality study was completed and submitted to the Division of Parks and Recreation by the Carlton College students in December, 1972. As of February 1, 1973, this contract is 61% completed.

### Rum R.

The Rum River land and water trail plan, also being performed by Itasca Engineering, is scheduled for completion in mid-June, 1973. The study area is from Mille Lacs Lake to Anoka, a distance of about 110 river miles. The first series of public informational meetings were presented at towns along the route in November, 1972.

The inventory has been completed and preliminary recommendations have been made. A final series of public meetings was conducted in February, 1973. As of February 1, 1973, this contract is 60% completed.

### **North Fork-Crow R.**

The Crow River Recreation Study is being performed by the firm of Nason, Wehrman, Chapman, Assoc., Inc. They have completed the inventory, report design and have made preliminary recommendations on the river route development and protection. The start of the route is Lake Koronis with the end of the study area at Dayton on the Mississippi. The route distance is approximately 120 river miles.

Preliminary study results will be presented at a series of public meetings, held in towns along the route. These meetings will be held sometime in February, with the study report to be made available in June. The Crow River contract is 46% completed as of February 1, 1973.

### **Kettle R.**

The Kettle River Study was begun in December, 1972. The study is under the direction of Parks and Recreation personnel; and is being conducted in cooperation with the Bureau of Engineering, Bureau of Planning, and a local citizen's advisory group. To date, the base maps have been completed and the inventory will be completed in February, 1973. Public meetings will be held sometime in March with the final report to be available in June, 1973.

### **Snake R.**

This study is also being conducted under the direction of Parks and Recreation staff, in cooperation with the Bureau of Planning and the Bureau of Engineering. The base maps for the report are being completed and the preliminary data is now being assembled. The Snake River Study is due to be completed sometime in late September, 1973.

## **St. Louis R.**

This study, like the Kettle and Snake Rivers, is also being performed by Department of Natural Resources staff. The scope of the work during the 1972-1973 biennium will be to prepare a base map of the study route from U. S. Highway 53 to Cloquet; and to make some preliminary recommendations in order to coordinate a more extensive study during the 1974-1975 biennium with St. Louis County, Carlton County and Minnesota Power and Light.

## **Mississippi R.**

The Mississippi River Study is different from those previously described in that it's purpose is to provide the necessary aerial photographic data, presented in a graphic manner, to be interpreted for recreational development potential and to delineate areas which deserve special protection. The potential recreation developments would include such things as primitive campsites, accesses, portages and rest areas. These possible river-oriented recreation facilities will be located within the Mississippi River Valley from Royalton to its confluence with the Minnesota River. The photography will be of a modified infra-red variety; flown in spring, leaf-off condition. This aerial photographic data will provide the basis for assessing other important features and points of interest. The consultant will also provide some basic cartographic work; with recreation development interpretations and recommendations being provided by Division of Parks and Recreation personnel. An aerial photographic, strip map-style report will also be provided. This study is being accomplished by Mark Hurd Aerial Survey, Inc., and is due for completion in July, 1973.

## **Study Scope**

The river studies previously described will address themselves to similar subjects (except the Mississippi River). This was done for continuity of planning purposes,



goals, delineation of management needs and objectives and method of operation. Basically, the inventory and analysis portions of this study will address themselves to the following items:

1. Delineate river corridor area to be studied.
2. Analysis of corridor for recreational development potential.
3. Analysis of surface water use control needs.
4. Forecast changes in corridor land use(s).
5. Classify existing land use and prepare detailed ownership books.
6. Analyze the degree to which local land use controls could be implemented.
7. Define areas of unique value which deserve special consideration.
8. Recommend appropriate conservation practices to be applied.
9. Locate appropriate areas for recreation development.
10. Recommend areas to be acquired, in what form; such as, fee simple, use easement, scenic easement, lease, etc., and estimate the cost of these land use controls.
11. Recommend who could best manage and maintain these areas and estimate the costs of these services.

## **Related Programs**

In addition to the Canoe and Boating Route Rivers program administered by the Division of Parks and Recreation, there are a number of related river programs administered by other agencies and sub-units within the Department of Natural Resources. This section of the report does not attempt to catalogue all programs relating to river resource management, but rather to briefly describe those programs which are of particular relevance to that administered by the Division of Parks and Recreation. These related programs are given in two sub-sections; those administered by other agencies and those administered by other units within the Department of Natural Resources.

## Other Agencies

1. The counties and municipalities have numerous power available to them for controlling land use in and along rivers. The counties' authority to zone land has resulted in varying degrees of protection of Minnesota's rivers. The varying intensity of protection of any particular river is dependent upon the counties willingness to zone and the enforcement thereof.

Also, the counties which have adopted the Shoreline and Floodplain Zoning regulations have been able to provide additional protection and land use control along rivers. Some counties have provided for additional river protection through "special protection districts", others have done this by classifying a particular river "Natural Environment" rather than General Development as provided for by the Shoreland Management Act. It should be noted that the GD classification was applied to all rivers unless otherwise designated. The GD classification was initially applied because of a lack of data to justify a more restrictive classification.

2. The Federal Soil Conservation Service has performed extensive soil erosion studies along the Rum River and the Crow River and will be doing additional work along other rivers in the future.
3. The Corps of Engineers have various study projects including the Blue Earth, Minnesota and Upper Mississippi, and Red Lake Rivers. A complete documentation of all of these would be very lengthy.
4. The Upper St. Croix, a designated Federal Wild and Scenic River, is being studied by the Minnesota Department of Natural Resources. This study is funded by the Upper Great Lakes Commission. This study is being prepared in cooperation with the Wisconsin Department of Natural Resources, National Park Service

and Northern States Power Company. The study will be completed in July, 1973.  
(See Related Programs - DNR #6)

5. In October, 1972, the Lower St. Croix was also designated as a component of the Federal Wild and Scenic Rivers Act (P.L. 90-542).
6. The State Planning Agency has a river corridor study completed for the metro area.
7. One of the related programs which will have an effect on the rivers program is Federal Aid Funding. Presently, several sources exist to help finance site acquisition and development of accesses, primitive campsites, portages, rest areas and selected land trails within the river corridors.

The Land and Water Conservation Fund (LAWCON) is administered by the Bureau of Outdoor Recreation (BOR), Department of the Interior and was established in 1965 to assist states and their political subdivisions in providing urgently needed public outdoor recreation areas and facilities. The BOR shares 50% of the cost of planning, acquisition, and development of projects which relate to outdoor recreation and has been one of the major sources of funds for acquisition and development in the State Parks.

In conjunction with LAWCON grants, up to 30% additional monies are sometimes received from the Upper Great Lakes Regional Commission. Combined, LAWCON and the Upper Great Lakes Regional Commission grants provide 80% cost sharing on some projects.

Another source of federal funds is the Housing and Urban Development's Open Space Land Program which provides project grants to acquire and develop land as permanent open space. Under this program, HUD provides matching funds up

to 50% of the project costs. There is also a possibility of receiving RC & D or Resource Conservation and Development grants administered by the Soil Conservation Service, Department of Agriculture.

8. The United States Department of the Interior, Bureau of Land Management, owns and manages 883 islands in Minnesota as part of their land holdings. Extensive inventory data has been compiled on each island including location, use, soil types, vegetative cover and present and best use classifications. The Division of Lands and Forestry has a complete set of the Lake States Project Island Survey and has made it available to other Divisions for their use.

Recent changes in BLM policies have made state acquisition of these islands for recreational and other uses possible where they are within statutory boundaries of state units such as state parks, forests, game refuges and public hunting grounds. However, state law prohibits acquisition of islands which fall outside a legislatively authorized boundary; for example on Canoe and Boating Route Rivers. Acquisition and state management of these islands on rivers would compliment and enhance the rivers' recreational use.

Presently, the Bureau of Planning has written and is sponsoring legislation to authorize acquisition of those islands which could become part of the Department of Natural Resources' management program on the established Canoe and Boating Route Rivers.

The Division of Parks and Recreation has had the opportunity to inspect the Lake States Project Island Survey and has found that selection of these river islands from the survey would be relatively simple.

If and when the enabling legislation is passed to acquire these islands outside authorized boundaries, Parks will prepare the necessary applications for acquisi-

tion and submit them to the BLM so that they could be included in the management plans of the Canoe and Boating Route Rivers.

