

R-108  
13165

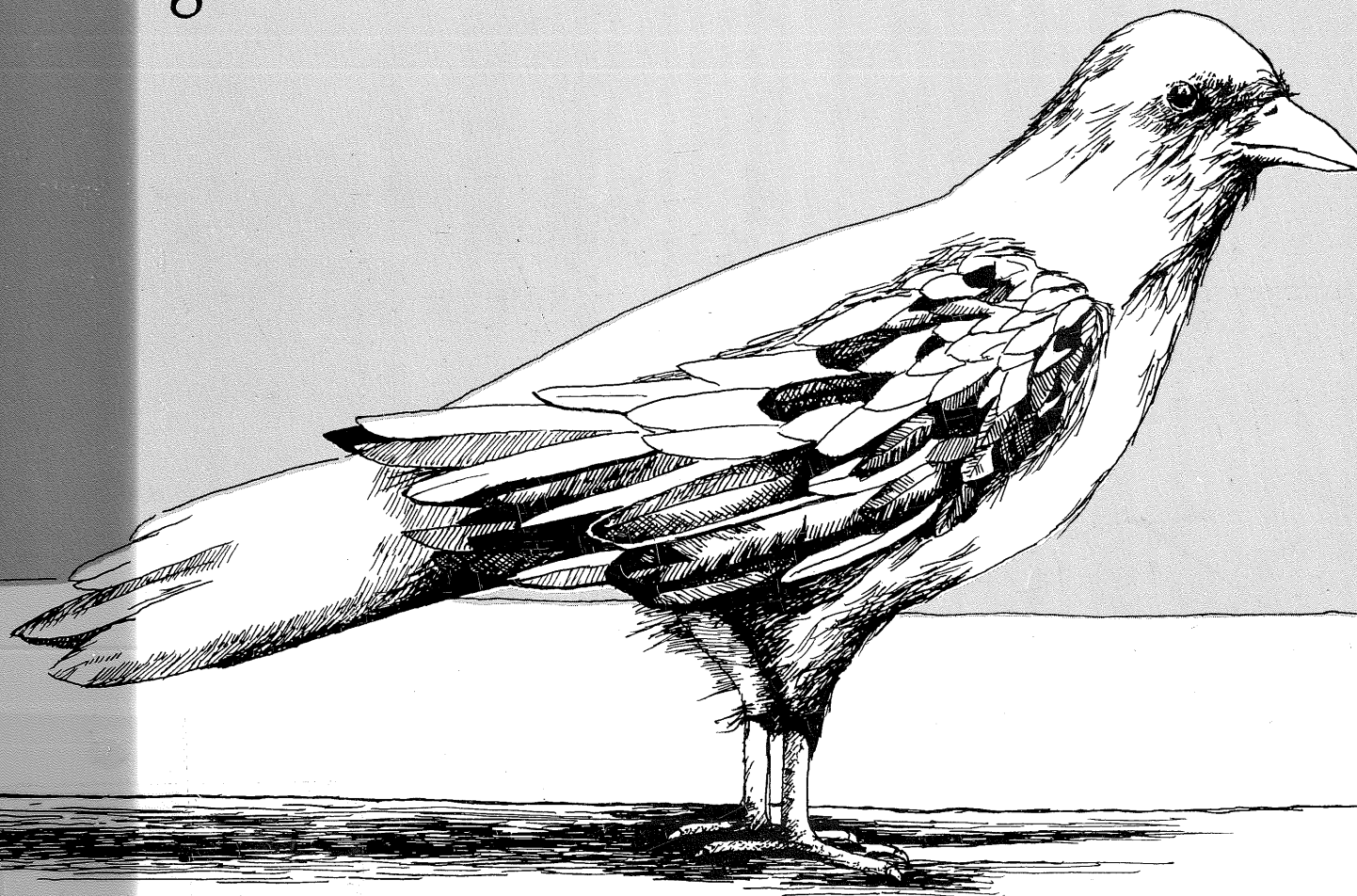
LEGISLATIVE REFERENCE LIBRARY  
QH76.5.M6 M56 1977  
Minnesota. Div. - Management plan, Crow Wing River :



3 0307 00042 9244

## ent Plan

# Crow Wing River



QH  
76.5  
.M6  
M56  
1977

LEGISLATIVE REFERENCE LIBRARY  
STATE OF MINNESOTA

This document is made available electronically by the Minnesota Legislative Reference Library as part of an ongoing digital archiving project. <http://www.leg.state.mn.us/lrl/lrl.asp>  
(Funding for document digitization was provided, in part, by a grant from the Minnesota Historical & Cultural Heritage Program.)

---

# Management Plan Crow Wing River

---

This report was prepared by:

The Wadena County advisory committee:

Emil Burgau  
Tim Frieday  
Jan Holden  
Greg Kempf  
Harold Kinnunen  
Joyce Line  
Russel Nanik  
Abner Roche  
Hubert Schermerhorn  
Tom Schulz  
Jack Stigman  
Doug Swanson  
David Tellock  
Frances Tellock  
Jeanne Tellock  
Roger Tellock  
Chuck Winkels

Rivers Section, Division of Parks and Recreation:

Arne Stefferud, rivers project coordinator  
James Weseloh, rivers project leader  
Dale Homuth, rivers project leader  
Kathy Brandl, student intern  
Jane Harper, researcher  
Greg Breining, rivers project coordinator  
Michael Priesnitz, rivers coordinator

---

LEGISLATIVE REFERENCE LIBRARY  
STATE OF MINNESOTA

*Natural Resources  
Recreation  
Rivers*

R108  
13165

---

# Summary

---

This management plan, prepared by the Minnesota Department of Natural Resources (DNR) and an advisory board of Wadena County residents, recommends that the stretch of the Crow Wing River in Wadena County be included in the Minnesota Wild, Scenic and Recreational Rivers System.

The DNR and county residents revised the plan after public meetings on the proposal in April.

The DNR feels that the Crow Wing River qualifies for "Wild" and "Scenic" classifications under the Wild and Scenic Rivers Act of 1973. The act was passed by the legislature to "preserve and protect" rivers with "outstanding scenic, recreational, natural, historical, scientific and similar values."

This report is divided into three major sections: Analysis, Management Plan and Appendix.

The Analysis describes the characteristics of the Crow Wing that qualify the stream for designation as a Wild and Scenic river.

The Management Plan includes proposed DNR regulations for protection of the river. Three methods are proposed: a county zoning ordinance, acquisition of land or interests in land (scenic easements) from willing sellers, and recreation management. The plan reads as if the new provisions were already in effect. The provisions have not been adopted by the county or the DNR. Whether they will be enacted will be decided after a public hearing in Wadena, the county seat.

The Appendix includes the Wild and Scenic Rivers Act and the Statewide Standards and Criteria for the Minnesota Wild and Scenic Rivers System (Minnesota Regulations NR 78-81).

---

---

# Table of Contents

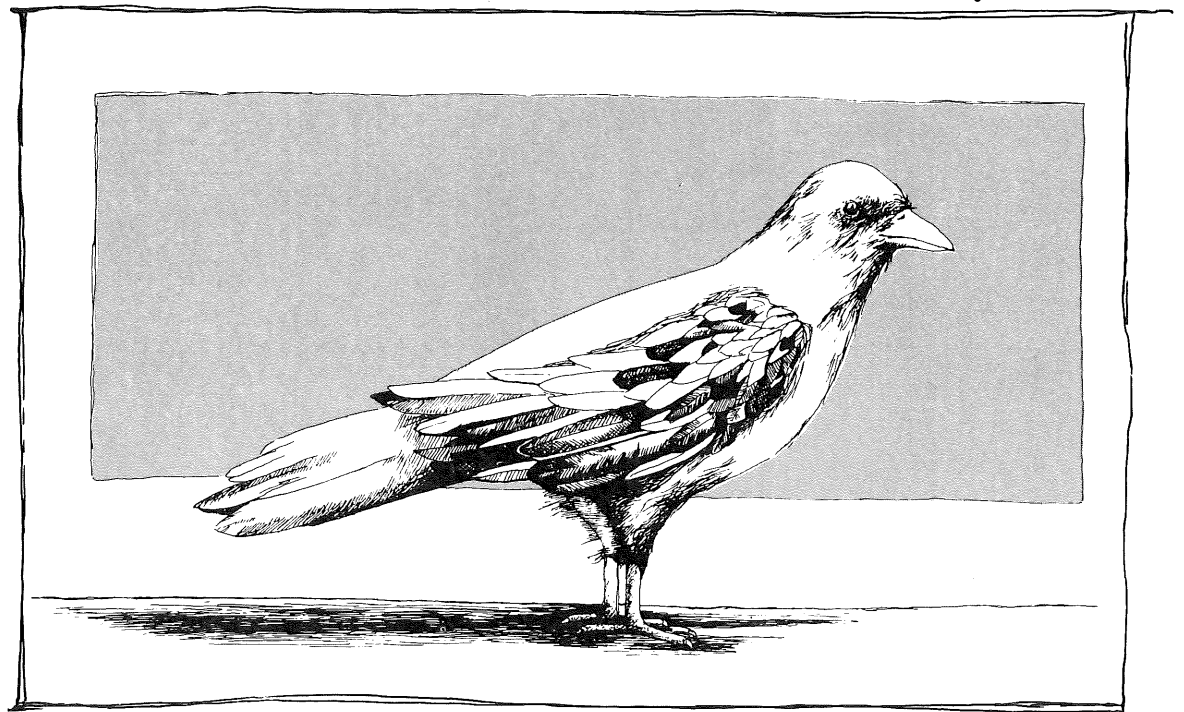
---

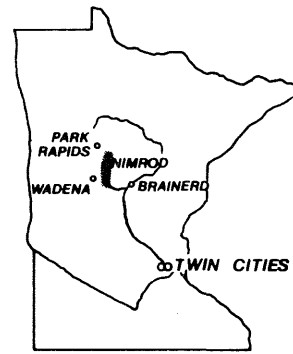
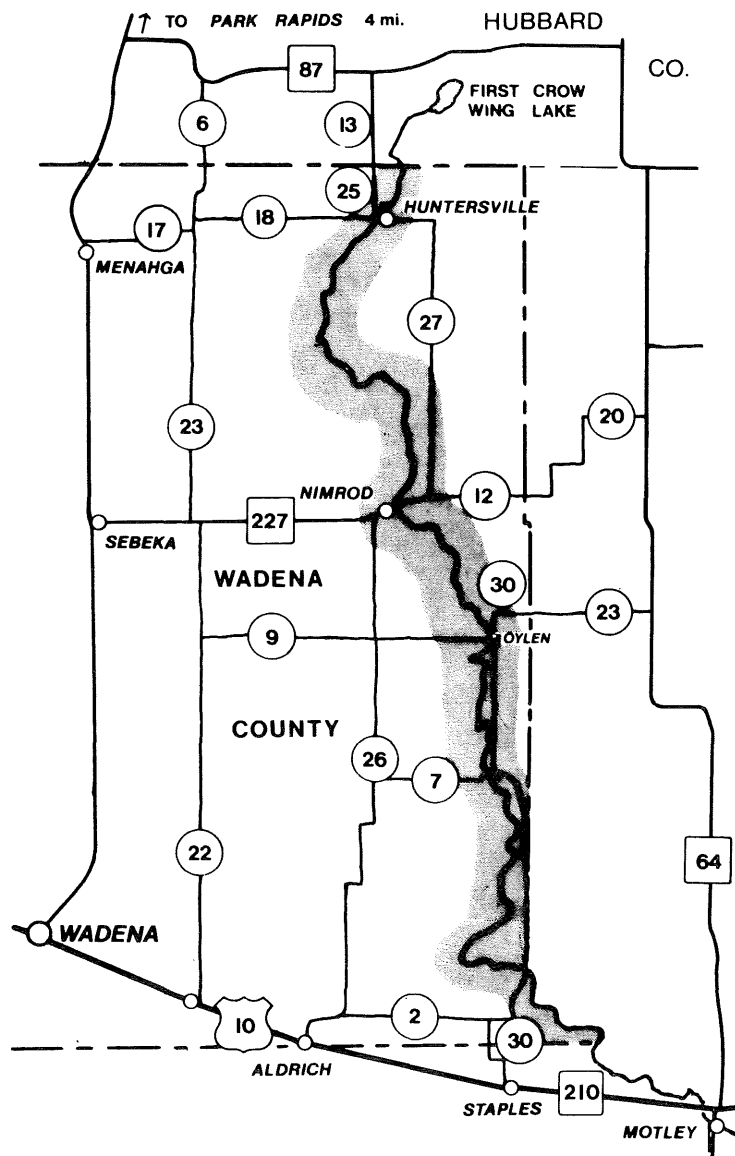
ANALYSIS	5
Study Conclusions	7
Recreational Maps	8
Physical Characteristics	20
Route Description	20
Watershed	21
Geology	23
Soils	23
Vegetation	24
Wildlife	24
Social Characteristics	26
History	26
Land Use	30
Water Use	30
Population	30
Recreational Features	31
Sources	33
MANAGEMENT PLAN	37
Management	38
Proposed Regulations	40
APPENDIX	
The Wild and Scenic Rivers Act	60
Wild and Scenic Standards	63

---



# Analysis





**CROW WING RIVER  
LOCATION MAP - STUDY AREA**

## Study Conclusions

---

It is the DNR's finding that the following "outstanding scenic, recreational, natural, historical, scientific and similar values" qualify the Crow Wing River in Wadena County for protection under the Wild and Scenic Rivers Act.

### Scenic and Natural

Cutting through one of central Minnesota's most picturesque valleys, the Crow Wing River flows past level to gently rolling plains. The river's banks and flood plain are heavily timbered with mixed conifers and hardwoods, although river lands include occasional prairies, bogs and swamps.

The river valley supports diverse and plentiful wildlife. Although the river itself lacks a sufficient food supply for large fish and waterfowl populations, riverside woodlands support many small mammals, birds and game animals.

### Recreational

The Crow Wing River is one of the most heavily used of the state's 18 designated canoe and boating route rivers.

The Crow Wing River provides an ideal route for family canoeists. The landscape and abundant wildlife enrich the recreationist's experience. Undoubtedly, canoeing

on the Crow Wing River will increase as the popularity of the sport increases statewide. Recreational facilities have been developed along the Crow Wing River in Wadena County by the Crow Wing Trails Association, Wadena County and the DNR. Because these facilities are extensive, the DNR now proposes no additional recreational sites.

Common game species include mallard, blue-winged teal, wood duck, white-tailed deer, rabbit, gray and red squirrels, ruffed grouse and woodcock.

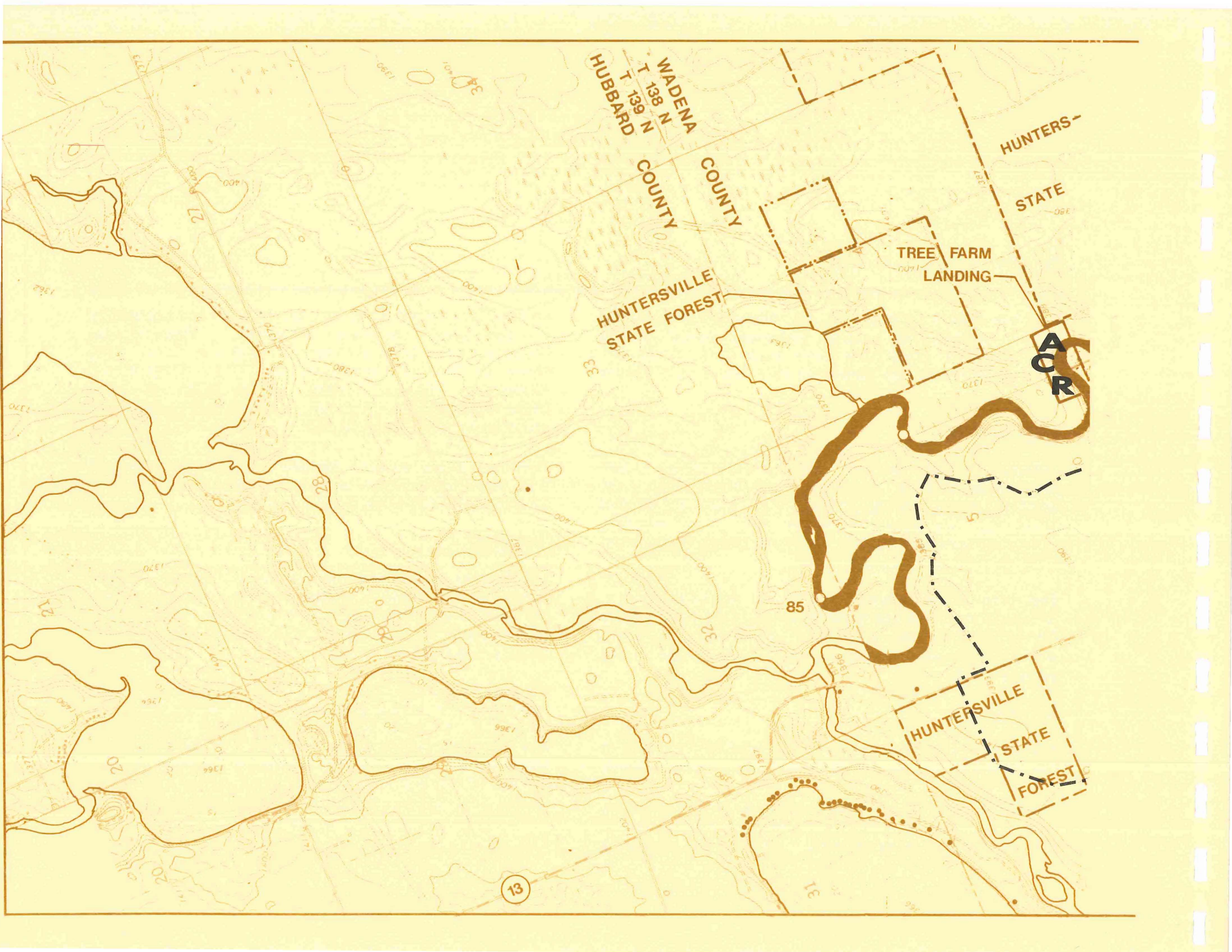
### Historical

The Dakota (Sioux) and the Ojibway (Chippewa) Indians lived near the Crow Wing River. Many battles between the two tribes were fought in this region. Even today, many towns and landmarks have names derived from Dakota and Ojibway words.

Whites ventured into the Crow Wing River area searching for trapping grounds. The early fur trade allied the Ojibway and the white man against the Dakota, and provided the impetus for further white settlement. Subsequently, lumbering fostered further growth of settlements. Agriculture, however, proved to be the most stable element of the economy and remains the most prominent business today.

---









# Recreational Maps

- PARK
- - - STATE FOREST
- · - STATE WILDLIFE MANAGEMENT AREA
- · - - OTHER PUBLIC LAND
- RESIDENCE

- ACR**
- FACILITY
- ACCESS
  - CAMPSITE
  - REST AREA
  - · - - MULTI-USE TRAIL
  - - - COUNTY SNOW-MOBILE TRAIL
  - \* HISTORIC SITE
  - ||| RAPIDS



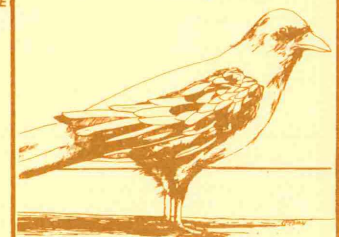
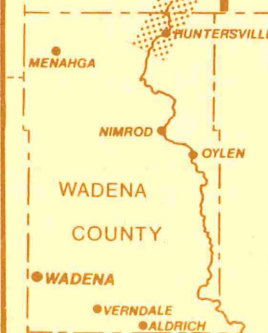
NORTH

SCALE: 1" = 2000'

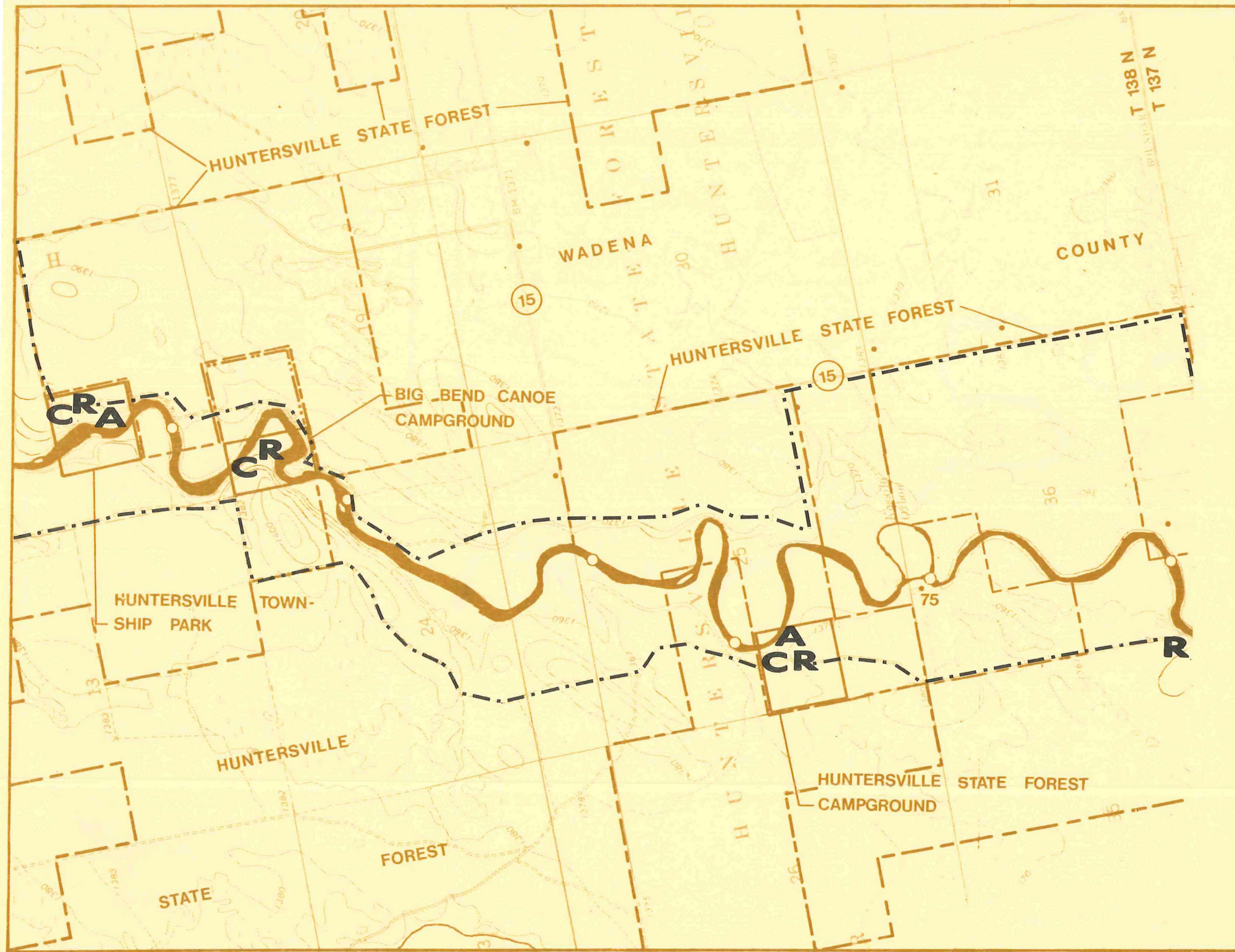
PLATE

1

A MANAGEMENT PLAN  
for the  
crow wing river







CR A

CR

A  
CR

R



# Recreational Maps

- PARK
- - - STATE FOREST
- · - · - STATE WILDLIFE  
MANAGEMENT AREA
- · - · - OTHER PUBLIC LAND
- RESIDENCE

- ACR**
- FACILITY
  - ACCESS
  - CAMPSITE
  - REST AREA
  - · - · - MULTI-USE TRAIL
  - - - COUNTY SNOW-  
MOBILE TRAIL
  - \* HISTORIC SITE
  - ||| RAPIDS



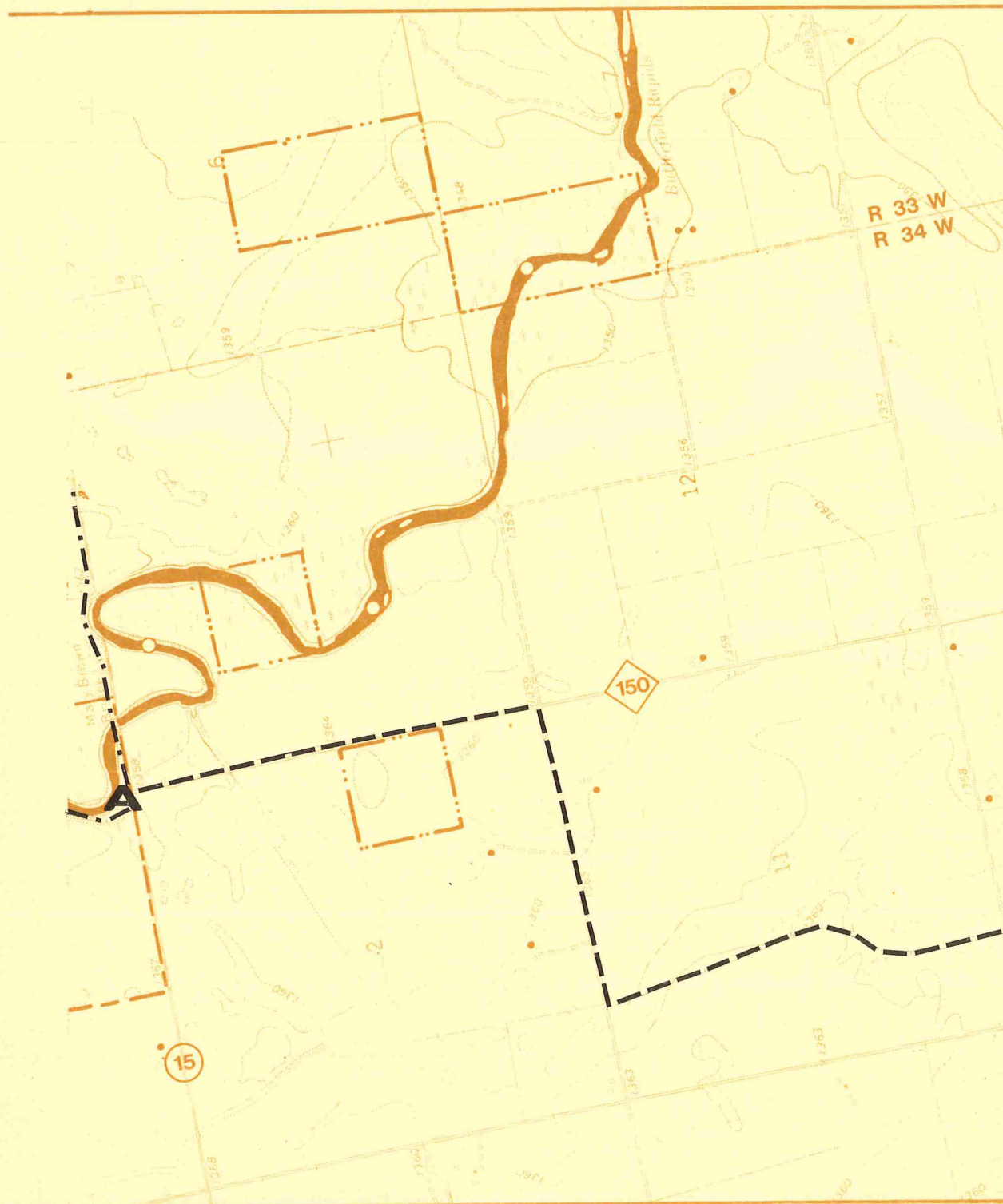
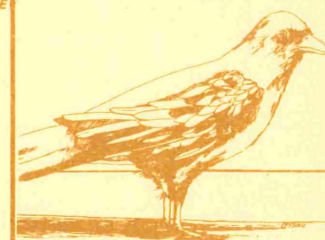
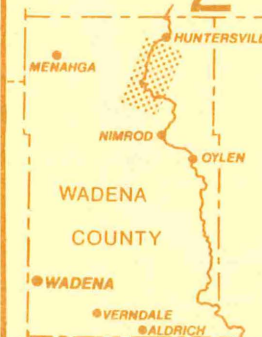
NORTH

SCALE: 1" = 2000'

PLATE

2

A MANAGEMENT PLAN  
for the  
crow wing river



**A  
C  
R**

ANDERSON'S CROSSING  
CAMPGROUND

WADENA

O  
R  
T  
O  
N

R 33 W  
R 34 W

145

27

70

20

21

9

16

18

15

5

4







# Recreational Maps

- PARK
- STATE FOREST
- .- STATE WILDLIFE MANAGEMENT AREA
- .-.- OTHER PUBLIC LAND
- RESIDENCE

- |              |                          |
|--------------|--------------------------|
|              | <u>FACILITY</u>          |
| <b>A</b>     | ACCESS                   |
| <b>C</b>     | CAMPSITE                 |
| <b>R</b>     | REST AREA                |
| <b>-.-.-</b> | MULTI-USE TRAIL          |
| <b>---</b>   | COUNTY SNOW-MOBILE TRAIL |
| <b>*</b>     | HISTORIC SITE            |
| <b>    </b>  | RAPIDS                   |

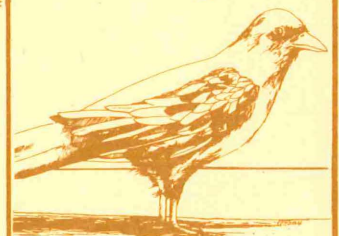
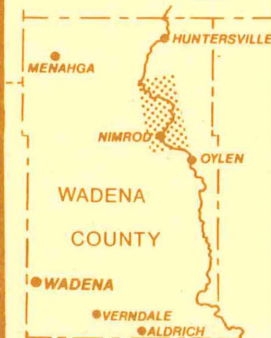