## **DNR**

1. In addition to the previously mentioned Canoe and Boating Route Rivers program, the Division of Parks and Recreation, in cooperation with the Bureau of Information and Education, operates a River Level Reporting Service which provides the canoer and boater with a weekly status report of selected rivers throughout the state. The river level report informs the watercraft user regarding the navigability, water quality, and streamflow of a particular river; a gauge reading is also provided, where available. This information is provided for the Root, Des Moines, Kettle, Snake, Crow, Crow Wing and Cannon Rivers. The length of this reporting service is from mid-April to mid-October.
2. With the flooding in August, 1972, aerial photos of the Rum River, and some spot checks on the Snake, St. Croix, Kettle and Mississippi Rivers were taken, in order to assess the flood damage. This photography was paid for under the Division of Parks and Recreation and the Division of Waters, Soils and Minerals (Waters Section) budgets.
3. The Shoreland Management Act of 1969 requires all counties, except Hennepin and Ramsey, to adopt land use control ordinances for the unincorporated shorelands of public waters. This Act required the Commissioner of Natural Resources to adopt standards and criteria to serve as guidelines for these ordinances. The Act offers a means of controlling the use of unincorporated lands within 300 feet of the normal high water mark of the river or the landward extent of the floodplain, whichever is greater, as well as those unincorporated lands within 1,000 feet of the normal high water mark of a lake, pond or flowage. As of

March 5, 1973, 73 counties have adopted shoreland controls substantially consistent with the state-wide standards and criteria. Counties which do not have shoreland controls in effect at this time have adopted a resolution of intent which specifies the following: (1) a definite schedule and date for the enactment of shoreland provisions; (2) a stipulation that no further substandard subdivision of shoreland be allowed until the provisions are adopted; and (3) a statement indicating the county's intent to enact shoreland controls.

Specifically, these minimum standards or land use controls would regulate: (1) type and placement of sanitary and waste disposal facilities; (2) size and length of water frontage of lots suitable for building sites; (3) placement of structures in relation to shorelines and roads; (4) alteration and preservation of the natural landscape; and (5) subdivision of shoreland areas.

Location of new sewage disposal systems will be regulated according to lake classification. On Natural Environment lakes and streams, the soil absorption system must be set back at least 150 feet from the normal high water mark; on Recreational Development lakes at least 75 feet; and on General Development lakes and streams at least 50 feet.

The state's minimum land use controls also focus on other problems. They will reduce the possibility of overcrowding and curb poorly planned development of shoreland areas thus maintaining property values. They will also preserve the natural characteristics of shorelands and adjacent water areas, by regulating the alteration of the natural landscape.

Minimum lot sizes include: for Natural Environment lakes and streams at least 80,000 sq. ft. and 200 feet of water frontage; for Recreational Development

lakes at least 40,000 sq. ft. and 150 feet of frontage; and for General Development lakes and streams at least 20,000 sq. ft. in area and at least 100 feet in width.

To avoid flooding and to maintain aesthetic values of lakeshore property, codes were established to control setback of buildings. These standards are: at least 200 feet from the normal high water mark for Natural Environment lakes and streams; 100 feet for Recreational Development lakes; and 75 feet for General Development lakes and streams. No buildings can be constructed in the floodway of any stream.<sup>2/</sup>

4. During the 1971 session of the Legislature, the Minnesota Water Safety Act (M.S. Chapter 361) was amended to allow the Commissioner of Natural Resources to promulgate regulations governing the use of watercraft on waters of the state. This amendment (M.S. Chapter 361.26) provides that, upon the request of a local unit of government, the Commissioner may establish regulations restricting the type and size of watercraft used on public waters, the areas of water which may be used by watercraft, the speed at which watercraft may be operated, the times at which watercraft may be operated and the minimum separation distance which must be maintained between watercraft. The amendment also specifies that any regulations promulgated by the Commissioner shall be based upon the physical characteristics, historical uses, shoreland uses and classification, and any other feature unique to the body of water in question. Furthermore, any regulations promulgated by the Commissioner are subject to the approval of the affected county or counties and cannot be filed with the Attorney General's office until such approval has been obtained.

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<sup>2/</sup>

Prepared by Shoreland Management Unit, Division of Waters, Soils and Minerals

As of March 20, 1973, only one body of water has had water surface use regulations established by the Commissioner and approved by the affected county (Square Lake, Washington County). However, requests to establish water surface use regulations have been received for eleven other individual lakes, as well as all lakes within Ramsey County.

The 1971 Legislature did not provide separate funding for this program, it has been administered as a satellite program by the Shoreland Management Unit of the Division of Waters, Soils and Minerals. There are additional funds and personnel proposed for the 1974-75 budget and if it is approved, the scope and pace of the program can be substantially expanded.

The procedural outline used in establishing water surface use regulations is given in the Appendix.<sup>3/</sup>

5. The Division of Lands and Forestry has been involved in providing river recreational developments for many years. This has been provided in part, because considerable public ownership along Minnesota's rivers is in State Forest boundaries; and also because the Division had recognized long ago that there was a real public need for such facilities.

The Division of Lands and Forestry has provided a portion of their lands for river campsites, accesses, rest areas, portages and the like. Special attention has been given to river-oriented recreation developments along Canoe and Boating Route Rivers since the designation by the Legislature in 1967. These developments have been provided on more than just the 16 designated Canoe and Boating Route Rivers. A list and description of the existing river-recreation areas managed by the Division of Lands and Forestry is given in the Appendix.<sup>4/</sup>

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<sup>3/</sup>Prepared by the Shoreland Management Unit, Division of Waters, Soils and Minerals

<sup>4/</sup>Prepared by the Division of Lands and Forestry



6. In order to preserve rivers such as the St. Croix, whose extraordinary recreational, aesthetic and natural resource values make them unique, Congress passed the Wild and Scenic Rivers Act in 1968. The Upper St. Croix River study is an attempt to outline the planning and management effort necessary to carry out the Act -- to protect the Upper St. Croix from overuse and mismanagement. The study is unique. It relies on computer-drawn composite maps of the area's resources to aid in the selection of the best sites for recreation facilities and to guide the creation of a master management plan. This study is being funded by the Upper Great Lakes Commission. The Minnesota Department of Natural Resources, Bureau of Engineering is preparing this study in cooperation with all other units within the Minnesota Department of Natural Resources, the Wisconsin Department of Natural Resources and the U. S. Department of Interior.

The objective of the "Upper St. Croix Resource Management Plan" is to provide an orderly departmental approach to the preservation, restoration, development and management of the Upper St. Croix Valley.

Spawned by requirements of the 1969 Cooperative Agreement, this plan was to have provided direction for development of those lands donated by NSP to the State of Minnesota and also the facilities necessary within the National Park Service Scenic River Corridor.

Preliminary reviews of this project immediately indicated that it would be of little value to study the narrow 1/4 mile strip paralleling the river without also establishing management programs for the existing state land units directly adjacent to the corridor.

These existing state units include two state forests (St. Croix and Chengwatana), one state park (St. Croix), one proposed state park (Wild River) and one wildlife

management unit (Rock). Altogether, these units comprise 115,000 acres of land. (See map in Appendix.)

It should be pointed out that this study is only the first step towards the planning and managing of the Upper St. Croix Valley. The intent at this time is to establish departmental policies, guidelines and goals that will remain firm enough for orderly development, yet flexible enough for improvements to be incorporated as time and experience dictate.

At the present time all computer maps have been completed and the data stored on tape. Our preliminary management design will be presented to each division for review and then presented to the counties and other interest groups directly involved in the study. After the preliminary design has been completely reviewed, the final design will then be layed out and completed by the early summer.<sup>5/</sup>

7. Minnesota's 25,000 miles of flowing waters provide unique and bounteous habitats for a variety of fishes, birds, mammals and other wild animals. Because we are the land of "10,000 lakes", it is not surprising that until recently our rivers were somewhat of a stepchild and largely neglected as a recreational resource. In past years, only our small, coldwater or trout streams received continuing heavy use by anglers. But as people come to know more intimately our warmwater rivers, the kinds of fish and wildlife inhabiting them and the special ways in which fishing, hunting and other recreating are best enjoyed on these waters, we will see increasing numbers of "river rats" doing their thing on these larger streams.

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<sup>5/</sup> Prepared by the Bureau of Engineering

Of our 25,000 miles of streams, about 2,000 miles are classified as trout water and another 10,000 miles support such sport fishes as northern pike, muskellunge, walleye and smallmouth bass. All 25,000 miles of streams provide habitat for waterfowl and other aquatic birds, muskrats, beaver, mink, otter and many other mammals.