NORTH

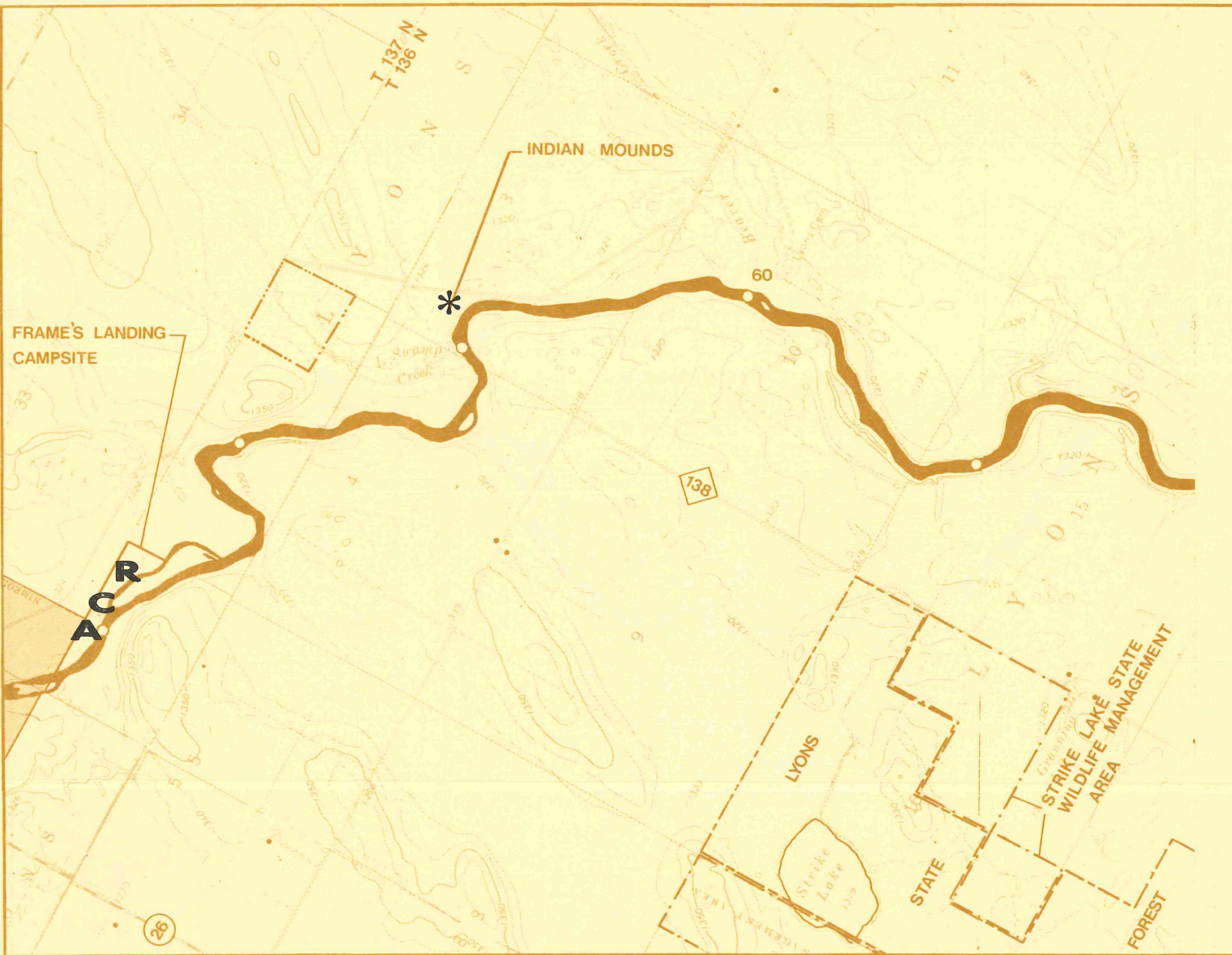
SCALE: 1" = 2000'

PLATE  
3

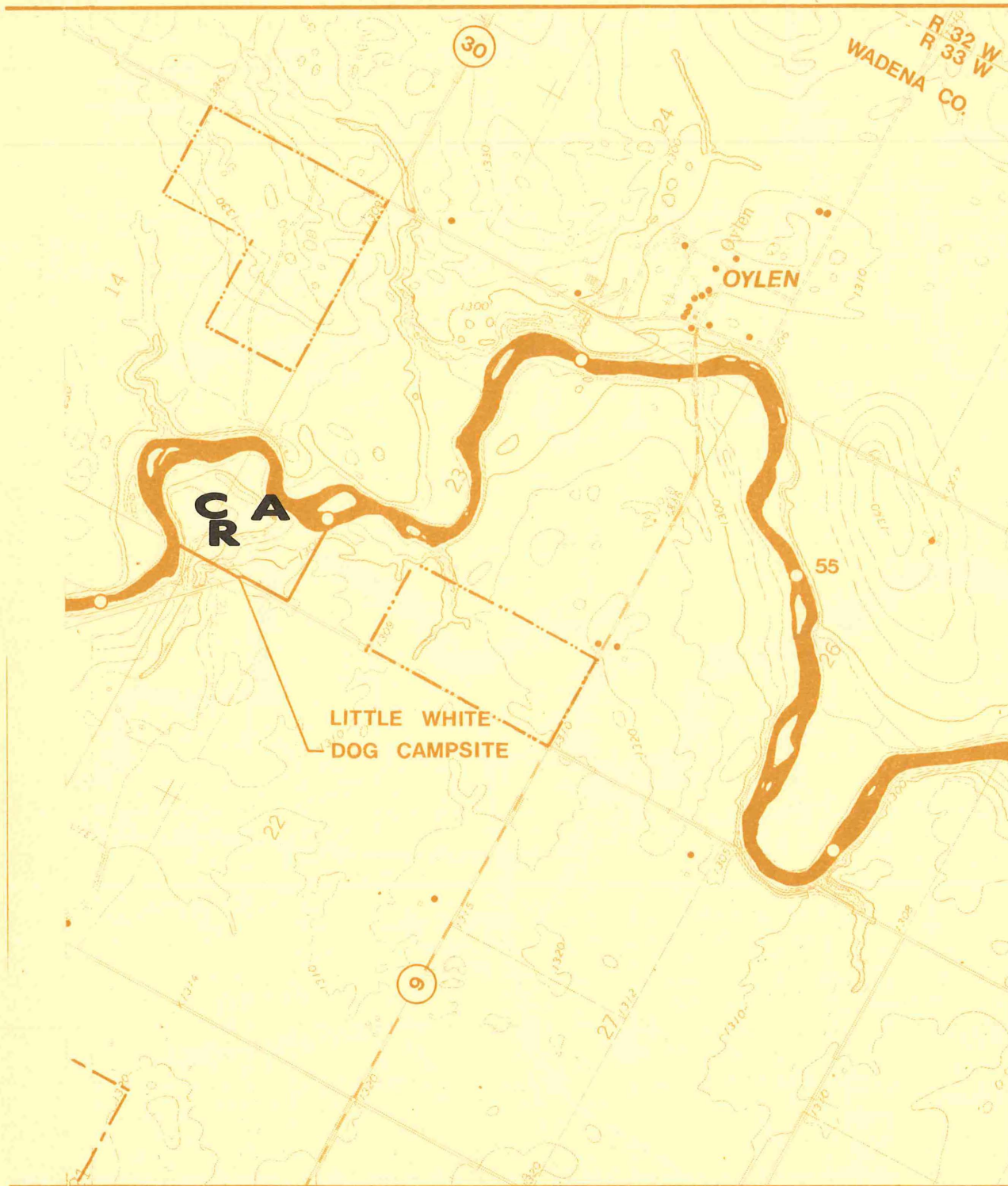
A MANAGEMENT PLAN  
for the  
crow wing river











# Recreational Maps

- PARK
- - - STATE FOREST
- · - · - STATE WILDLIFE  
MANAGEMENT AREA
- · - · - OTHER PUBLIC LAND
- RESIDENCE

- ACR**
- FACILITY
  - ACCESS
  - CAMPSITE
  - REST AREA
  - · - · - MULTI-USE TRAIL
  - - - COUNTY SNOW-  
MOBILE TRAIL
  - \* HISTORIC SITE
  - ||| RAPIDS



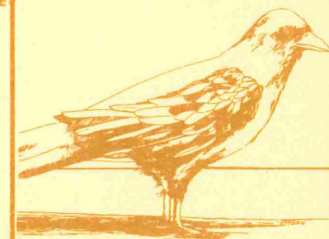
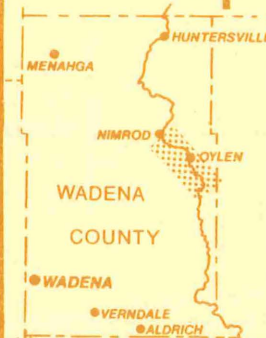
NORTH

SCALE: 1" = 2000'

PLATE

4

A MANAGEMENT PLAN  
for the  
crow wing river







LYONS  
STATE  
FOREST

R 32 W  
R 33 W

CASS  
WADENA  
COUNTY  
COUNTY

T 136 N  
T 135 N

Sand Lake

DRY SAND LAKE STATE  
WILDLIFE MANAGEMENT  
AREA

30

50

ACR

KNOB HILL  
CAMPSITE

LYONS  
STATE  
FOREST

LYONS STATE FOREST

137

138



# Recreational Maps

- PARK
- STATE FOREST
- STATE WILDLIFE  
MANAGEMENT AREA
- OTHER PUBLIC LAND
- RESIDENCE

- ACR**
- FACILITY
  - ACCESS
  - CAMPSITE
  - REST AREA
  - MULTI-USE TRAIL
  - COUNTY SNOW-  
MOBILE TRAIL
  - \* HISTORIC SITE
  - ||| RAPIDS



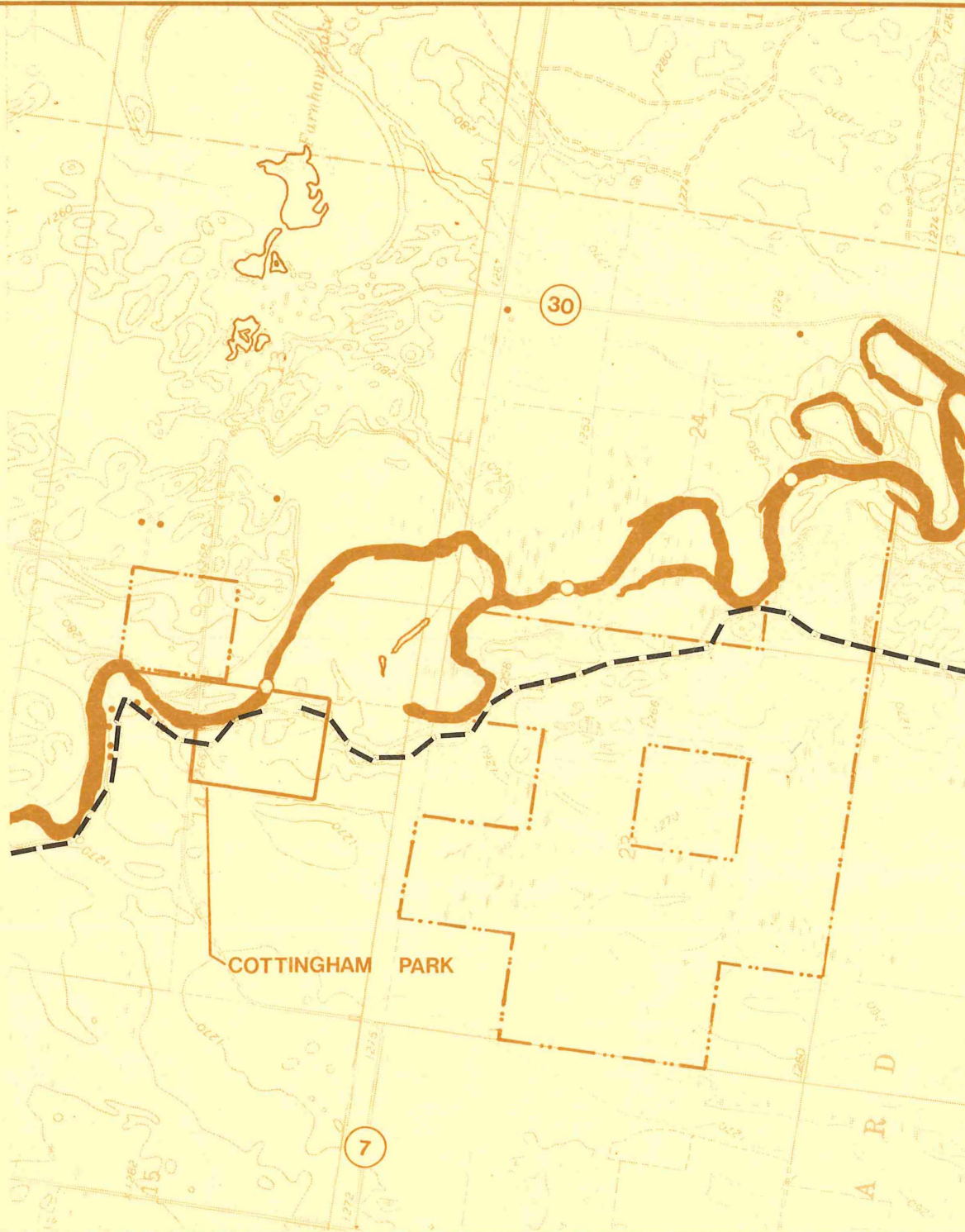
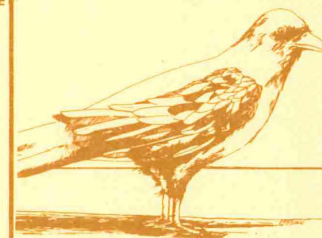
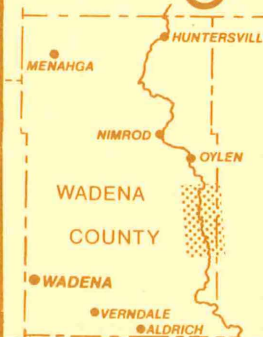
NORTH

SCALE: 1" = 2000'

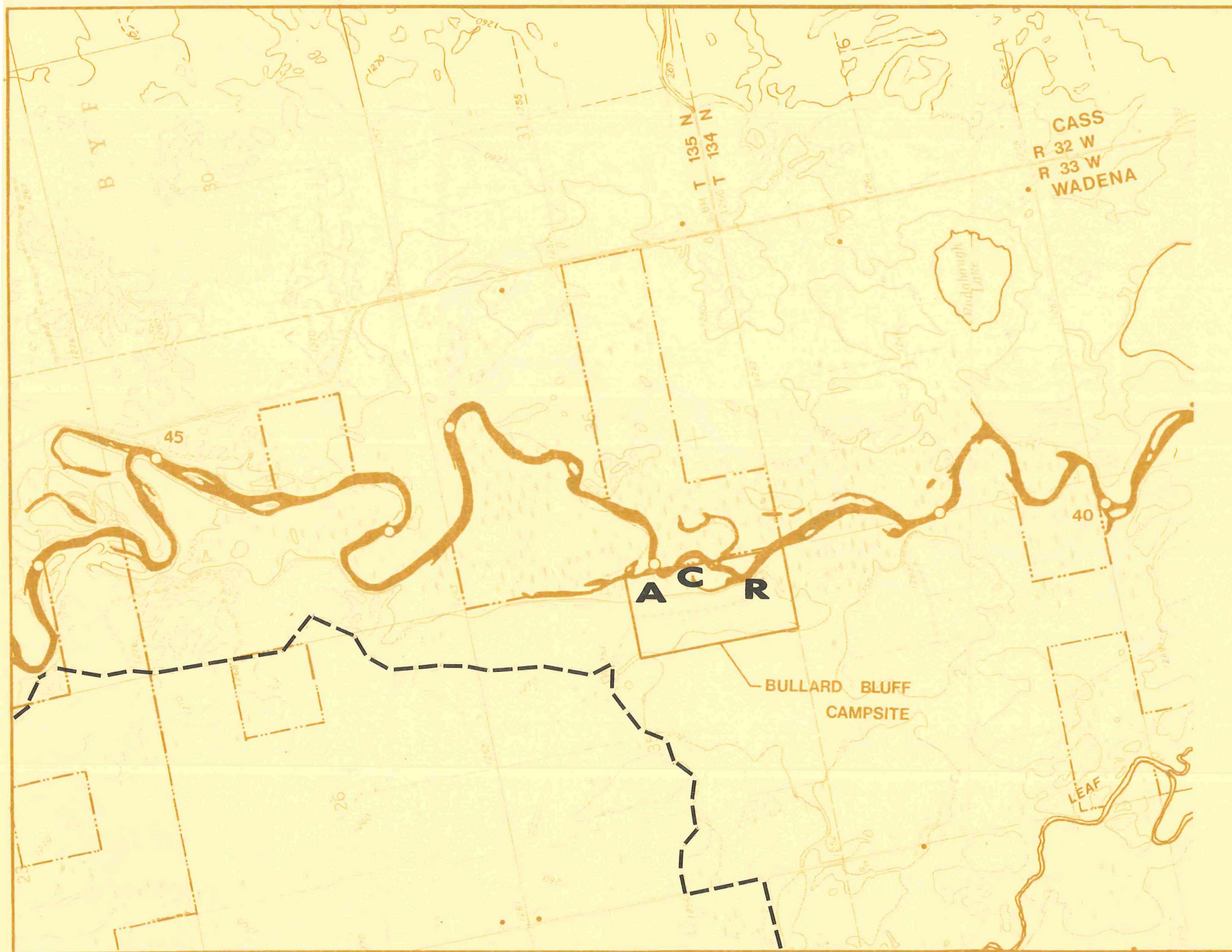
PLATE

5

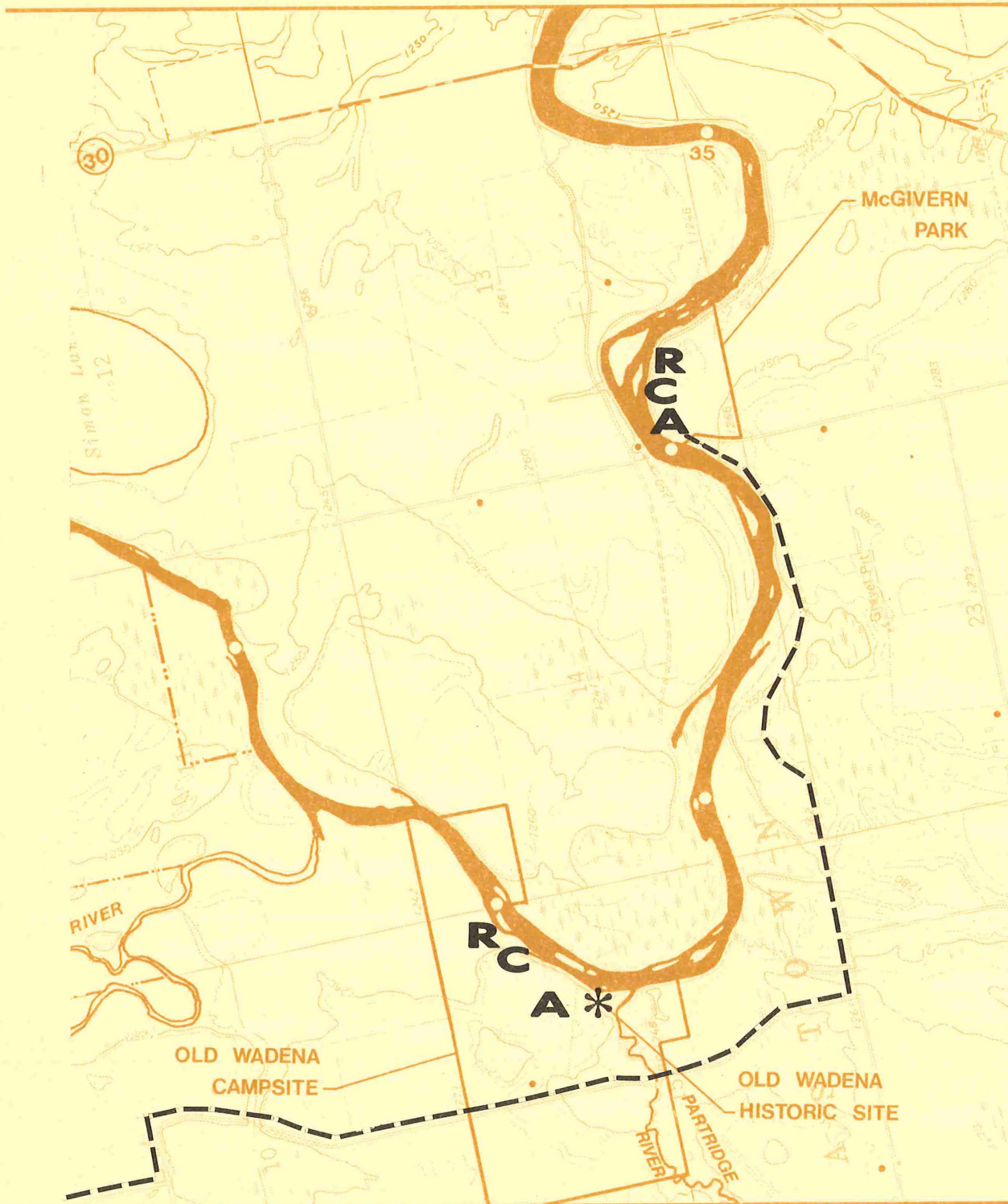
A MANAGEMENT PLAN  
for the  
crow wing river











# Recreational Maps

- PARK
- STATE FOREST
- ... STATE WILDLIFE MANAGEMENT AREA
- .-.- OTHER PUBLIC LAND
- RESIDENCE

- A** FACILITY  
**C** ACCESS  
**R** CAMPSITE  
**R** REST AREA
- .-.- MULTI-USE TRAIL  
 --- COUNTY SNOW-MOBILE TRAIL
- \* HISTORIC SITE  
 ||| RAPIDS



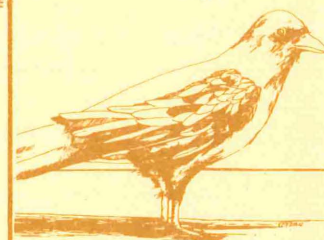
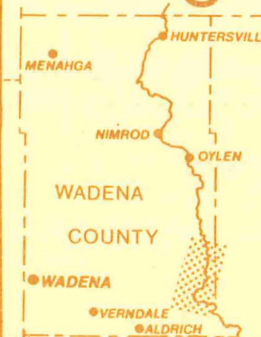
NORTH

SCALE: 1" = 2000'

PLATE

6

A MANAGEMENT PLAN  
for the  
crow wing river





## Physical Characteristics

<u>Route Description</u>			
		70.4	Butterfield Rapids.
River Mile		69.2	Anderson's Crossing campsite (access, campsites, picnic facilities).
85.9	Study area begins at Wadena–Hubbard county line.	69.0	Walkins Rapids.
84.3	Crow Wing River joins channel to Mud Lake.	67.7	Barrows Rapids.
83.1	Tree Farm Landing (access, campsites, picnic facilities).	66.5	Private canoe landing.
80.7	Wadena County State Aid Highway (CSAH) 18 bridge.	65.9	Big Swamp Creek enters Crow Wing River from left.
80.5	Abandoned iron bridge.	65.9	Westra Rapids.
79.5	Huntersville Township Park (access, campsites, picnic facilities).	64.0	Wadena CSAH 12 bridge. Nimrod, Stigman's Mound picnic area.
78.5	Big Bend Canoe Campground (campsites and picnic facilities. No access).	63.4	Cat River enters Crow Wing River from right.
76.0	Huntersville State Forest campground (access, campsites, picnic facilities).	63.0	Frame's Landing campsite (access, campsites, picnic facilities).
73.6	Picnic area.	61.1	Little Swamp Creek enters Crow Wing River from left.
73.5	Wadena CSAH 15 (Mary Brown) bridge.	60.9	Indian mounds.



- 59.9 Beaver Creek enters Crow Wing River from left.
- 57.2 Little White Dog campsite (access, campsites, picnic facilities).
- 55.7 Wadena CSAH 9 bridge at Oylen.
- 51.5 Knob Hill campsite (access, campsites, picnic facilities).
- 48.3 Wadena CSAH 7 bridge.
- 48.2 Cottingham Park (access, campsites, picnic facilities).
- 47.3 Farnham Creek enters Crow Wing River from left.
- 42.8 Bullard Bluff campsite (access, campsites, picnic facilities).
- 38.6 Leaf River enters Crow Wing River from right.
- 37.7 Old Wadena campsite (access, campsites, picnic facilities). Historical site.
- 36.0 Partridge River enters Crow Wing River from right. McGivern Park (access, campsites, picnic facilities).
- 34.5 Wadena CSAH 30 bridge. End of study area.

#### Watershed

The Crow Wing River watershed comprises all of Wadena County and parts of nine other counties. Draining a 3,764-square-mile area, the watershed is divided into two geographic sections.



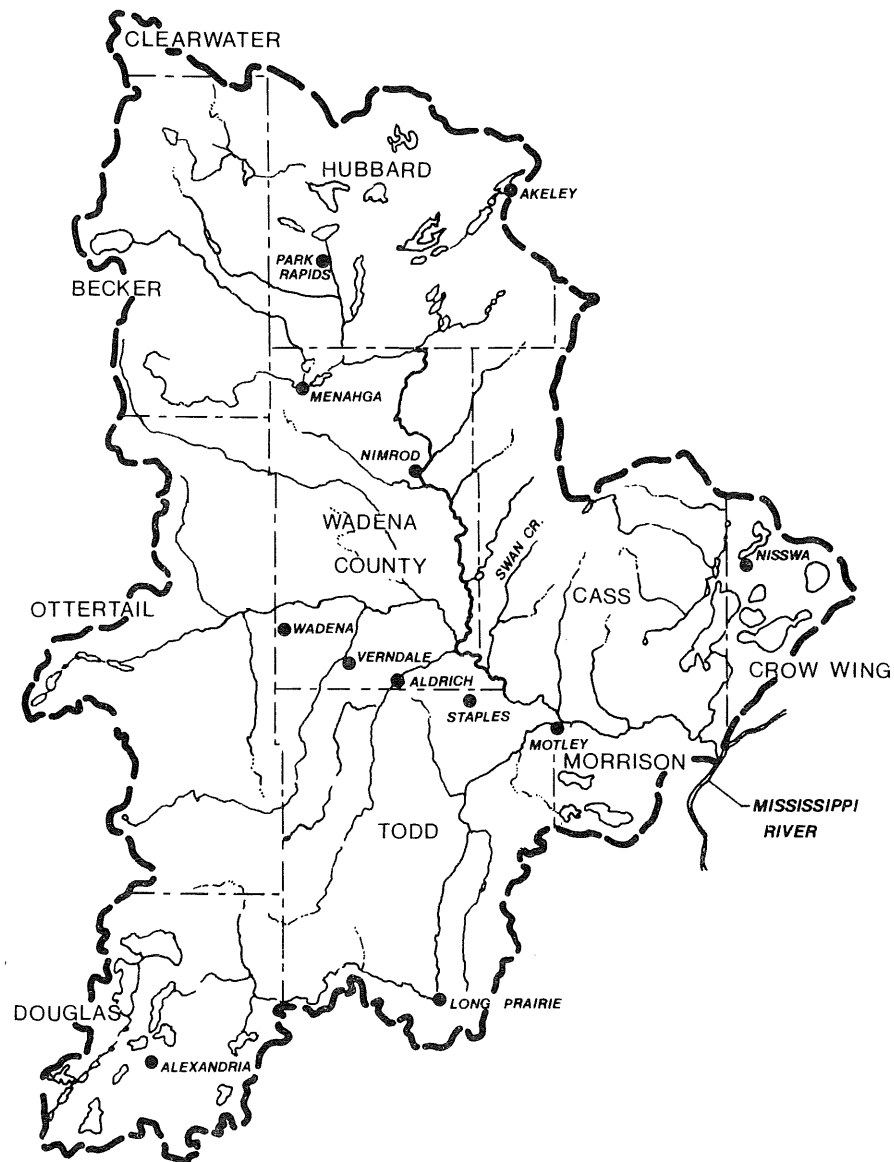
The northern half of the watershed is predominantly an outwash plain of sand and gravel deposited over a smooth glacial till plain. Because the glacial outwash is porous, and lakes and forests are abundant, flooding is rare.

Flooding occurs more frequently in the southern half of the watershed because the clayey glacial till which predominates in this area is not permeable.

About 20 percent of the watershed area is covered by natural lakes that lie near the watershed's perimeter.

The Crow Wing River drains the largest area of any river in the watershed. Its major tributaries are the Shell, Leaf, Partridge, Long Prairie and Gull rivers.

The Crow Wing River is shallow and moderately fast with a sandy bottom covered in some areas with boulders and gravel. The river rises in a chain of lakes in southern Hubbard County and flows south through



**CROW WING RIVER  
WATERSHED**



Wadena County and then southeast through Todd, Morrison and Cass counties to the Mississippi River, 89 miles from its source.

Throughout its course, the river drops 215 feet. The river falls most quickly — 10 feet in one mile — at Westra Rapids, several miles upstream from Nimrod.

For the first 20 miles, the river cuts through low marshy lands. The river broadens and the banks increase in height as the river flows southward.

Because of the many lakes and forests in the watershed, the water level of the Crow Wing River fluctuates gradually, making it a prime recreational resource.

### Geology

Most of the Crow Wing River watershed is an upland plain surrounded by gently rolling morainic hills and ridges. To the north, an outwash plain of sand and gravel was deposited over a smooth plain of glacial till which lies between the moraines. To the south, the upland plain is covered by clayey glacial till, free from outwash deposits.

Bedrock of Precambrian slate, graywacke, granite, gneiss and schist, lies deeply buried beneath the glacial deposits. Cretaceous limestone, sandstone and shale overlie Precambrian rocks in the northern part of the watershed.

Glacial moraines, till plains and thick deposits of glacial drift contain many sand and gravel lenses that hold much ground water. Artesian conditions are occasionally present when these lenses are enclosed by inclined layers of impermeable clay or silt.

These aquifers provide most of the municipal and industrial water for communities in the Crow Wing River watershed. Other sources of water are surface

water and wells driven into fractured and weathered granitic bedrock.

### Soils

Knowledge of soils is necessary to properly determine land uses. Each soil type has certain characteristics that determine the soil's capabilities and limitations.

The two most prominent soil groups of the Crow Wing River watershed are the Wadena group and the Rockwood– Menahga group.