The State has been actively involved in managing trout streams for at least 95 years. The first brook trout were planted in Minnesota streams by the State Fish Commission in 1878. This was followed by rainbow trout in 1882 and brown trout in 1888. The first biological surveys of trout streams were undertaken in the Root River basin by Dr. Thaddeus Surber in 1918. In the summer of 1920, Surber estimated that he walked over 1,000 miles surveying southeastern trout streams. He also surveyed most of the North Shore streams in the early 1920's.

Some of the first habitat improvement work was done in trout streams by CCC enrollees in the 1930's. Starting in 1942, this work has been conducted almost continuously to the present day by the Division of Game and Fish. Angler access is provided to over 1,200 miles of trout streams by virtue of public ownership of adjacent lands or perpetual and long term easements over private lands.

Biological surveys on larger warmwater rivers was started in the late 1930's and has continued since then on an intermittent basis. Some of the larger more important rivers that have been surveyed in recent years and for which special river reports are available are the Snake, Cloquet, Minnesota (Mankato to Fort Snelling), Mississippi (Grand Rapids to Brainerd), St. Croix, Long Prairie and Crow Wing. Field surveys also have been completed on the St. Louis and Kettle Rivers but reports on these remain to be written.

Other larger rivers that have been surveyed either wholly or in part are the Root, Zumbro, Vermilion (Dakota Co.), Mississippi (various sectors), Red Lake, Roseau, Blue Earth, Cottonwood, Rum, and Whitewater. Biological survey reports for these are available in the Division of Game and Fish files.

It is proposed to complete fish and wildlife surveys on the remaining large rivers not previously surveyed and to repeat surveys on rivers that were surveyed 10 or more years ago, starting in Fiscal Year 1974, if budget requests are granted. Priority would be given to those rivers proposed for study in the wild and scenic rivers system. These would include the Big Fork, Little Fork, Mississippi, Red Lake, Cannon, Des Moines, Rum, Crow and Vermillion Rivers.<sup>6/</sup>

8. In 1969, the Minnesota Legislature enacted the Flood Plain Management Act in order that the flood plain lands of this state be "developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding".

The Act, while stressing other than structural flood control measures, provides the basis for a comprehensive approach to flood damage reduction, using structural flood control measures where justified and desired in conjunction with effective regulatory controls, development programs, and land use planning.

In the Act, the Department of Natural Resources is given the responsibility to coordinate flood plain management activities at all governmental levels, provide information on flooding and flood plain management and render assistance to counties, cities, and villages in developing programs to reduce flood losses.

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<sup>6/</sup> Prepared by the Division of Game and Fish

Using available flood data, such as detailed engineering studies or historic flood profiles, counties, cities, and villages are required to adopt flood plain regulations into zoning ordinances, subdivision regulations, building codes, and health regulations within a reasonable period of time. These regulations are designed to achieve two general objectives: (1) restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or which cause increases in flood heights or velocities; (2) require that uses vulnerable to flooding, including public facilities which serve such uses, be protected against flood damage at the time of initial construction.

The areas subject to local regulation are those that would be inundated by a flood having an average frequency of occurrence of once every one hundred years (or a one percent change of occurrence in any given year). This flood magnitude is representative of large floods known to have occurred generally in Minnesota, particularly in 1965 and 1969.

Zoning ordinances containing flood plain regulations often divide flood plain areas into floodway and flood fringe areas and apply reasonable regulations to both areas.

The portion of the flood plain adjacent to a river or stream is normally subject to deep, frequent and high velocity flood flows. This area serves the primary function of conveying flood waters and is termed the floodway. Outer flood plain areas are flooded less frequently and at lower depths and velocities. These flood fringe areas are not as essential to the passage of flood flows. But unprotected dwellings and other uses placed in these areas are subject to flood damage.

To meet floodplain management goals, as well as nature's need to convey flood waters, floodplain regulations tightly control development in floodway areas.

Permitted floodway uses are those of the open space type which have a low flood damage potential and/or offer a minimal obstruction to flood flows. The state parks system of the Division of Parks and Recreation is a vivid example of the type of use that is desirable within floodway areas. Further examples of desirable uses include agricultural uses, parking areas, playgrounds and other recreational uses.

To meet man's needs, regulations control, but permit most development in flood fringe areas. Dwellings and essential services must be protected to the regulatory flood protection elevation (level of the 100-year flood plus one foot) by placing on fill or by other protective means.

Other land use control measures that are available to communities and counties include:

- A. Subdivision regulations to guide the process of land division to assure that lots meet buyer needs without putting a burden on the community.
- B. Building codes setting forth standards for the construction of buildings to prevent the entry of flood waters and withstand the pressures created by them, as well as anchoring structures to prevent flotation.
- C. Sanitary regulations to establish minimum standards for waste disposal and water supply for the purpose of protecting the health and general welfare of the public.

In order for these measures to be effective, local units of government are being urged to implement other supplementary programs and measures.

A few possible measures are (1) participation in the National Flood Insurance Program, (2) open space and land acquisition programs, (3) urban renewal programs, (4) preferential tax assessment, (5) flood-proofing of existing structures, and (6) public policy governing the construction of public facilities such as bridges, streets and utilities compatible with the flood hazard and to locate such facilities in a manner to discourage private developments in flood-prone areas.

Although Minnesota has made considerable progress in flood plain management over the past three years, it is necessary that certain program measures be strengthened and accelerated. For example, the rate at which flood prone areas are identified along the state's streams, both urban and rural, must be increased substantially. At the present rate it will be decades before adequate information on the state's floodplains becomes available. Also, Minnesota's Floodplain Management Act should be amended to provide for a definite period of time after data are available for adoption of local flood plain regulations and if regulations are not adopted within this period the Department should be empowered to adapt regulations to the locality.<sup>7/</sup>

Finally, a flow diagram of the flood damage reduction plan, floodway and flood fringe areas and Valley Cross Section diagrams are given in the Appendix.

9. Policing and maintenance of public access sites is a most critical segment of the access program. We have made much progress in this respect at a minimal

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<sup>7/</sup> Prepared by the Flood Plain Management Unit, Division of Waters, Soils and Minerals

cost. Complaints in regard to public access sites have been rare indeed the last two years.

Future goals will be to acquire public access sites to all lakes where there is a definite need. Priority lists have been established in each county for acquisition of public access sites to lakes for fishermen and hunters. This is an on-going program and Conservation Officers are always on the lookout for land that would be available for purchase for access sites. Quality development and maintenance will be stressed.

#### 1972 Accomplishments and Projections to July 1974

45 Contracts let for development	- Total Cost	\$47,035.20
150 Maintenance contracts to individuals		
213 Lake accesses maintained	- Total Cost	\$16,422.00
9 Counties hold contracts for maintenance		
55 Lake accesses maintained	- Total Cost	\$ 5,400.00
Emergency Repair		\$ 6,332.00
22 Tracts purchased		\$19,511.00
8 Under option		\$10,599.00
11 Tracts proposed and approved for acquisition		\$33,700.00
- Plans for 1973 call for development on approximately 40 sites		
- Maintenance by contract on 300 lakes		
- Installation of toilets on approximately 15 sites		
- About 19 new sites will be purchased during fiscal year 1973-1974 for an estimated cost of		\$44,000.00

#### 1973 Public Access Site Summary

##### Department of Natural Resources

Enforcement and Field Service	640
Game and Fish	56
Lands and Forestry	179
Parks and Recreation	<u>17</u>
SUB-TOTAL	892



Minnesota Highway Department	60
U. S. Forestry Service	147
U. S. Corps of Engineers	8
U. S. Fish and Wildlife Service	20
County	298
Township	113
Village	59
Other	<u>32</u>
SUB-TOTAL	<u>737</u>
GRAND TOTAL	<u>8/</u> 1,629

10. The Bureau of Planning was assigned to the development of a long range plan for the protection of the state's rivers. For this purpose, the Bureau was allocated \$8,000.00 of the \$85,000.00 legislative appropriation for the planning, protection and development of recreational rivers. The development of such a plan was recommended in the 1968 Minnesota Outdoor Recreation Plan prepared by the Bureau of Planning. This long range plan is due to be completed by June 30, 1973.