The Wadena group is a very dark, well-drained, slightly acid loam covering a limy sand and gravel layer. This prairie soil, formed from glacial outwash, is fertile, but is susceptible to drought and wind erosion. Corn, oats, soybeans and hay often are grown on this soil. It also is commonly used for pasture.

The Rockwood–Menahga group is a light-colored, well-drained, medium-acid, sandy loam with a limy sand layer below.

The Rockwood soils, fertile and drought resistant, are suited to forestry and general farming. These soils, however, are susceptible to erosion and the loss of organic material. Crops most commonly grown on these soils are alfalfa and small grains. The major tree species are aspen and birch. Shorelands containing these soils have been developed considerably for recreational purposes.

The Menahga soils are not productive and are very susceptible to drought. They are neither suitable nor commonly used for agriculture, although the soil supports jack pine, a profitable species for lumber and pulpwood.

Two other groups of soils in this area are the alluvial and organic soils.

Alluvial soils are mixed, undifferentiated soils found on the flood plains of large streams in the watershed.

The organic soils, peat and muck, are common in nearly one-fifth of the watershed area. Peat often is found in old glacial lake basins. In some areas, peat is mined and used for horticulture. Peat also supports Christmas tree farms and spruce stands which are harvested for pulpwood. Because peat is susceptible to frost, it is used little for agriculture, although potatoes and some other vegetables are grown in this soil. Peat also is used for pasture and wild hay meadows.

### Vegetation

Fires, lumbering and cultivation have considerably altered the vegetation along the Crow Wing River.

The most noticeable change has been on the sandy outwash plains in northern Wadena County where the jack pine forest has all but replaced the forests of white and red pines. Jack pine often does well in the wake of fires or lumbering. In fact, occasional fires are necessary for this species to survive. The heat of the fire opens the cones, allowing the seeds to reach the soil and germinate.

Shrubs and other ground cover commonly found in the jack pine forest include hazel, blueberries, sweet fern, bearberry, wintergreen, bracken and reindeer moss.

While the jack pine forest is predominant along the river, in northern Wadena County the aspen-birch-conifer forest is found in upland areas further from the river. Dominant species of this forest include quaking aspen, bigtooth aspen, paper birch, pine, spruce, balsam fir and white cedar. If left undisturbed, this forest will slowly be replaced by a predominantly coniferous forest. The extensive logging throughout this region, however, has preserved the aspen-birch-conifer forest.

A river bottom forest predominates in the flood plains and valley bottoms bordering the river in southern Wadena County. This forest comprises elm, ash, cottonwood, box elder, oak, basswood, soft maple, willow, aspen, hackberry and occasionally pine and white cedar.

In addition to these three forests, grasslands, bogs and swamps are scattered throughout the river corridor.

### Wildlife

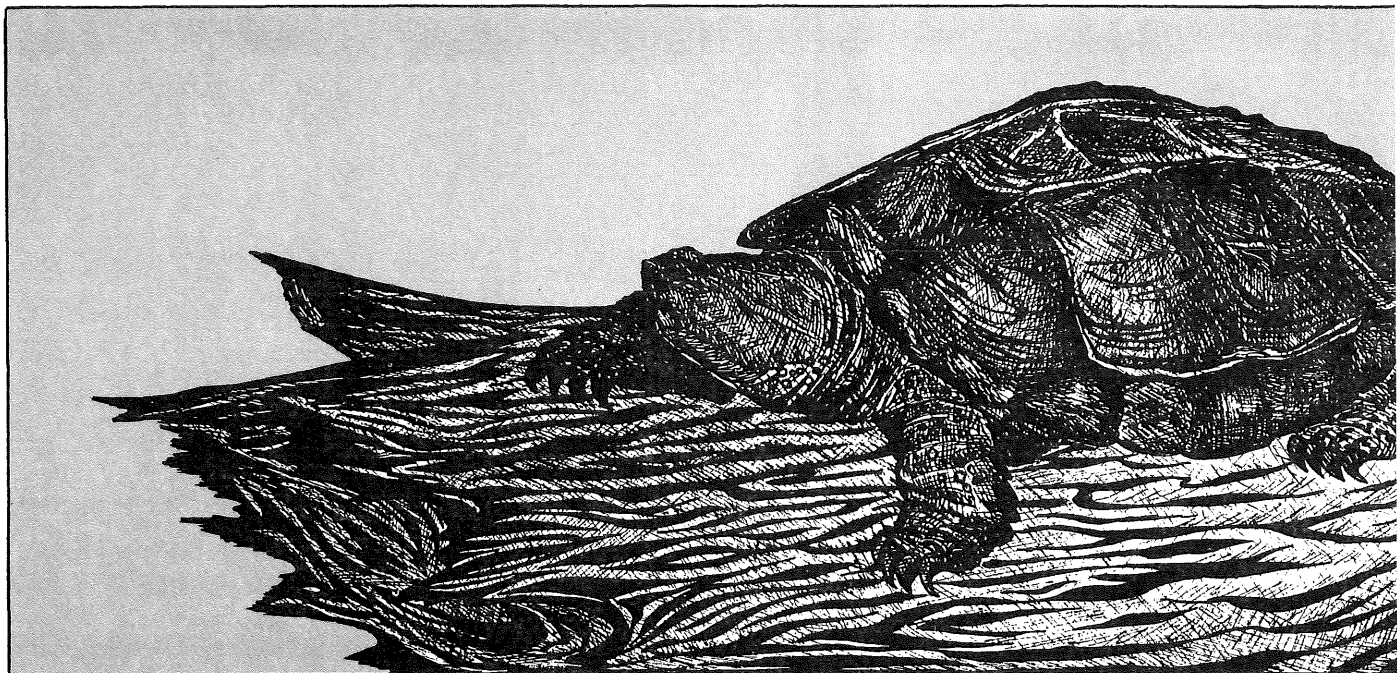
The grasslands, hardwood forests, pine forests, bogs and swamps along the Crow Wing River offer suitable habitats for a wide variety of wildlife. The river supports only a limited number of waterfowl, however, because of sparse aquatic vegetation and the lack of backwater areas.

The river and adjacent woodlands provide ideal environments for animals adapted to both aquatic and terrestrial life, such as painted and snapping turtles, otter, muskrat, beaver and mink. Mammals that prefer woodlands or grasslands near the water's edge are porcupines, raccoons, weasels and skunks. Other grassland and forest mammals include bats, mice, voles (meadow mice), pocket gophers, chipmunks, ground, red, gray, and flying squirrels, woodchucks, bog lemmings, badgers, cottontail rabbits, bobcats, brush wolves, and a small number of black bears.

Waterfowl present near the Crow Wing River are mallards, blue-winged teal and wood ducks. Other wetland birds include great blue herons, green herons and many shorebirds. Many species of songbirds are present along the river. The abundance and diversity of birds, of course, varies with the seasons and the particular habitat. Many species are found only during migrations.

Game species found along the Crow Wing River include





the white-tailed deer, ruffed grouse, woodcock, and various waterfowl, rabbits and squirrels.

Man's effect on the study area is evident, but many species and significant numbers of wildlife remain.

### Fisheries

Because of the Crow Wing's generally sandy bottom, limited cover and lack of deep pools, the river is not a productive fishery for game species.

Northern redhorse and white sucker, both rough fish, are the river's most common species.

The DNR (formerly the Minnesota Conservation Department) conducted an electro-fishing survey of the Crow Wing River from First Crow Wing Lake in Hubbard County to the Mississippi River during the summers of 1964 and 1965.

The "large fish" species taken during this survey were:

northern redhorse

black crappie

white sucker  
rock bass  
walleye  
northern pike  
greater redhorse  
bluegill  
yellow perch  
silver redhorse

burbot  
bowfin  
black bullhead  
pumpkinseed  
yellow bullhead  
largemouth bass  
pumpkinseed-bluegill hybrid  
brown bullhead

### Water Quality

The Crow Wing River meets the water quality standards of a 2B river, the classification given it by the Minnesota Pollution Control Agency (PCA).

PCA standards state that a 2B river should be suitable for propagation and maintenance of cool- or warm-water sport or commercial fish species. The water also must be suitable for aquatic recreation of all kinds, including swimming.

The PCA presently monitors the water quality of the Crow Wing River.

## Social Characteristics

---

### History

The history of the Crow Wing River is an economic history of the region surrounding the river. The early fur trade allied the Ojibway and the white man against the Dakota Indians, and provided the impetus for white settlement of the area. Subsequently, as is so common in Minnesota's history, the lumbering industry laid the foundation for settlement. Ultimately, however, agriculture proved to be the most stable element of the economy and remains the most prominent business today.

Until the settlement of the Crow Wing River area by the white man, the region was occupied by the Dakota and the Ojibway Indians. The Dakota — the name means "joined together in a friendly compact" — were the first to settle the land. Their "compact" did not extend to the Ojibway who first moved into the region during the early 1700s. The two tribes, both hunters, fought over the land known as "the hunter's paradise," later called Huntersville by the white settlers.

As the Ojibway tribes slowly shifted westward, they gained control of more land near the Crow Wing River. By the early 1800s, the Ojibway claimed the land west of the Mississippi and north of the Crow Wing. The Ojibway band known as the "Pillagers" (members of this band allegedly had stolen a trader's goods) occupied the

region near Leech Lake. The Northern Ojibway lived at this time near Cass Lake.

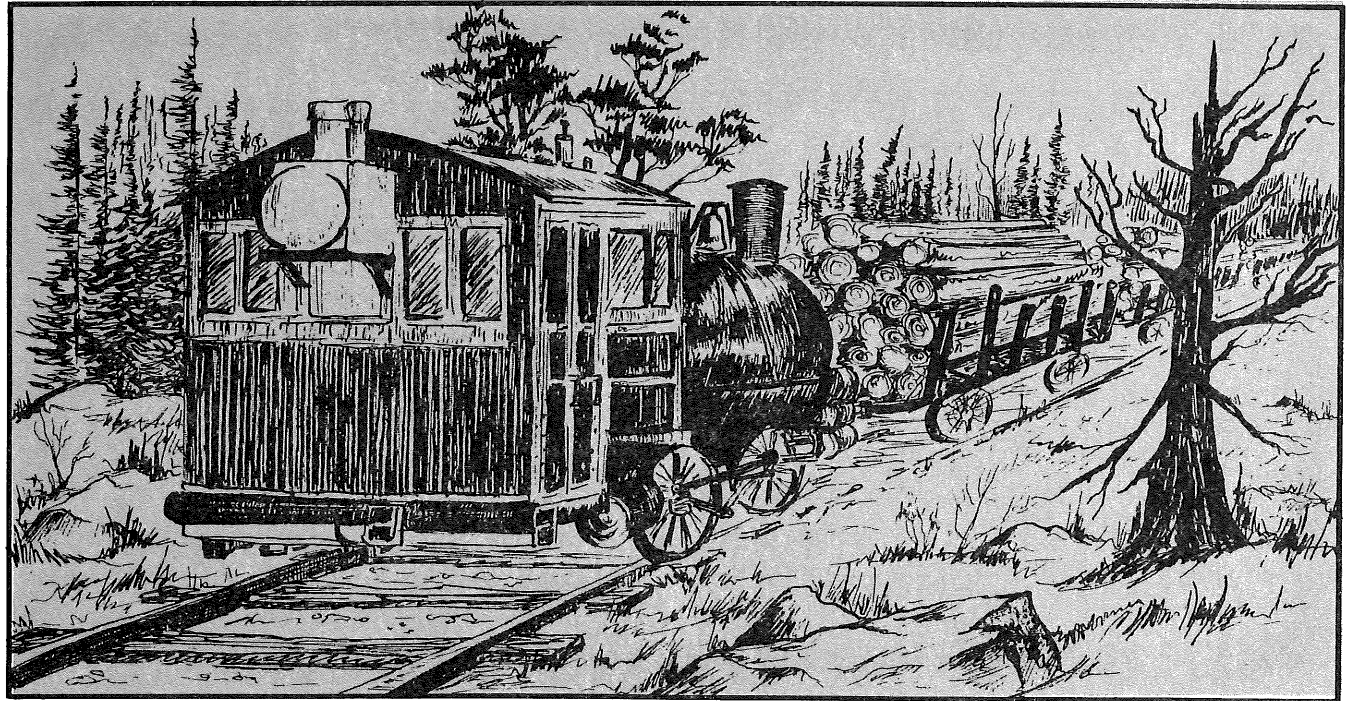
Unlike the Dakota, who resisted the white man's intrusion, the Ojibway eagerly traded with the white man, eventually becoming heavily dependent on him. The trading created an uneasy alliance between the Ojibway and the whites.

The tension between the two tribes intensified in 1832 when the Dakota battled an Ojibway war party led by Flat Mouth. Three Dakota were killed and three were wounded in the fray.

Hostility between the Dakota and Ojibway continued until the Dakota were banished from the state after the Sioux Uprising of 1862. During the uprising, however, it was rumored that the Ojibway finally had made peace with the Dakota and were assembling 2,500 warriors under Chief Hole-in-the-Day to join the Dakota. It was known that many Ojibway on the Gull Lake Reservation were restless and that a number of warriors were planning to attack the Gull Lake Agency on the north side of the Crow Wing, three miles from its mouth.

But the white man, capitalizing on his importance to the Ojibway economy, easily pacified the restless warriors until differences were settled and a treaty was signed.





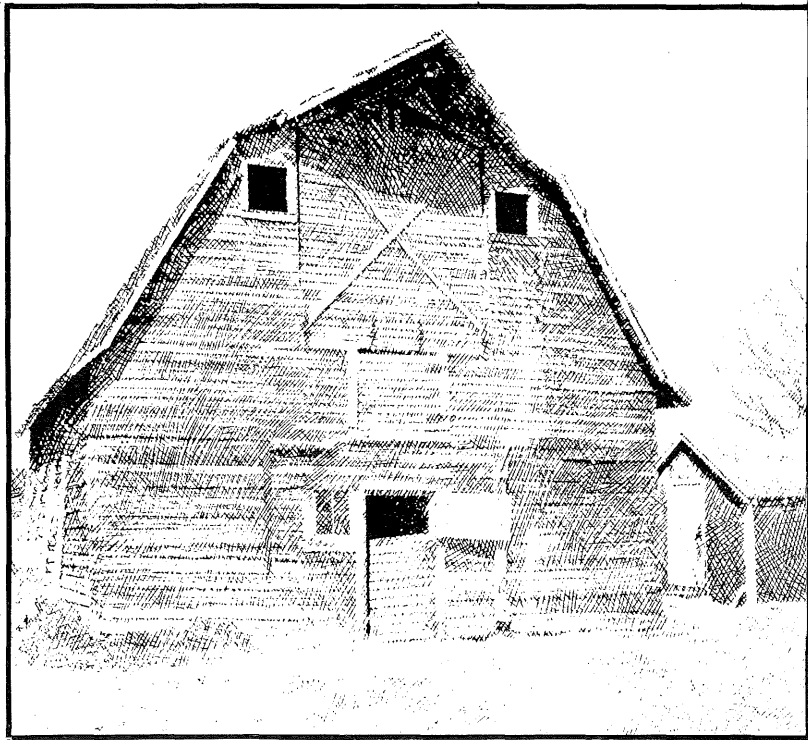
French fur traders entered the Crow Wing River region during the early 1700s and controlled the fur business until the British and Canadian traders came to dominate the trade in the 1760s. In 1783 a French Canadian trader known only as the "Black Smith" established a wintering post on a small hill at the mouth of the Partridge River. In 1792 the Northwest Company of Montreal established the Wadena Trading Post on the west bluff of the Crow Wing River at its junction with the Partridge River.

Another post, operated by Jean Baptiste Cadotte, was established in the winter of 1792 at the mouth of the Leaf River. Several other trading posts of less importance were located in this area in the late 1700s and early 1800s.

The Crow Wing River region came into the possession of the United States with the Louisiana Purchase in 1803. By 1820 the volume of overland trade in the area was considerable. The Old Otter Tail Trail, also known as

the Old Crow Wing Trail or the Woods Branch of the Red River Trail, crossed the Crow Wing River near the Wadena Trading Post and was a heavily used transportation route between St. Paul and western Canada. The trail was used by traders, government transporters, Indians and Canadian explorers. After the construction of the Northern Pacific Railroad in 1871, the trail was used little by the early white settlers. By 1899 the trail had been completely abandoned and today is almost obliterated.

The Wadena Trading Post had its most prosperous years between 1855 and 1860 when more than 100 people lived there. Augustus Aspinwall made a townsite claim on this spot in 1856, calling it Wadena. This was possibly the first land claim made in Wadena County. It was hoped that the railroad from Lake Superior to the Pacific Coast would cross the Crow Wing at Wadena. The depression a year later, however, halted all railroad construction, with the line running only as far as Staples, then the county seat. In 1877, with the



extension of the railroad northwestward, Wadena was relocated from the trading post site fifteen miles west to its present location. Wadena was soon made the county seat.

Red River oxcarts and small river craft were the primary means of transportation until railroads were built to supplement them. The railroad was instrumental in the utilization of nearby resources, especially those in areas without easy access to water.

Between the 1870s and the early 1900s lumbering was the chief economy of Wadena County. The lumbering of the dense forests along the Crow Wing and its tributaries furnished labor for hundreds of early settlers and provided an economic base for many towns and villages in the area.

Shell City was established in 1879 as a lumbering camp, although it and the Shell River were named for another important resource, clams, which were used in button factories in the city. This city also was the headquarters of the Shell City Navigation Company, incorporated April 10, 1884. The company was formed to operate steamboats and barges on the Shell and Crow Wing rivers from Shell City to the Mississippi River.

On July 28, 1884, a celebration was held for the launching of the steamer "Lotta Lee" at Shell City. This steamer made many successful trips on the Shell River, which was deep and easily navigable. But on the shallower Crow Wing River it ran aground and was abandoned. It was hoped that government aid could be used for dredging the river channel to make it navigable. But funds were never obtained and the shipping venture on these rivers died.

Nimrod was established in 1879 as a tie camp. For many years, when timber was being logged along the Crow Wing and its tributaries, this was an important logging center. The town served as a stopping place for lumbermen and wheat haulers traveling from the Shell Prairies north of Nimrod. Many lumber camps were located near Nimrod.

Sebeka, a railway village, was established in 1881 by Finnish loggers. Logs, primarily white pine, were driven on the Crow Wing River to mills further downstream.

Each spring, dams were built along the Crow Wing, Red Eye, Shell and Blueberry rivers to store water for log drives to mills on the Mississippi River at Little Falls and St. Cloud.

Lumbering operations expanded as railroads were extended throughout the Crow Wing area. By the turn of the century, however, most virgin timber had been cleared and the lumber industry declined sharply. Shell City, a town which relied heavily on timber trade, was



eventually abandoned. The region's economy soon came to depend on agriculture.

Small-scale farming actually had begun with the influx of the first white settlers. The heavily timbered land in the northern part of Wadena County was hard to clear. Agriculture, therefore, was limited to the south. Only a few years after the arrival of the first settlers, much of the land in southern Wadena County was cultivated. Vegetables and root crops were the predominant

subsistence crops. Corn was also a stable crop. Wheat, however, was the most profitable crop.

In 1874 the fine prairie lands of the north, the Shell Prairies, were discovered. By 1881, 800 families had settled there.

Verndale enjoyed a monopoly on the wheat trade from 1878 to 1885. Here the wheat was transferred from the oxen teams that traveled from the prairies to the

---

## Traces of Indian Culture

---

Even after the white man rose to prominence, the presence of the Dakota and Ojibway was reflected in the names of white settlements in the Crow Wing region. A few examples are:

\* Crow Wing. This river was named for a wing-shaped island at its confluence with the Mississippi River. The Indians called the river Kagiwewon (the raven's wing). The French name for the river was Riviere de Corbeau, meaning River of the Raven. But by 1843, a map drawn by Joseph N. Nicollet labeled the river the Crow Wing. According to an Indian legend, however, the river was named much more dramatically. It was said that the Princess Crow Wing was to be married on the river banks. The night before the ceremony, she first met her prospective husband. Unable to force herself to marry him, she threw herself into the river.

\*Menahga. This railway village in Blueberry Township was platted in 1891. "Meenahga," as it was spelled by Longfellow in "The Song of Hiawatha," is Ojibway for blueberry.

\* Sebeka. Sebeka is a railway village beside the

Red Eye River. Its name was derived from "sibi" or "zibi," Ojibway for "village beside the river."

\* Wadena. "Wadena" is an Ojibway word meaning little round hill. This may be a reference to the rounded Crow Wing bluffs at the old Wadena Trading Post site.

The Indians also left their mark on the landscape. The most visible signs are the burial mounds. Three river areas with many mounds are Little White Dog, Hog Haven (also called Bullard Bluff) and a site near McGivern Forest. Little White Dog is situated on a high bluff downstream from Nimrod. The area once was used by Indians for ceremonial gatherings which included sacrificial rites. Here animals were killed in honor of the Indian deities.

Another group of Indian mounds is along the river at Hog Haven, four miles south of the Bullard Bluff campsite. This place was named for the many wild hogs in the area.

Across the river from McGivern Forest are many mounds, evidence that the area was once a gathering place for several Indian tribes.



railroad bound for Minneapolis. A better and shorter road eventually was built from Wadena to Park Rapids. Villages that were established along this wheat road diminished Verndale's importance as a wheat center.

The wheat industry suffered in the early 1890s because of successive poor harvests attributable to the exhaustion of the soil from one-crop farming and the farmers' inability to successfully cultivate cutover areas.

The first creamery in Wadena County was organized January 27, 1887. By 1927 the dairy industry had become the most important business in the county and remains so today.

#### Land Use

Approximately 40 percent of the land in Wadena County is forested. The timber is used primarily for pulpwood, although some is used for sawlogs. The forest next to the river provides excellent wildlife habitat and is valuable for recreation.

About 39 percent of Wadena County is cultivated. Hay and small grains are the primary crops and are used for dairy and beef cattle feed. Some sheep and swine are also raised in the county.

#### Water Use

The Crow Wing River once was used for floating white pine logs to sawmills on the lower reaches of the river and the Mississippi. Clams from the river were used to make buttons. The river never was deep enough for commercial navigation or power generation.

The river now has little commercial or industrial use, although some water is used for irrigation. This lack of commercial use, however, has preserved the river for recreation.

#### Population

Although the area immediately surrounding the Crow Wing River is sparsely populated, the number of people who might use the river for recreation is considerable and is expected to grow slightly by the year 2000.

In 1975, an estimated 235,600 people lived within 55 miles (an hour's driving time) of the Crow Wing River. This number is expected to reach 272,400 by the turn of the century.

The population of Wadena County in 1975 was estimated to be 12,600. It is estimated to rise to 12,700 — less than one percent — by the year 2000.

Eastern Wadena County, the area which includes the Crow Wing River, has few people. The population of Nimrod, the only incorporated city along the river, was estimated to be 64 in 1975. There are two unincorporated communities along the river, Oylen and Huntersville.

---



## Recreational Features

---

Recreational facilities have been developed along the Crow Wing River in Wadena County by the Crow Wing Trails Association, Wadena County and the DNR (Division of Forestry).

Camping areas contain tent pads, fire rings, rustic tables and pit latrines. Some facilities have pumps for drinking water.

Here is an overview of existing recreational facilities:

- \* Tree Farm Landing (river mile 83.1). This is a 20-acre area with five campsites and a state public access. Tree Farm Landing is owned and maintained by Wadena County.

- \* Huntersville Township Park (79.5). This 40-acre area has seven campsites and a public access. It is owned by Huntersville Township and maintained by Wadena County.

- \* Big Bend Canoe Campground (78.5). This 20-acre tract has six campsites and a canoe access. Accessible only from the river, it is owned and maintained by the DNR.

- \* Huntersville State Forest Campground (75.9). This 40-acre area, which is administered by the DNR, has 13 campsites and a public access.

- \* Picnic area (73.6). This 4.6-acre picnic area is administered by the DNR and contains picnic tables, fire rings and toilets.

The remaining facilities are owned and maintained by Wadena County:

- \* Anderson's Crossing campsite (69.2). This 113-acre area has seven campsites and a state public access.

- \* Stigman's Mound picnic area (64.0). This is a three-quarter-acre picnic and rest area.

- \* Frame's Landing campsite (63.0). This 14-acre area has 10 campsites and a canoe access.

- \* Indian mounds (60.9). This is a historic site.

- \* Little White Dog campsite (57.2). A state public access and eight campsites are on this 65.15-acre tract.

- \* Knob Hill campsite (51.5). This 105.60-acre area has a state public access and five campsites.

- \* Cottingham Park (48.2). This 47.60-acre area has a canoe access, 10 campsites and a separate picnic area.



\* Bullard Bluff campsite (42.8). This 59.88-acre tract has a state public access and three campsites.

\* Old Wadena campsite and historic site (37.7).

There are five campsites and a historic area on this 231.54-acre tract.

\* McGivern Park (36.0). This 31.29-acre area has five campsites and a canoe access.

An overnight camping fee of two dollars per party is charged at all campsites on the river. According to camping fee receipts, about 9,000 parties used the Wadena County facilities in 1975 and 4,866 used the DNR sites.

Wadena County, in cooperation with the Crow Wing Trails Association, has developed in the study area a trail system for snowmobiles and horses. The DNR has developed a grants-in-aid snowmobile trail in the study area.

Three private canoe outfitters now operate on the river.

Eight islands in the study area are owned by the federal government and administered by the Bureau of Land Management. These islands have been relatively undisturbed by man and are a unique natural resource, providing excellent habitat for wildlife. There is legal access to these islands, and although no facilities have been provided, some islands are occasionally used for camping and picnicking by canoeists and fishermen.

---



## Sources

---

### Watershed

Lindholm, Oakes, Ericson and Helgesen. "Water Resources of the Crow Wing River Watershed, Central Minnesota." Hydrologic Investigations, Atlas H A - 380. Washington, D.C.: Geological Survey, 1972.

Midwest Planning and Research, Inc. and St. Paul office of United States Geologic Survey. Selected Rivers of Minnesota, Recreational Analysis. September 1966.

State of Minnesota. Bulletin 10, Hydrological Atlas of Minnesota. St. Paul. April 1959.

### Geology

"Water Resources of the Crow Wing River Watershed, Central Minnesota."

Hydrological Atlas of Minnesota.

### Soils

Elwell, Baldwin, Strike, Swenson, McMiller, Hall, Fieger, Hill and Ellis. Soil Survey of Wadena County, Minnesota. U. S. Department of Agriculture, 1962.

### Vegetation

Marschner, Francis J. The Original Vegetation of Minnesota. U.S. Department of Agriculture, 1930.

### Wildlife

Burt, William H. Mammals of the Great Lakes Region. University of Michigan Press, 1957.

Johnson, Merle. W. A Fisheries and Recreational Survey of the Crow Wing River, 1964-65. Minnesota Conservation Department, Division of Game and Fish, Section of Technical Services, Special Publication No. 40, March 1967.

### Fisheries

A Fisheries and Recreational Survey of the Crow Wing River, 1964-65.

### Water Quality

Minnesota Pollution Control Agency, Minnesota State Regulations-Rules, Regulations, Classifications and Water Standards, 1973 Supplement WPC 14. St. Paul: Documents Section, Department of Administration.

## History

Aspinwall, Augustus. Reminiscence. February 10, 1902. Positive photographic copy made from original unbound manuscript owned by Mrs. Leonard W. Nelson, Spokane, WA; and the Wadena County Historical Society, MN. Minnesota Historical Society, St. Paul.

Folwell, William Watts. A History of Minnesota, Vol. II. St. Paul: Minnesota Historical Society, 1961.

"Lotta Lee, The Monarch of Shell and Crow Wing Rivers." Hubbard County Enterprise, August 8, 1884, p. 1.

Minnesota Historical Society. The Aborigines of Minnesota, 1906-1911. St. Paul: Minnesota Historical Society, 1911.

Neill, Rev. Edward D. History of the Ojibways and their Connection with Fur Traders, Vol. V. St. Paul: Minnesota Historical Society, 1885.

Schultz, Sir John Christian. The Old Crow Wing Trail. Winnipeg: Manitoba Free Press Print, 1894.

Sebeka Chapter of the Finnish-American Historical Society. History of the Sebeka Pioneers, 1882-1957. Sebeka: Sebeka Chapter of the Finnish-American Historical Society, 1957.

Staples, Minnesota Historical Committee. Official Souvenir Program and History. Staples: Staples Commercial Club, 1939.

Upham, Warren. Minnesota Geographic Names. St. Paul: Minnesota Historical Society, 1969.

Way, Ron. "In the Open Canoeing Spurs

Recreational Popularity of Crow Wing River." Minneapolis Tribune, September 8, 1969.

## Land Use

Minnesota State Planning Agency. Minnesota Pocket Data Book. St. Paul: Development Planning Division, 1975.

Wadena County Agricultural Stabilization and Conservation Service, Wadena, MN.

## Population

Minnesota Pocket Data Book.

Nelson, Bruce R. "State Seen Growing in Midsection." St. Paul Pioneer Press, June 8, 1975.

## Recreational Facilities

Department of Natural Resources, Recreational Areas-1975. St. Paul: Division of Parks and Recreation.

Department of Natural Resources, Division of Forestry, Nimrod Forestry District, Nimrod Forestry Station, Nimrod, MN.

Wadena County Office of Zoning and Parks, Wadena, MN.