In this planning phase, a review and analysis was made of the goals, objectives and needs for a state-wide river protection plan. Also, an analysis was made of past legislation, studies, plans and programs pertaining to Minnesota's rivers. Review of other states' long range comprehensive plans for river protection was also made. After this review and analysis, it was determined that Minnesota needed additional legislation for river protection as present statutes severely limit the powers of the Commissioner for these purposes.

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<sup>8/</sup> Prepared by the Division of Enforcement and Field Service

As a result of this need for additional legislation, the Bureau of Planning and the University of Minnesota Law School drafted a bill aimed at establishing a Minnesota Wild and Scenic Rivers System. This bill was introduced into the 1973 Minnesota Legislature. If passed, the Department of Natural Resources additional role in river protection will include the development of statewide standards and criteria for classification and designation of rivers, designation of rivers for inclusion within the system and management of the components of the system including the promulgation of regulations for each river. These responsibilities are stated in Section 4 of the Minnesota Wild and Scenic Rivers Bill.

Outside of this \$85,000.00 legislative appropriation, the Bureau of Planning also is responsible for the development of a management plan for the Lower St. Croix, a component of the Federal Wild and Scenic Rivers System. This management plan is being prepared by the two states involved, Minnesota and Wisconsin, and the Federal government. This plan will include the classification of the river, or segment of the river, as wild, scenic and/or recreational and it will include a delineation of a boundary or river corridor which must not include more than an average of 320 acres per mile. Also included in the plan will be a determination of which land use controls will be adopted within this boundary. The plan must be completed by October 25, 1973.<sup>9/</sup>

## 1974-75 Planning Budget Request

<u>Water Trails</u>	<u>Planning</u>	<u>Protection</u>
Mississippi River		\$ 3,000
Crow River		2,500

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<sup>9/</sup> Prepared by the Bureau of Planning

<u>Water Trails</u>	<u>Planning</u>	<u>Protection</u>
Rum River		3,000
Cannon River		3,000
St. Louis River	\$ 2,500	
Red Lake River	8,000	
Root River	10,000	
Staff	<u>11,000</u>	<u>          </u>
	\$31,500	\$11,500
TOTAL	\$43,000	

The river planning budget for the 1974-1975 biennium is offered as a portion of the Bureau of Planning budget request to the Minnesota Resources Commission. The total planning budget request for the biennium is \$100,000. Of \$100,000 total, it is proposed that \$43,000 be allocated for river planning and protection. The itemized budget request for river planning and protection is given as follows:

## **Protection**

The funds requested for "protection" would be used to hire two 2-man crews, that would sign dangerous rapids, portages, and other points of interest. These crews would also develop primitive campsites, rest areas, portages and clean existing river sites.

## **Planning**

Planning, as defined here involves the preparation of a management plan, site plan maps and other supportive material. It will involve much coordination of local efforts; together with the formulation of a recommended management program to be included in production of a final report.

More detailed planning goals and needs are explained in the study proposals for the St. Louis, Root, and Red Lake Rivers.

## **Land Acquisition**

This will be accomplished consistent with present procedure for land acquisition, from the requested \$2,000,000 acquisition budget for park and recreation areas. Additional funds may come from Federal Aid programs such as LAWCON (See Related Programs).

## **1974-75 Development Budget Request**

The budget request for the Division's rivers development programs is in the amount of \$100,000. Of this \$100,000 total, \$50,000 is listed as Priority #1 and \$50,000 as Priority #2. The development goals for the 1974-1975 biennium are for the establishment of:

- Ten portages around all dangerous obstructions in six rivers.

- 25 primitive campsites.

- 20 additional access and rest areas.

- 20 access sites, 25 rest areas and 10 portages on six of the 16 Canoe and Boating Route Rivers in 1974 and 1975.

- 20 areas for overnight camping along six of the 16 Canoe and Boating Route Rivers in 1974 and 1975.

## **Additional Funds**

During the period January 1, 1972, to January 1, 1973, the Department of Natural Resources has registered approximately 400,900 watercraft. Of this total registration, 50,178 canoes, kayaks and sailboats have been registered.

The estimated total revenue derived from licensing of canoes, kayaks and sailboats is approximately \$238,800. This canoe registration was instituted for the first time on January 1, 1972. The funds derived from this registration are now in

General Revenue and it would be a possible source of revenue for funding a state-wide rivers program.

It should be noted that this revenue could be available to supplement those monies provided for in the planning budget request to the Minnesota Resources Commission and the development budget request recommended in the Building Commission report.

Of this estimated \$238,800 derived from canoe, kayak and sailboat registration, it is recommended that these monies be appropriated as follows:

The Division of Parks and Recreation would spend \$78,000 for development and \$50,000 for planning. It is recommended that \$60,000 of canoe, kayak, sailboat revenues be allocated for operation of the License Center. It is noted that this new source of revenue be used to supplement existing license operations funds, which are now derived from snowmobile and other watercraft registration funds. Furthermore, it is recommended that \$50,000 be appropriated to related DNR programs (i.e. public access, watercraft safety programs) in order to expand their function. This recommended additional funding from canoe registration is over and above the existing sources of revenue that these programs currently have available to them.

The proposed \$78,000 development budget for the Division of Parks and Recreation rivers program is itemized as follows:

<u>River</u>	<u>Labor</u>	<u>Contract</u>	<u>Materials</u>	<u>Equipment</u>
Minnesota	\$ 3,000	\$ 3,000	\$ 1,000	\$ 1,000
Mississippi	3,000	3,000	1,000	1,000
Crow	3,000	3,000	1,000	1,000
Crow Wing		1,000	500	
Rum	3,000	2,000	1,000	1,000
Cannon	3,000	2,000	1,000	1,000
Root		1,000	1,000	

<u>River</u>	<u>Labor</u>	<u>Contract</u>	<u>Materials</u>	<u>Equipment</u>
Snake	\$ 3,000	\$ 2,000	\$ 1,000	\$ 1,500
Kettle	3,000	3,000	1,000	1,000
St. Louis	2,000	2,000	2,000	
Red Lake		1,000	1,000	
Des Moines		1,000		
Big Fork	2,000	1,000	1,000	
Little Fork	2,000	1,000	1,000	
Cloquet		1,000	2,000	
St. Croix	<u>          </u>	<u>1,000</u>	<u>          </u>	<u>          </u>
	\$27,000	\$28,000	\$15,500	\$ 7,500
TOTAL - \$78,000				

## Definitions

The maintenance and operations funds will be used where the demand is the heaviest and where the recreation planning has progressed the furthest. The monies requested under the heading Labor will be used to hire seasonal help for such things as spring clean-up from any flood damage; removal of brush and trees; construction, placement and maintenance of signs. Also included would be the construction and maintenance of the water access-only sites. The budget request for Contract (maintenance contract) is intended to be used for the routine maintenance of those campsites, rest areas, and accesses in the river corridors. Materials as defined here, are requested to be used to purchase the necessary materials for minor construction, in accordance with the recreation, protection and development plans for each river. The monies requested for Equipment would be used for the hire of tractors, bulldozers and other maintenance and construction equipment where considered necessary. Furthermore, the planning budget request from canoe, kayak, sailboat licensing revenues in the amount of \$50,000 is recommended as follows:

<u>River</u>	<u>Planning and Protection</u>
Minnesota	\$ 6,000
Mississippi	15,000
Crow	
Crow Wing	1,000
Rum	
Cannon	
*Root	
Snake	
Kettle	
*St. Louis	
*Red Lake	
Des Moines	4,000
Big Fork	8,000
Little Fork	8,000
Cloquet	8,000
St. Croix	<hr/>
TOTAL	\$50,000

The \$50,000 planning budget request for the 1974-1975 biennium derived from canoe, kayak and sailboat licensing are requested in addition to that submitted by the Bureau of Planning to the Minnesota Resources Commission. \*This river planning budget request to the MRC is to be used for the promulgation of recreation management plans for the Red Lake, St. Louis and Root Rivers. These are noted with an asterisk in the proposed budget shown above. The planning budget request by the Division of Parks and Recreation for the Minnesota, Mississippi, Crow Wing, Des Moines, Big Fork, Little Fork and Cloquet Rivers will be used for the promulgation

of management plans much similar to those initial planning proposals for river planning submitted by the Bureau of Planning. The river descriptions and initial planning proposals submitted to the MRC by the Bureau of Planning are described as follows:

## **1974-75 Planning Descriptions**

### **Root R.**

The intention would be to contract with a consultant to prepare a comprehensive protection and development plan (or a portion thereof) for a Root River land and water trail system.