---

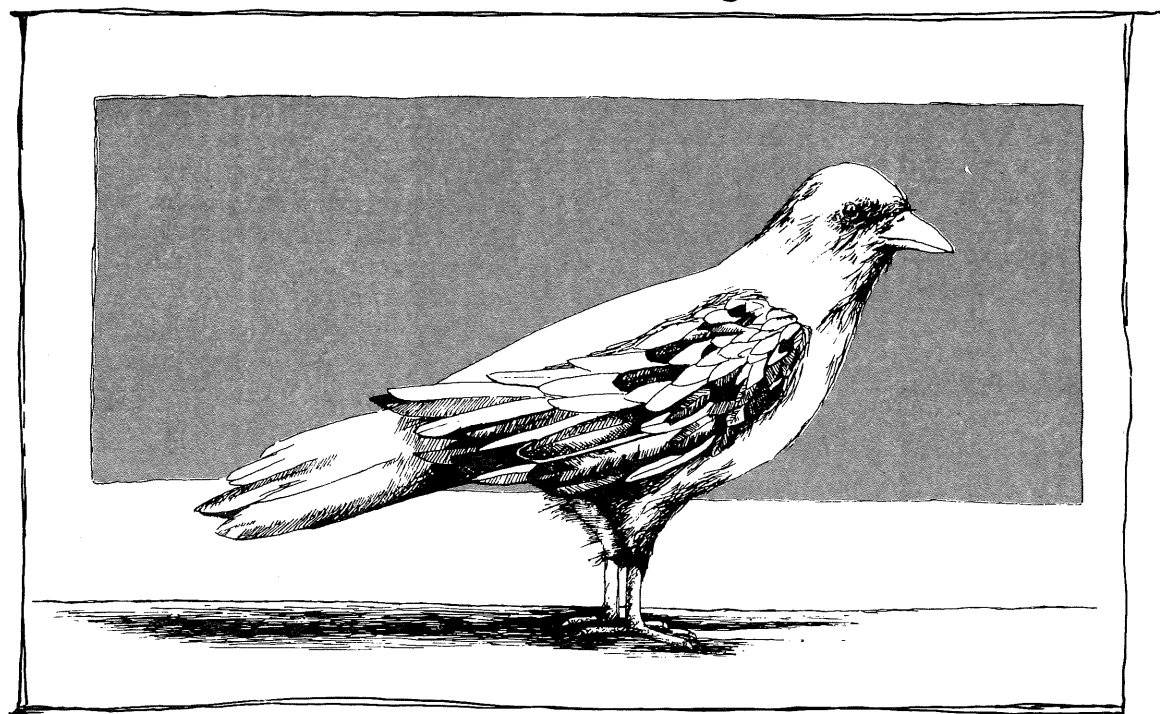








# The Management Plan



# Management

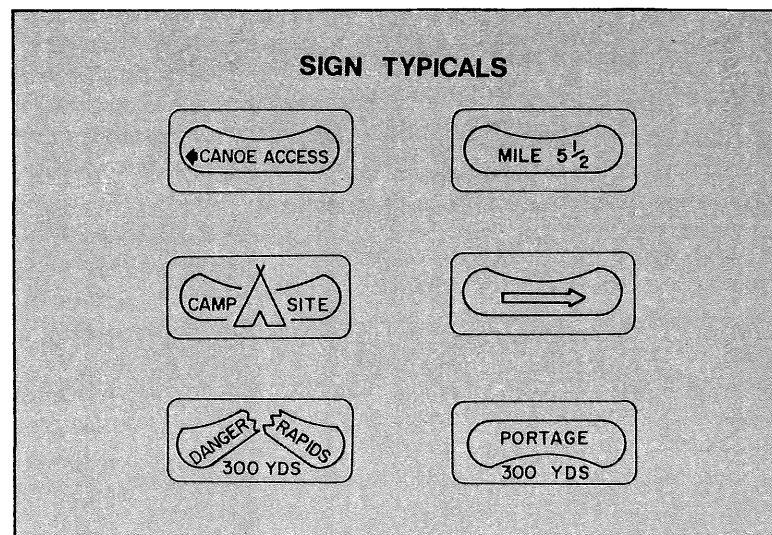
The DNR and the advisory council of Wadena County citizens have proposed a management plan for protecting the 51.4-mile stretch of the Crow Wing River in Wadena County.

The management plan is simply a proposal. A public hearing on the plan will soon be conducted in Wadena, the county seat. After the hearing record closes, the findings of fact will be completed by an impartial hearing examiner from the Minnesota Department of Administration. He will present the findings to the commissioner of natural resources who will then decide whether to designate the Crow Wing a component of the Wild, Scenic and Recreational Rivers System.

The management plan for the river proposes that three management techniques be used to preserve the river: land use planning, acquisition of land and scenic easements from willing sellers, and recreation management.

Land use planning would be accomplished through a county zoning ordinance that would insure that new development along the river is compatible with the riverside environment. A proposed county zoning ordinance is found in the section of the report entitled Proposed Regulations.

The Wild and Scenic Rivers Act authorizes the

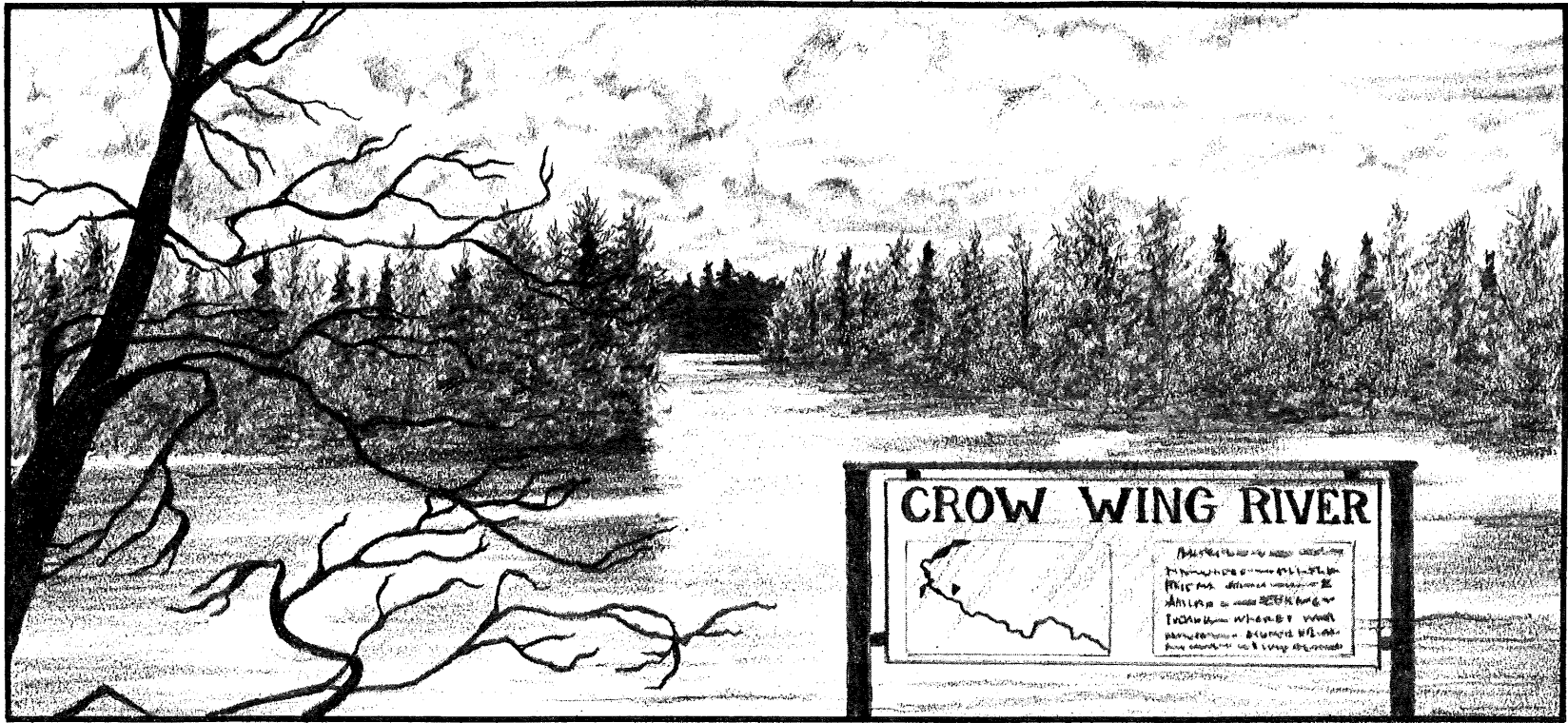


commissioner of natural resources to acquire from willing sellers "the title, scenic easements or other interests in land by purchase, grant, gift, devise (through a will), exchange or other lawful means."

The purchase of scenic easements, used to protect unique natural areas, would be the major thrust of the DNR's acquisition program.

A scenic easement is an agreement between the state and the landowner: the property owner is paid to keep





*River orientation sign*

his land the way it is. The landowner keeps title to the property and is able to continue most present land uses. The public is not able to use the property without the permission of the landowner.

Scenic easement property remains on the local tax rolls, although assessments may be lower because some development rights have been sold. The DNR favors the purchase of scenic easements over fee title because the easements preserve the land at less cost to the state than outright purchase.

Recreation management is another method proposed to protect the Crow Wing River. Wild and Scenic river

regulations specifically prohibit trespassing and littering. The DNR would post river orientation signs showing public areas and regulations. Yellow and brown wooden signs would mark sites and hazards along the river. If recreation threatens the characteristics that qualify the river for designation, the DNR would take steps to limit recreational use.

# Proposed Regulations

---

STATE OF MINNESOTA  
DEPARTMENT OF NATURAL RESOURCES  
Regulations

CHAPTER TWENTY- EIGHT: NR 2800-2850

DESIGNATION, CLASSIFICATION AND MANAGEMENT  
OF THE CROW WING RIVER IN WADENA COUNTY

NR 2800 DESIGNATION

A. THE RIVER

That portion of the Crow Wing River from the Hubbard-Wadena county line to the County State Aid Highway (CSAH) 30 bridge at the Wadena-Cass county line is designated a component of the Minnesota Wild and Scenic Rivers System.

B. AUTHORITY

This designation is made by the commissioner of natural resources pursuant to the authority of the Minnesota Wild and Scenic Rivers Act, Minnesota Statutes, Sections 104.31 – 104.40.

C. SHORELAND INCLUDED

The designation and these regulations apply to the

river and adjacent lands which lie in the land use district. The land use district is defined as:

1. In unincorporated areas, 700 feet from the normal high-water mark.
2. In incorporated areas, 300 feet from the normal high-water mark.

The land use district boundaries were delineated in accordance with Minnesota Regulations NR 78 (g) (2) (bb).

D. STIPULATION

The commissioner of natural resources will not request the inclusion of the Crow Wing River into the Federal Wild and Scenic Rivers System without the consent of the Wadena County Board of Commissioners.

E. SEVERABILITY

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

## NR 2810 CLASSIFICATION

That portion of the Crow Wing River and adjacent lands from the Hubbard–Wadena county line to the CSAH 15 (Mary Brown) bridge is classified as Wild.

That portion of the Crow Wing River and adjacent lands from the CSAH 15 bridge to the CSAH 30 bridge at the Wadena–Cass county line is classified as Scenic.

These classifications are made in accordance with the provisions of Minnesota Statutes, Section 104.33, Subdivision 2; and Minnesota Regulations NR 78 (f).

## NR 2820 ZONING

A. Wadena County shall enact or amend such ordinances and maps as necessary to comply with Minnesota Regulations NR 2800–2850 and the following zoning ordinance for the Crow Wing River in Wadena County:

---

## Wadena County Crow Wing River Ordinance

---

### 1.0 Statutory Authorization, Policy, Purpose

#### 1.1 Statutory Authorization

*This Crow Wing River ordinance is adopted pursuant to the authorization contained in Minnesota Statutes, Sections 104.31 - 104.40, Minnesota Regulations NR 78–81 and the Management Plan for the Crow Wing River hereafter referred to as NR 2800–2850.*

#### 1.2 Policy

*In the interest of present and future generations, Wadena County adopts this ordinance and the official zoning district map for the Crow Wing River and its adjacent lands within Wadena County.*

### 1.3 Purpose

*These provisions are adopted in order to:*

- (a) Preserve and protect the Crow Wing River and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific and similar values.*
  - (b) Reduce the effects of overcrowding and poorly planned developments of such adjacent lands.*
  - (c) Prevent pollution of public waters.*
  - (d) Provide ample space on lots for sanitary facilities.*
  - (e) Preserve natural beauty and quietude.*
  - (f) Maintain property values.*
  - (g) Preserve agricultural land.*
-



---

## 2.0 Jurisdiction

The jurisdiction of this ordinance shall include the Crow Wing River land use district in Wadena County as defined in NR 2800–2850.

## 2.2 Compliance

The use of any land within the land use district; the size and shape of lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, or dredging of any river area; the cutting of vegetation within the district; and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable regulations. Construction of buildings, private water supply and sewage disposal systems and erection of signs shall require a permit unless otherwise expressly excluded by the requirements of this ordinance.

## 2.3 Abrogation and Greater Restrictions

It is not intended by this ordinance to repeal, abrogate or impair any existing easement, covenants or deed restrictions. Where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail.

## 2.4 Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, and shall not be deemed a limitation or repeal of any other powers or rights granted by Minnesota statutes.

## 2.5 Severability

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

## 2.6 Definitions

For the purpose of these regulations, certain words used herein shall be interpreted as follows ("shall" is mandatory, not permissive):

"Agricultural use" means the management of land for the production of food or fiber.

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

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

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

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

"Cluster development" means a pattern of subdivision development which places housing units into compact groupings while providing a

---

---

network of commonly owned or dedicated open space.

"Commissioner" means the commissioner of natural resources.

"Conditional use" means a land use or development as defined by this ordinance that would not be appropriate generally but may be allowed with restrictions as provided by official controls upon finding that:

- (1) certain conditions as detailed in the zoning ordinance exist, and
- (2) the use or development conforms to the comprehensive land use plan of the county, and
- (3) the use or development is compatible with the existing neighborhood.

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

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

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

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

"Normal high-water mark" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. For reservoirs the normal high-water mark shall be considered to be the normal or average pool elevation established by the central structure. In areas where the normal high-water mark is not evident, setbacks shall be measured from the stream bank.

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

"Screened" means when a structure is built or placed on a lot or vegetation is planted such that when a structure is built it is visibly inconspicuous as viewed from the river during the summer months.

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

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

---

---

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

"Structure" means any building, slab, foundation, footing, patio, sidewalk, ramp, stairway, sign, or appurtenances thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph or gas lines, including towers, poles and other supporting appurtenances; and fences used to control livestock or delineate boundaries.

"Subdivision" means the division or redivision of a lot, tract or parcel of land not exceeding 40 acres or not exceeding the original area of a government lot regardless of how it is to be used, into two or more lots either by plat or by metes and bounds description; or the division or redivision of land involving dedication of a new park, playground, street or other public right-of-way facility; or the vacation, realignment or any other change in existing streets, alleys, easements, recreation areas, water, or other public improvements or facilities provided.

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

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

enforcement of any provision of the local ordinance would cause unnecessary hardship, or that strict conformity with the provisions of this ordinance would be unreasonable, impractical or not feasible under the circumstances. The proposed variance shall be evaluated according to the provisions contained in Section 9.4.

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

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

### 3.0 Land Use Provisions

In order to preserve and protect those rivers and adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific and similar values, the Crow Wing River in Wadena County has been given the Wild and Scenic river classifications and the uses and classification of this river and its adjacent lands are hereby designated by land use zoning districts, based on NR 2800-2850.



---

### 3.1 Land Use Districts

shall not be allowed unless authorized by the county board of adjustment.

#### 3.11 Wild River Land Use District

(Designated on official county zoning map)

- (b) Wadena County shall provide for the gradual amortization of substandard signs over a period of time not to exceed five years from the enactment of this ordinance.