The Root River proposal for a land and water trail was given priority because it has both land and water trail authorization; it is in close proximity to the Metropolitan Area; and because it represents a unique Minnesota resource which is often referred to as the "Pride of the Hill Country".

In 1967, the Legislature designated the Root as a Canoe and Boating Route River. There has been some local planning and recreational development done for the Root River. But to date, no water trail feasibility study or management plan has been promulgated. The proposal for a study area for the water trail would be that portion from Chatfield to the confluence with the Mississippi (a river route of 83 miles). There is a Root River Canoe Trail Association established in Chatfield.

No detailed plan has been completed on this legislatively (1971) authorized trail. The trail alignment between Chatfield in Fillmore County - via the Root River Valley - to the river intersection with Minnesota Trunk Highway #26 in Houston County has not been prepared in detail.



### Initial Planning Proposal

The water trail portion of the study would include the identification of scenic, historic, geologic, archeological, points of interest and other values. It would further include the delineation of a corridor of protection; together with the identification of potential areas for the location of primitive campsites, rest areas, accesses and portages.

The land trail portion of the study would involve the determination of a detailed trail right-of-way, acquiring easements and locating rest stop facilities and shelter areas. Public informational meetings and local trail organization meetings would be arranged to assure local planning participation. Moreover, this hiking and riding trail would be integrated with the water-oriented recreation plan.

### **St. Louis R.**

The St. Louis River is a very picturesque river, bordered by jack pine, black spruce and red pine, along the upper reaches. It offers the canoeist the opportunity to view big game (including bear, moose and white-tail deer) in its native habitat.

### Initial Planning Proposal

The river route proposed for study starts near the Ford Taconite Plant in St. Louis County (just west of U. W. Highway #53); and ends at the city park in Cloquet. The river route distance is approximately 90 miles.

St. Louis County is currently in the process of preparing a preliminary recreation development plan for the river corridor. St. Louis County is being assisted and partially funded by Minnesota Power and Light Company in their planning and development endeavors.

The County Extension Agent on behalf of St. Louis County, has requested our assistance in coordinating a river-oriented recreation development plan for the St. Louis River. Therefore, the Division of Parks and Recreation requests \$5,000 (see MRC

budget request) in order to provide a complementary plan to that currently being prepared. This money would be used for finalizing the planning operation, preparation of base maps, site plan maps, site development design and engineering.

There is a need for the promulgation of a management plan for the St. Louis River since part of the proposed St. Paul - Duluth Trail could be coordinated with this development plan; in addition, this river provides a day-use recreation area for Cloquet, Duluth and Iron Range residents.

## **Red Lake R.**

The Red Lake River varies from marshy wilderness with an abundance of wildlife to long stretches through essentially featureless land. Certain reaches of the river are truly uncommon to this northwest region of the state. The water is relatively clean and clear (something atypical of northern bog rivers).

The Red Lake River is really the only significant river-oriented recreational opportunity for residents in the northwest corner of our state.

### Initial Planning Proposal

Since the U. S. Corps of Engineers is currently preparing a plan investigating sites for the possible location of a dam on the river; the Division of Parks and Recreation feels a recreation study of the river is needed, in order to assess such considerations as: present land use, alternative land uses, flood control dam alternatives, land use impacts, recreation uses and needs, and a preliminary investigation of the river corridor for the potential for location of primitive campsites, accesses, portages and other supportive recreation developments. The river route under study would be from Lower Red Lake to East Grand Forks (a river distance of 164 miles). The estimated cost of this study is \$10,000 (see MRC planning budget proposal). This study would be performed under the direction of the Division of Parks and Recreation in cooperation with the Bureau of Engineering and the Bureau of Planning.

We would possibly sub-contract selected portions of the study to individuals (firms) where extensive study is warranted but incapable of being accomplished by DNR personnel because of logistics, time or other reasons.

## River Planning Timetable

### Canoe and Boating Route Rivers

<u>River</u>	<u>Completion</u>		
	<u>1972-73</u>	<u>1974-75</u>	<u>1976-77</u>
Big Fork		X	
Cloquet		X	
Crow Wing			X
Kettle	X		
Little Fork			X
Mississippi	Xp	Xp	X
Red Lake		X	
Rum	X		
*St. Croix	X	X	
St. Louis		X	
Des Moines			X
Cannon	X		
Root		X	
Minnesota			X
Crow	X		
Snake	Xp	X	

X - Completion Due

Xp - Partial Completion

\* - Federally Designated, Special Studies, Upper St. Croix (1972-73), Lower St. Croix (1974-75)

## Summary

The Department of Natural Resources and the Legislature recognized the need for a state-wide rivers system years ago. It is not surprising, however, that rivers were left somewhat ignored for years because of the water-rich nature of Minnesota.

The rivers program really began in 1963 with the designation of four Canoe and Boating Route Rivers. In 1967, 12 other rivers were designated under this system. However, it was not until 1971 that the first specific appropriation was made for river protection and development.

Then, in 1973, the Legislature set up the legal framework for the systematic protection of selected rivers in Minnesota (Minnesota Wild and Scenic Rivers Act). This legislation makes possible the complete management of certain river corridors. It calls for a department management plan rather than a plan devoted to a particular sub-unit's purpose. Perhaps, even more important, it calls for the coordination of department management goals and objectives with any and all local units of government.

While a number of DNR programs have addressed themselves to particular river problems and projects; it is now the department's charge to organize the "in house" efforts so that we may more effectively implement our legislative mandate.

## **Appendix**

## TOTAL ANNUAL WATERCRAFT REGISTRATION

<u>Year</u>	<u>Total</u>
1959-1960	157,767
1961-1962	206,049
1963	198,715
1964	209,654
1965	215,695
1966	237,630
1967	252,795
1968	259,983
1969	271,114
1970	284,658
1971	304,584
1972*	400,900

\*First registration of canoes, kayaks, and sailboats

LEGISLATION

It was mentioned in the section of the report entitled Legislation, that Minnesota had no specific river legislation. However, this excerpt from the Bureau of Planning Notes was dated November, 1972.

Since that time a Wild and Scenic River Bill was drafted by the DNR in cooperation with other concerned groups. The Bill was submitted to the 1973 Legislature. In May, 1973, the Wild and Scenic River Bill (H.F.672) was passed by the full Senate and House and signed into law by Governor Wendell Anderson.

Since H.F. 672 is the most significant and comprehensive river legislation yet passed by the Minnesota Legislature, the Bill is reproduced in its entirety for the reader's information. The Bill is given as follows:

## STATE OF MINNESOTA

## HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH  
SESSION

H.F.

No. 672

Introduced by Sieben, H.; Savelkoul; Norton;  
Myrah; and Munger.

Read First Time Feb. 19, 1973 and Referred  
to the Committee on Environmental Preservation  
and Natural Resources.

Committee Recommendations to Pass as Amended Mar. 19,  
1973.

Committee Report Adopted Mar. 19, 1973.

Read Second Time Mar. 19, 1973.

Committee of the Whole, Progress as Amended Mar. 26,  
1973. To Pass as Amended Apr. 4, 1973.

Conference Committee amended April 27, 1973.

LEGISLATION - Continued

When existing law is changed, matter in italics is new; matter in capitals when in ( ) is old law to be omitted

A bill for an act relating to natural resources; preservation and management of wild and scenic rivers; establishing a system of classifications of such rivers as wild, scenic, or recreational; providing policies and standards for administration thereof.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [104.31] [WILD AND SCENIC RIVERS ACT.] This act may be cited as the "Minnesota wild and scenic rivers act."

Sec. 2. [104.32] [POLICY.] The legislature finds that certain of Minnesota's rivers and their adjacent lands possess outstanding scenic, recreational, natural, historical, scientific and similar values. Because it is in the interest of present and future generations to retain these values, it is hereby declared to be a policy of Minnesota and an authorized public purpose to preserve and protect these rivers.

Sec. 3. [104.33] [SYSTEM: CRITERIA FOR INCLUSION.] Subdivision 1. The whole or a segment of any river and its adjacent lands in this state that possesses outstanding scenic, recreational, natural, historical, scientific, or similar values shall be eligible for inclusion within the Minnesota wild and scenic rivers system. "River" means a flowing body of water such as a stream or a segment or tributary thereof, and may include lakes through which the river or stream flows.

Subd. 2. Rivers or segments thereof included within the system shall be classified as wild, scenic, or recreational.

(a) "Wild" rivers are those rivers that exist in a free-flowing state, with excellent water quality, and with adjacent lands that are essentially primitive. "Free-flowing" means existing in natural condition without significant artificial



LEGISLATION - Continued

modification such as impoundment, diversion, or straightening. The existence, however, of low dams, diversion works or other minor structures at the time any river is proposed for inclusion shall not automatically bar its inclusion as a wild, scenic, or recreational river.

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

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

Sec. 4. [104.34] [COMMISSIONER'S DUTIES.] Subdivision 1. The commissioner of natural resources shall be responsible for administering the wild and scenic rivers system and his duties shall include but not be limited to conducting studies, developing criteria for classification and designation of rivers, designating rivers for inclusion within the system, and management of the components of the system including promulgation of regulations with respect thereto.

Subd. 2. The commissioner shall promulgate, in the manner provided in chapter 15, statewide minimum standards and criteria for the preservation and protection of shorelands within the boundaries of wild, scenic, and recreational rivers. Such standards and criteria (a) may include but need not be limited to the matters covered in the commissioner's standards and criteria for shoreland areas, as set out in section 105.485; (b) shall further the purposes of this act and of the classifications of rivers established hereunder; and (c) shall apply to the same local governments as are or may hereafter be specified in section 105.485.

Sec. 5. [105.35] [MANAGEMENT PLANS: HEARING: ESTABLISHMENT.] Subdivision 1. For each river proposed to be included in the wild and scenic rivers system, the commissioner shall prepare a management plan, with no unreasonable restrictions upon

LEGISLATION - Continued

compatible, pre-existing, economic uses of particular tracts of land to preserve and enhance the values that cause the river to be proposed for inclusion in the system. The plan shall give primary emphasis to the area's scenic, recreational, natural, historical, scientific and similar values. The plan shall set forth the proposed classification of the river and segments thereof, and the boundaries of the area along the river to be included within the system. The boundaries shall include not more than 320 acres per mile on both sides of the river. The plan shall include proposed regulations governing the use of public lands and waters within the area, which may differ from any such statewide regulations to the extent necessary to take account of the particular attributes of the area. The plan may include proposed standards and criteria for local land use controls that differ from the statewide standards and criteria adopted pursuant to section 4 of this act to the extent necessary to take account of the particular attributes of the area.

Subd. 2. The commissioner shall make the proposed management plan available to affected local governmental bodies, shoreland owners, conservation and outdoor recreation groups, and the general public. No less than sixty days after making such information available, the commissioner shall conduct a public hearing on the proposed management plan in the county seat of each county which contains a portion of the designated area, in the manner provided in chapter 15.

Subd. 3. Following the public hearing, and such additional public hearings as the commissioner shall deem necessary, he may by order establish the river or segment thereof as a wild, scenic, or recreational river and shall adopt a management plan to govern the area. The commissioner shall notify and inform public agencies and private landowners of the plan and its purposes so as to encourage their cooperation in the management and use of their land in a manner consistent with the plan and its purposes.

Subd. 4. The legislature may at any time designate additional rivers to be included within the system, delete rivers previously included in the system, or change the classification of rivers theretofore classified by the commissioner.

LEGISLATION - Continued

Sec. 6. [104.36] [LOCAL LAND USE ORDINANCES.] Subdivision 1. Within six months after establishment of a wild, scenic, or recreational river area, each local government containing any portion thereof shall adopt or amend its local ordinances and land use district maps to the extent necessary to comply with the standards and criteria of the commissioner and the management plan. If a local government fails to adopt adequate ordinances, maps, or amendments thereto within six months, the commissioner shall adopt such ordinances, maps, or amendments in the manner with the effect specified in section 105.485, subdivisions 4 and 5.

Subd. 2. The commissioner shall assist local governments in the preparation, implementation and enforcement of the ordinances required herein, with the limits of available appropriations and personnel.

Sec. 7. [104.37] [ACQUISITION OF INTEREST IN LAND.] To further the purposes of this act, the commissioner of administration, for the commissioner of natural resources, may acquire the title, scenic easements or other interests in land, by purchase, grant, gift, devise, exchange, lease, or other lawful means. "Scenic easement" means an interest in land, less than the fee title, which limits the use of such land for the purpose of protecting the scenic, recreational, or natural characteristics of a wild, scenic or recreational river area. 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 upon 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.

Sec. 8. [104.38] [RESPONSIBILITIES OF OTHER GOVERNMENTAL UNITS.] All state, local and special governmental units, councils, commissions, boards, districts, agencies, departments and other authorities shall exercise their powers so as to

LEGISLATION - Continued

further the purposes of this act and management plans adopted by the commissioner hereunder. Land owned by the state, its agencies and subdivisions shall be administered in accordance with the management plan, and no land owned by such governmental bodies within the designated boundaries of a wild, scenic or recreational river area shall be transferred to any other person or entity if such transfer would be inconsistent with such plan.

Sec. 9. [104.39] [FEDERAL-STATE RELATIONS.] Nothing in this act shall preclude a river in the Minnesota wild and scenic rivers system from becoming a part of the federal wild and scenic rivers system as established in the wild and scenic rivers act, Public Law 90-542; 16 United States Code Section 1271 et seq., as amended. The commissioner is authorized to seek, alone or in conjunction with other governmental authorities, financial and technical assistance from the federal government and to enter into written cooperative agreements for the joint administration of a Minnesota river in the federal wild and scenic rivers system.

Sec. 10. [104.40] [CONFLICT WITH OTHER LAWS.] Each river in the wild and scenic rivers system shall be subject to the provisions of this act, provided that in case of conflict with some other law of this state the more protective provision shall apply.

RELATED PROGRAMS-DNR #4

Any local unit of government (county, township, village or city) that wishes to have water surface use regulations applied to a public body of water within its territorial boundaries must first submit a request for such regulations to the Commissioner of Natural Resources. This request should be in the form of a resolution which has been officially adopted by the local unit of government (i.e. Resolution of the County Board of Commissioners, Village, or Town Council, etc.). Also, in view of the fact that the county will provide for the enforcement of such regulations and must pay for the publishing and posting of said regulations, any request originating at the township, village or city level should be brought to the attention of the County Board of Commissioners prior to its submission to the Commissioner of Natural Resources.

Once this office has received the official request for water surface use regulations, the next step is to have the unit of government which submitted the request complete an evaluation questionnaire. This questionnaire will help us to determine the nature and magnitude of water surface use conflicts on the body of water as well as indicating the local unit of governments opinions and ideas regarding possible solutions to their surface use problems.

If the data from our preliminary evaluation indicates that further information is needed to identify existing or potential water surface use conflicts, our next step will be to conduct a survey of riparian owners and non-riparian water surface users on the lake or stream. This survey will indicate not only what pressures these people impose upon the use of water surface but also how they feel about the nature, extent and possible solution of water surface use conflicts on the lake or stream in question. At this stage, we may also hold a public information meeting at which the general public can input their information, ideas and opinions on this matter.

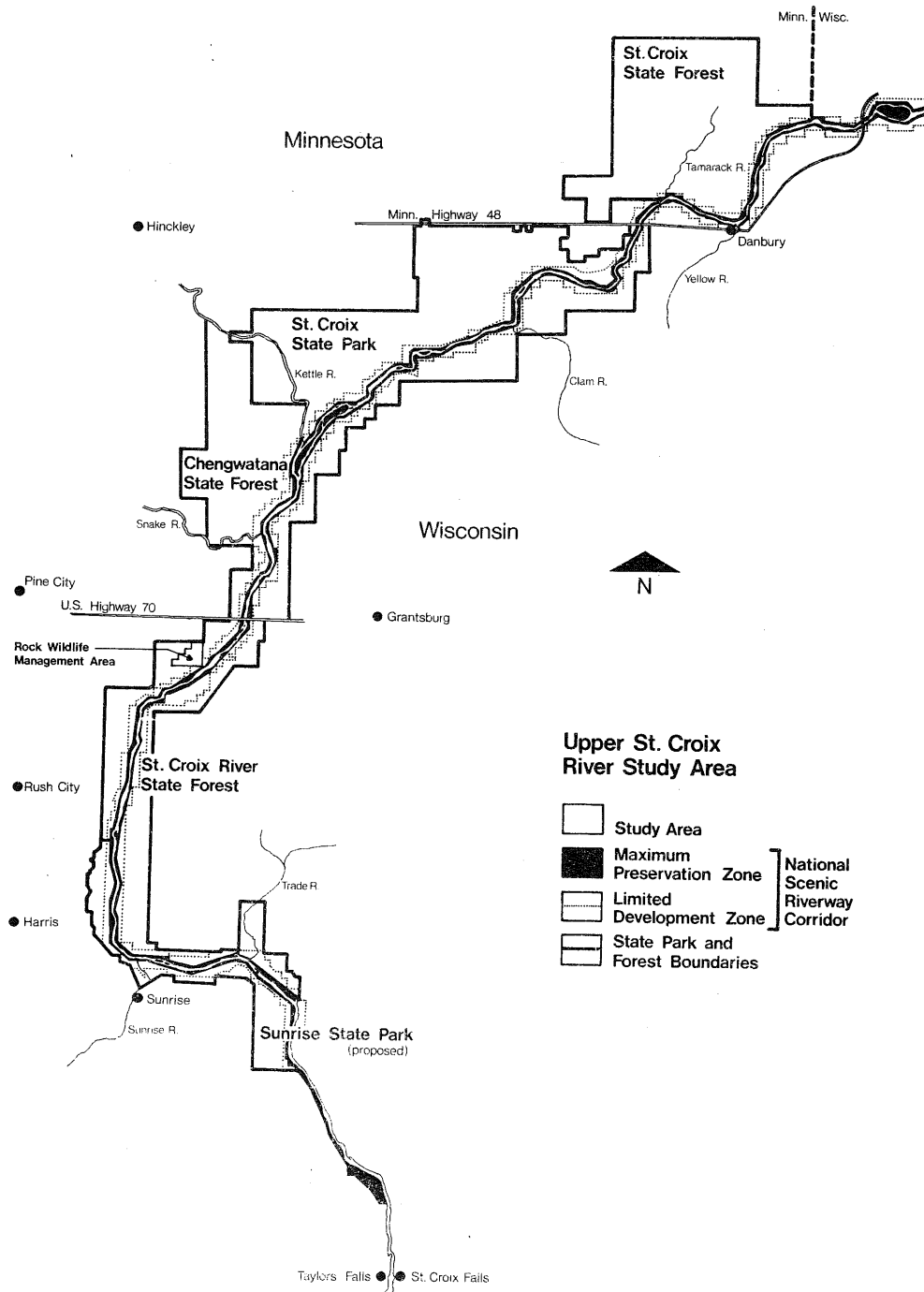
RELATED PROGRAMS-DNR #4 - Continued

Finally, with the analysis of the various types of data collected, the Department of Natural Resources will formulate water surface use zoning regulations that will hopefully control as many of the conflicting uses and potentially conflicting uses as possible. The primary concern in formulating such surface use regulations will be (1) to maintain existing uses so long as conflicts with other uses can be held to a safe and acceptable level and so long as such uses are suited to the unique physical characteristics of the body of water, and (2) to make the proposed regulations consistent with the data obtained from our investigation of water surface use problems on the body of water. Upon completion of the proposed water surface use regulations, the Department of Natural Resources will hold a public hearing regarding said regulations as required by Minnesota Statutes Chapter 361.26, Subd. 2(b) and Chapter 15.0412, Subd. 4. However, before any water surface zoning regulations proposed by this Department can be put into effect they must first be approved by the county, as provided by Minnesota Statutes Chapter 361.26, Subd. 2(b).

Water surface use regulations enacted in accordance with the above procedures shall be enforced by the county sheriff and Department of Natural Resources conservation officers as set forth in Minnesota Statutes Chapter 361.26, Subd. 2(e).

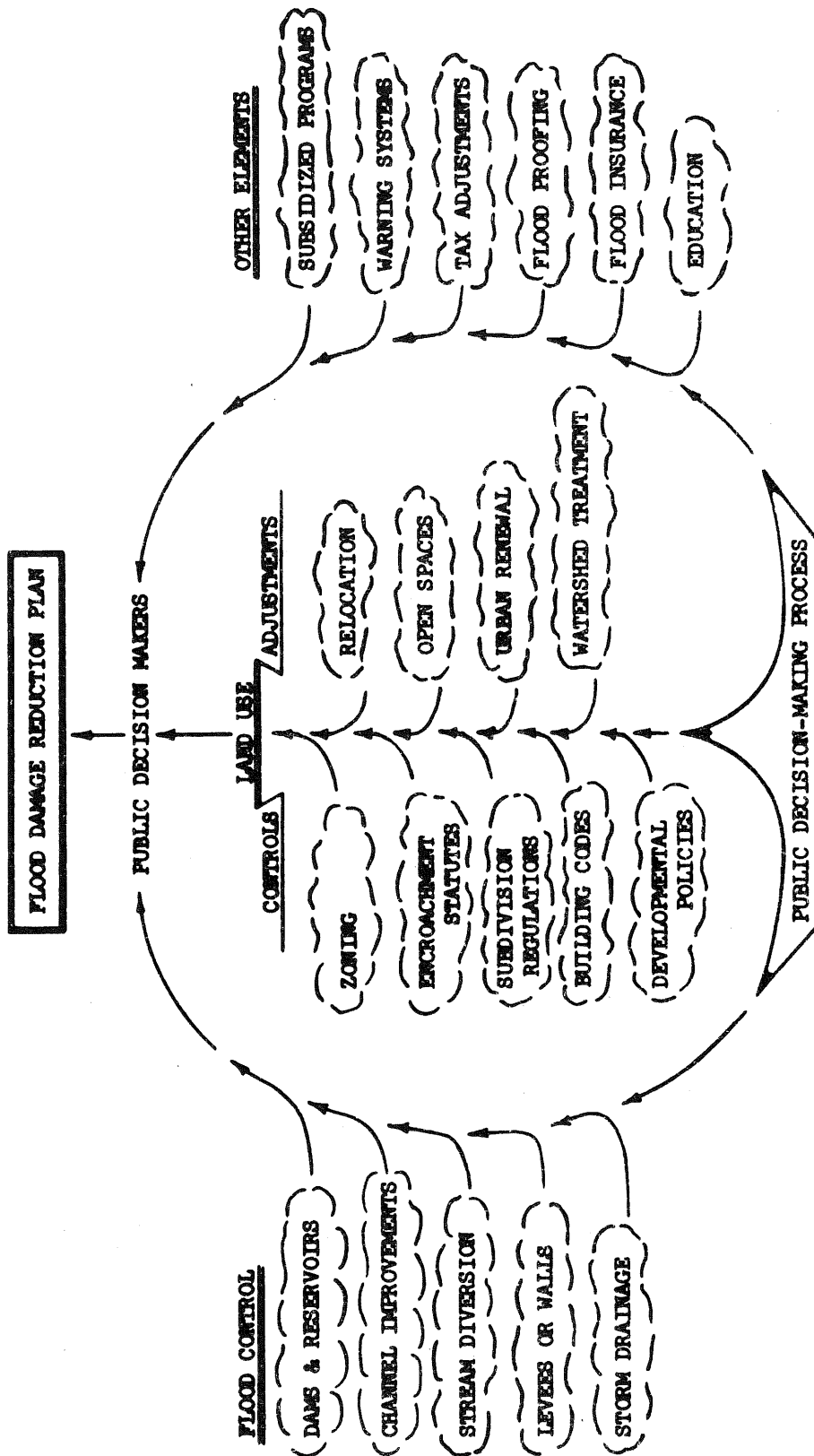
RELATED PROGRAMS-DNR #5Division of Lands and Forestry  
Existing River-Recreation Areas

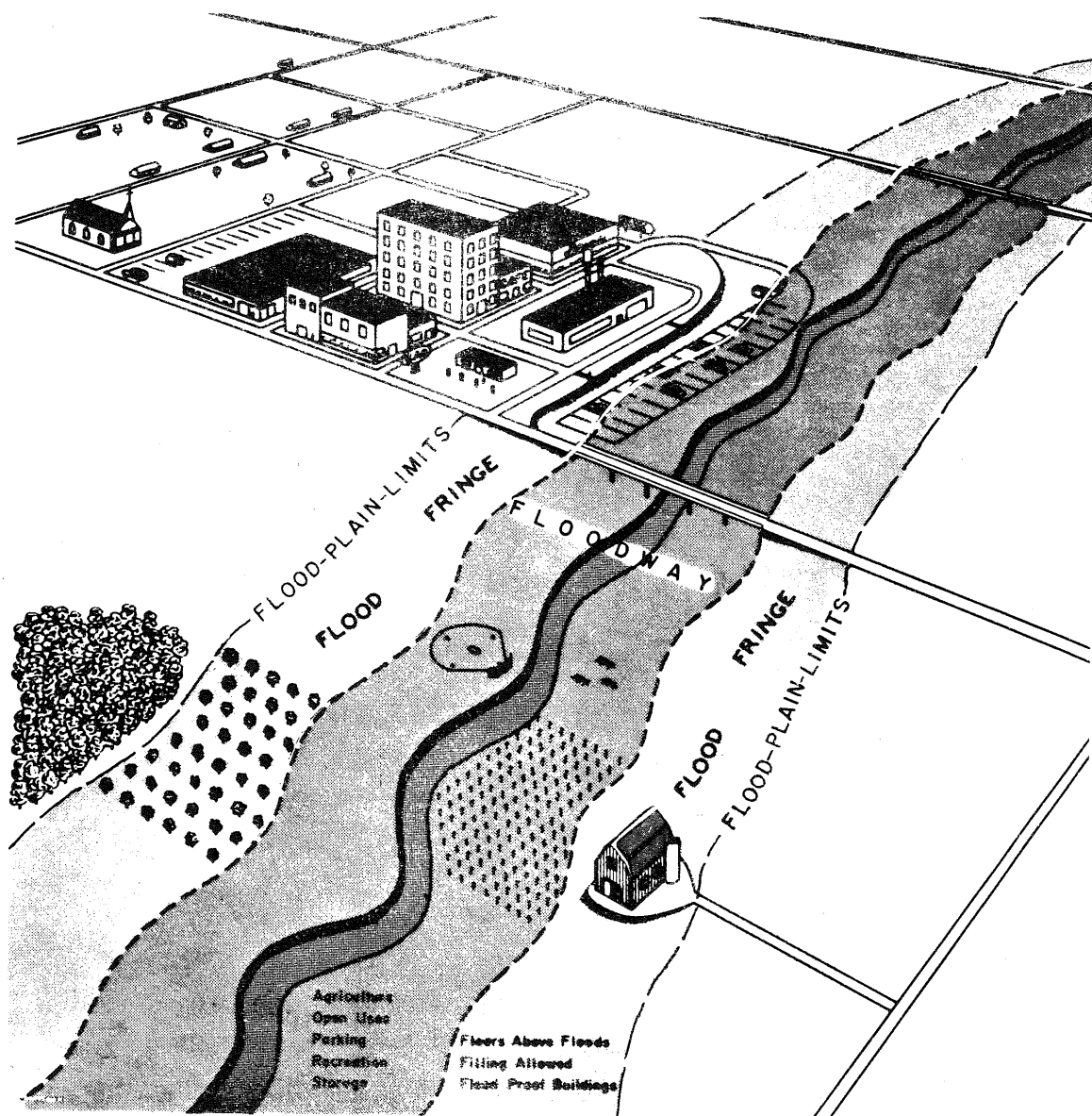
Ash River Campground, Kabetogama State Forest, St. Louis County  
Ash River Public Access, Kabetogama State Forest, St. Louis County  
Bear Den Landing Campground, Mississippi Headwaters State Forest, Beltrami County  
Ben Linn Landing Campground, Pine Island State Forest, Koochiching County  
Big Bend Landing Campground, Huntersville State Forest, Wadena County  
Cedar Bay Campground, Cloquet Valley State Forest, St. Louis County  
Cloquet River Landing Campground, Cloquet Valley State Forest, St. Louis County  
Crane Lake Public Access, Kabetogama State Forest, St. Louis County  
Dr. Barney's Landing Campground, Cloquet Valley State Forest, St. Louis County  
Gowdy Landing Campground, Pine Island State Forest, Koochiching County  
Harrison's Landing Campground, Big Fork State Forest, Itasca County  
Homestead Landing Public Access, Hubbard County  
Huntersville Forest Landing Campground, Huntersville State Forest, Wadena County  
Indian Lake Campground, Cloquet Valley State Forest, St. Louis County  
Iron Bridge Landing Campground, Mississippi Headwaters State Forest, Beltrami County  
Island Lake Picnic Area, St. Louis County  
Island Point Landing Campground, Beltrami County  
Kruger RA, Minnesota Memorial Hardwood State Forest, Wabasha County  
LeGrande Landing Campground, Hubbard County  
Shell City Landing Campground, Huntersville State Forest, Wadena County  
Stairway Landing Public Access, Crow Wing State Forest, Crow Wing County  
Sturgeon River Landing Campground, Pine Island State Forest, Koochiching County  
Vermilion River Public Access, Kabetogama State Forest, St. Louis County



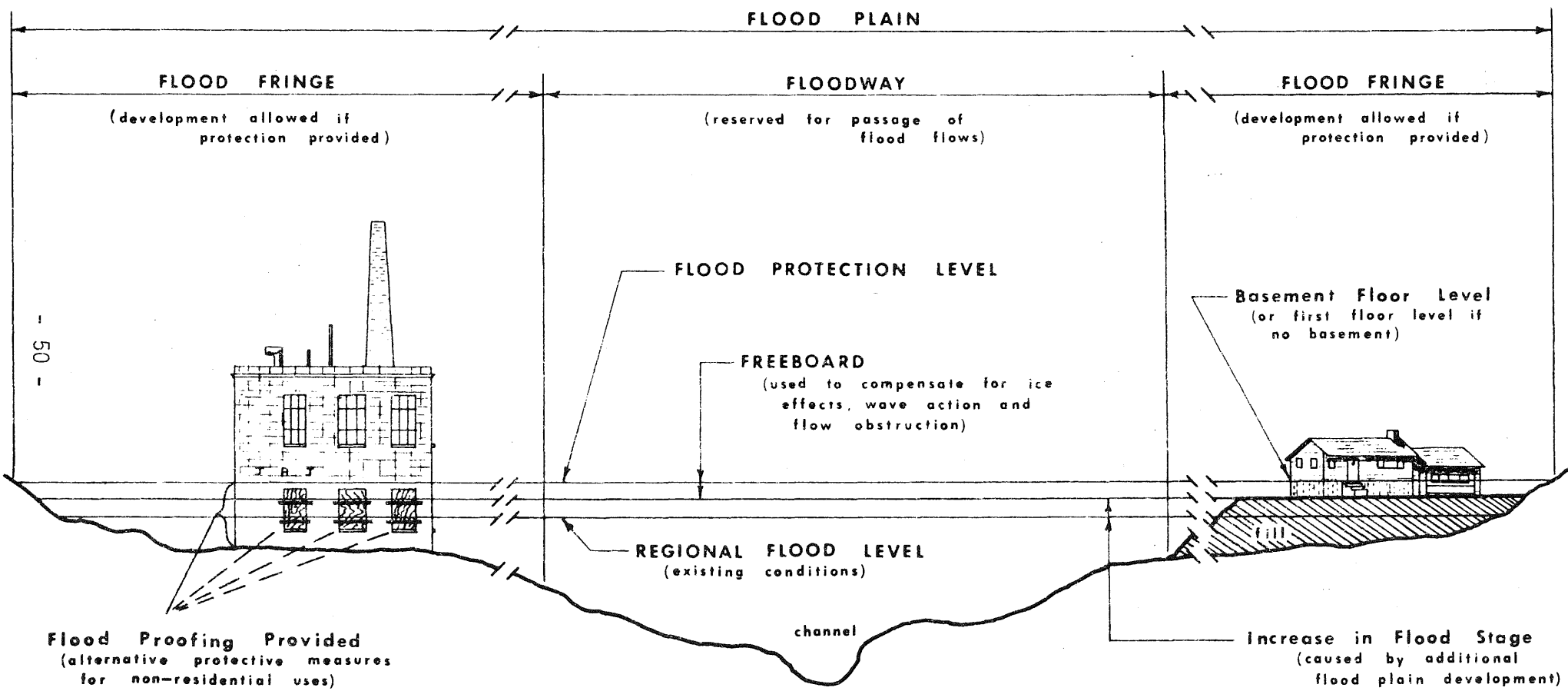


WALL - 1969





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FIGURE 2



Valley Cross Section