#### 3.12 Scenic River Land Use District

(Designated on official county zoning map)

### 3.2 Land Use within the Land Use District

#### 3.23 Permitted and Conditional Uses.

#### 3.21 Nonconforming Uses

In the following table of uses:

All uses existing in the district prior to the effective date of enactment of this ordinance which do not conform to the use restrictions of the newly established land use district, are nonconforming uses. Sanitary facilities inconsistent with Minnesota Regulations Cons 72 (b) (2), (b) (3) and (b) (5) shall be gradually eliminated over a period of time not to exceed five years from the date of enactment of this ordinance.

P means permitted use

C means conditional use

N means nonpermitted use

Certain of the following uses are subject to the Zoning Dimension Provisions and Sanitary Provisions of Section 4.0 and Section 5.0. All of the following uses are subject to the Vegetative Cutting Provisions of Section 6.0.

#### 3.22 Substandard Uses

All uses in existence prior to the effective date of this ordinance which are permitted uses within the newly established land use district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this ordinance are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:

- (a) Any structural alteration or addition to a substandard use which will increase the substandard dimensions

- |   |   |
|---|---|
| (a) Governmental campgrounds, subject to management plan specifications | C |
| (b) Private campgrounds, subject to management plan specifications.     | C |
| (c) Public accesses, road access-type with boat launching facilities.   | C |
| (d) Public accesses, trail access-type.                                 | C |
-

(e)	Temporary docks.	N	(q)	Underground mining that does not involve surface excavation in the land use district.	C
(f)	Other governmental open space recreational uses, subject to management plan specifications	P	(r)	Utility transmission power lines and pipelines, subject to the provisions of Section 8.0.	C
(g)	Other private open space recreational uses, subject to management plan specifications	C	(s)	Public roads, subject to the provisions in Section 8.0.	C
(h)	Agricultural uses.	P	All uses not listed as permitted or conditional uses shall not be allowed within the applicable land use districts.		
(i)	Single family residential uses.	C			
(j)	Forestry uses.	P	4.0	Zoning Dimension Provisions	
(k)	Essential services.	P	4.1	Lot Size	
(l)	Sewage disposal systems.	P	(a)	For lots described by metes and bounds description: One $2\frac{1}{2}$ -acre lot may be subdivided from a 40-acre tract or from a government lot. The lot width must be 300 feet at the waterline and 300 feet at the building line.	
(m)	Private roads and minor public streets.	P	(b)	For lots platted by registered survey:	
(n)	Signs approved by federal, state or local government which are necessary for public health and safety and signs indicating areas that are available, or not available, for public use.	P	(1)	For Wild river land use district:	
(o)	Signs not visible from the river that are not specified in (n).	P		At least 5 acres and at least 300 feet in width at the waterline and at the building line.	
(p)	Governmental resource management for improving fish and wildlife habitat, wildlife management areas, nature areas, accessory roads.	P	(2)	For Scenic river land use district:	
				At least 4 acres and 300 feet in width at the waterline and at the building line.	

- 
- (c) Smaller lot sizes may be permitted for planned cluster development (see Section 7.2).

Minnesota, Minnesota Regulations NR 85-93.

#### 4.2 Density of Dwelling Units

The density of dwelling units shall not exceed one dwelling unit per lot.

#### 4.22 Setback

Structures -- except signs specified in Section 3.23 (n) (o), essential services, private roads and minor public streets -- shall be placed so as to satisfy the following minimum setback requirements.

- (a) From the normal high-water mark:

200 feet

- (b) From a bluffline:

40 feet

#### 4.23 Placement of Structure

- (a) Structures shall not be located on slopes greater than 13 percent unless such structures can be screened and sewage disposal system facilities can be installed so as to comply with the Sanitary Provisions (Section 5.0).
- (b) All structures in the land use districts shall conform to regulations set forth in the Statewide Standards and Criteria for Management of Flood Plain Areas of

#### 4.24 Structure Height

Structure height shall not exceed 35 feet in the land use districts.

#### 4.25 Substandard Lots

- (a) Lots of record in the office of the County Recorder on the effective date of this ordinance which do not meet the requirements of Section 4.1 of this ordinance shall be allowed as building sites provided: the proposed use is consistent with this local ordinance; and the Sanitary Provisions, Section 5.0 (d), and Zoning Dimension Provisions, Section 4.0 are complied with to the greatest extent practicable.
- (b) If in a group of two or more contiguous lots under a single ownership any individual lot does not meet the width requirements of the local ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width requirements of the local ordinance, or to the greatest extent practicable.

#### 5.0 Sanitary Provisions

#### 5.1 The sanitary standards set forth in Minnesota

---



---

Regulations Cons 72-77 of the Statewide Standards and Criteria for Management of Shoreland Areas of Minnesota and the Wadena County zoning ordinance, Section 15 C, are hereby incorporated into this ordinance by reference, and shall be made as much a part of this ordinance as if the matter described were fully set forth herein, and shall apply within the Wild and Scenic river land use districts on the Crow Wing River.

## 6.0 Land Alterations

### 6.1 Vegetative Cutting

Special vegetative cutting provisions (Section 6.12) shall apply to the following areas (Section 6.11) within the Wild and Scenic river land use districts on the Crow Wing River.

#### 6.11 Setbacks

Setbacks, measured landward from the river:

Setbacks from the normal high-water mark

200 feet

Bluffline

40 feet

#### 6.12 Provisions within Setback Areas

- (a) Clear-cutting, except for any authorized public services such as roads and utilities, shall not be permitted.
- (b) Selective cutting of trees in excess of four inches in diameter at breast height is

permitted providing that cutting is spaced in several cutting operations and a continuous tree cover is maintained, uninterrupted by large openings. In cases where the existing tree cover has been interrupted by large openings in the past, selective cutting should be performed so as to maintain a continuous tree cover in the remaining wooded areas.

- (c) The cutting provisions, Section 6.12 (a) (b), will not be deemed to prevent:

- (1) The removal of diseased or insect-infested trees, or of rotten or damaged trees that present safety hazards.
- (2) Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops, or cutting suppressed trees or trees less than four inches in diameter at breast height.

#### 6.13 Clear-cutting

Clear-cutting anywhere in the Wild and Scenic river land use districts on the Crow Wing River is subject to the following standards and criteria:

- (a) Clear-cutting shall not be used as a cutting method where soil, slope or other watershed conditions are fragile and subject to injury.
- (b) Clear-cutting shall be conducted only where clear-cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain.
- (c) The size of clear-cut blocks, patches or strips shall be kept at the minimum

---

necessary. Where feasible, all clear-cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear-cutting is conducted shall be replaced to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring, or the following spring.

## 6.2 Grading, Filling, Drainage

The following conditions shall apply to the Wild and Scenic river land use districts on the Crow Wing River.

- (a) Grading and filling of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the land use district.
- (b) Grading and filling of the natural topography which is accessory to a permitted or conditional use shall be limited to the greatest degree practicable and performed in a manner which minimizes erosion, tree clearing, and the destruction of natural amenities and shall be controlled by permit from Wadena County.
- (c) Grading and filling in of the natural topography shall also meet the following standards:
  - (1) The smallest amount of bare ground is exposed for as short a time as feasible.
  - (2) Temporary ground cover such as mulch

is used and permanent ground cover such as sod is planted.

- (3) Methods to prevent erosion and to trap sediment are employed.
- (4) Fill is stabilized to accepted engineering standards.
- (d) Excavation of material from, or filling in of the Crow Wing River, or construction of any permanent structures or navigational obstructions therein is prohibited unless authorized by a permit from the commissioner pursuant to Minnesota Statutes, Section 105.42.
- (e) No state or local authority shall authorize the drainage or filling in of wetlands within the land use district.

## 7.0 Subdivision Provisions

### 7.1 Land Suitability

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

---

## 7.2 Subdivision Standards

The provisions otherwise set forth in this ordinance and Wadena County Ordinance No. 4, Subdivision Control Ordinance, shall apply to all plats except planned cluster developments.

## 7.3 Planned Cluster Developments

Cluster developments may be allowed when the proposed clustering provides a means for the preservation of agricultural land, open space, woods, scenic views and other features of the natural environment. Smaller lot sizes than those permitted in Section 4.1 may be allowed for planned cluster developments provided:

- (a) Preliminary plans are approved by the commissioner prior to their enactment by Wadena County.
- (b) Central sewage facilities are installed which meet the standards, criteria, rules or regulations of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- (c) Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedications, granting of scenic easements, or other methods.

## 8.0 Standards and Criteria for Utility and Public Road River Crossings

The provisions of Minnesota Regulations NR 79 (i) (Standards and Criteria for Utility Crossings) and Minnesota Regulations NR 79 (j) (Public Roads, River Crossings) are hereby incorporated into this

ordinance by reference, and shall be made as much a part of this ordinance as if the matter described were fully set forth herein.

## 9.0 Administration of the Crow Wing River Ordinance

9.1 The adoption and amending of this ordinance shall be carried out pursuant to the procedure described in Section 21 of the Wadena County Ordinance.

9.2 The provisions of this ordinance will be administered by the Wadena County zoning administrator.

9.3 The Board of Adjustment of Wadena County shall act upon all questions as they may arise in the administration of this ordinance; and hear and decide appeals from, and review any order, requirements, decisions or determination made by the county zoning administrator who is charged with enforcing this ordinance as provided by Minnesota Statutes, Sections 394.21 – 394.37.

9.4 The granting of a variance requires the presence of these conditions:

(a) The strict enforcement of the land use controls will result in unnecessary hardship. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use under the conditions allowed by the zoning provisions. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of the ordinance.

(b) Granting of the variance is not contrary to the purpose and intent of the zoning



---

provisions herein established by these standards and criteria, and is consistent with the comprehensive management plan adopted by the commissioner.

- (c) There are exceptional circumstances unique to the subject property which were not created by the landowners.
- (d) Granting of the variance will not allow any use which is neither a permitted nor conditional use in the land use district in which the subject property is located.
- (e) Granting of the variance will not alter the essential character of the locality as established by NR 2800-2850.
- (f) Approval of a plat which is inconsistent with the local land use ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.
- (g) On existing lots substandard as to the width requirements (Section 4.1), the building site setback may be allowed to conform to the setbacks established for the lots on either side.

## 9.5 Certifying Certain Actions

9.51 Certain land use decisions which directly affect the use of land within the Wild and Scenic river land use districts and involve any of the following actions must be certified by the commissioner (Section 9.52):

- (a) Adopting or amending an ordinance regulating the use of land including rezoning of particular tracts of land.
- (b) Granting a variance from a provision of the local land use ordinance which relates to the zoning dimension provisions of this ordinance.
- (c) Approving a plat which is inconsistent with this ordinance.

## 9.52 Certification Procedure

- (a) A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, variances or inconsistent plats under local ordinance shall be sent so as to be received by the commissioner at least 30 days prior to such hearings or meetings to consider such actions. The notice or application shall include a copy of the proposed ordinances or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance.
- (b) Wadena County shall notify the commissioner for certification of the final decision on the proposed action within 10 days of the decision.
- (c) The action becomes effective only when either:
  - (1) The final decision taken by Wadena County has previously received certification of approval from the commissioner; or

- 
- (2) Wadena County receives certification of approval after its final decision; or
  - (3) Thirty days have elapsed from the day the commissioner received notice of the final decision, and Wadena County has received from the commissioner neither certification of approval nor notice of disapproval; or
  - (4) The commissioner certifies his approval within 30 days after a public hearing is conducted.
- (d) If the commissioner gives notice of disapproval of an ordinance, variance or inconsistent plat, either the applicant or the chief executive officer of Wadena County may within 30 days of said notice, file with the commissioner a demand for hearing. If the demand for hearing is not made within 30 days, the notice of disapproval becomes final.
- (1) The hearing will be held in an appropriate local community within 60 days of the demand and after at least two weeks published notice.

- (2) The hearing will be conducted in accordance with Minnesota Statutes, Section 105.44, Subdivisions 5 and 6 as amended.
- (3) The commissioner shall either certify his approval or disapproval of the proposed action within 30 days of the hearing.

#### 9.53 Conditional Use Reviewal

A copy of all notices of any public hearing, or where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit shall be sent so as to be received by the commissioner at least 30 days prior to such hearings or meetings to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the commissioner within 10 days of such action.

#### 9.54 Plats

Copies of all plats within the boundaries of the Crow Wing River land use districts shall be forwarded to the commissioner within 10 days of approval by Wadena County.

---

B. The municipality of Nimrod shall enact or amend such ordinances and maps as necessary to:

1. Comply with Minnesota Regulations NR 2800-2810 and NR 2830-2850.

2. Conform to the Natural Environment use, dimensional and sanitary provisions of Minnesota Regulations NR 83, the provisions of

Minnesota Regulations NR 79 (e-j), and Minnesota Regulations NR 80-81.

C. The manner in which an area of land is required to be zoned by this management plan, shall not be changed by transfer of the zoning authority over that land from one political subdivision to another occurring after the date of designation. If during such transfer, ordinances

previously approved by the commissioner become inoperative as to that land, no permits shall thenceforth be issued for construction, grading, filling, vegetative cutting, or platting until approved ordinances become effective.

D. All ordinances and regulations which are more protective than those required to be adopted by this management plan shall be continued.

#### NR 2830 LAND ACQUISITION

Lands or interests in land can be acquired when funds are available for such purchases from willing sellers, as provided for in Minnesota Statutes, Section 104.37.

A. Lands may be acquired by purchase of title, scenic easements, or by grant, gift, devise, exchange or other lawful means.

B. Land exchange will be expedited whenever feasible to acquire lands within the land use district. These exchanges will be conducted in the manner prescribed by state law. However, land exchanges will not be recommended if such exchanges would adversely affect this or any other Department of Natural Resources (DNR) management program.

#### NR 2840 RECREATION MANAGEMENT

A. Recreation management in the Wild and Scenic river land use districts shall conform to the policies and provisions of Minnesota Regulations NR 80.

B. Any recreational development in the land use district shall conform to the site typical in this management plan.

C. No DNR public river-oriented camping facilities will be provided in close proximity to private river-oriented camping facilities which are designed to serve the same needs.

D. Snowmobile use in the Wild and Scenic river land use districts will be allowed:

1. On private lands only with permission from the appropriate landowner.

2. On trails specifically designated for snowmobile use.

E. The recreational use of the Crow Wing Wild and Scenic River and adjacent public lands will be regulated where necessary to insure that the use does not adversely affect the values for which the river qualified for designation.

F. The Division of Parks and Recreation shall allocate funds for the maintenance of DNR recreational facilities within the Crow Wing Wild and Scenic River land use districts from the department's river development and maintenance account.

G. The department's Enforcement Division shall enter into discussions with the local units of government concerning the delineation of responsibilities for enforcement of applicable Wild and Scenic river regulations.

#### NR 2850 INTERAGENCY RECOMMENDATIONS

##### A. Federal-State Relations

It is recommended that the state of Minnesota, through the appropriate application process, apply for those islands presently administered by the

Bureau of Land Management to be transferred to the DNR under the authority granted the commissioner of natural resources in Minnesota Statutes, Section 104.35.

specific purpose of enforcing the state's rules and regulations during high-use time periods to protect riparian landowner rights.

---

#### B. Other Governmental Units

1. It is recommended that the Minnesota Pollution Control Agency (PCA) be appropriated sufficient funds to conduct ongoing analysis and monitoring of water quality information, and to allow for appropriate measures to insure that water quality regulations and standards be maintained for the Crow Wing River.

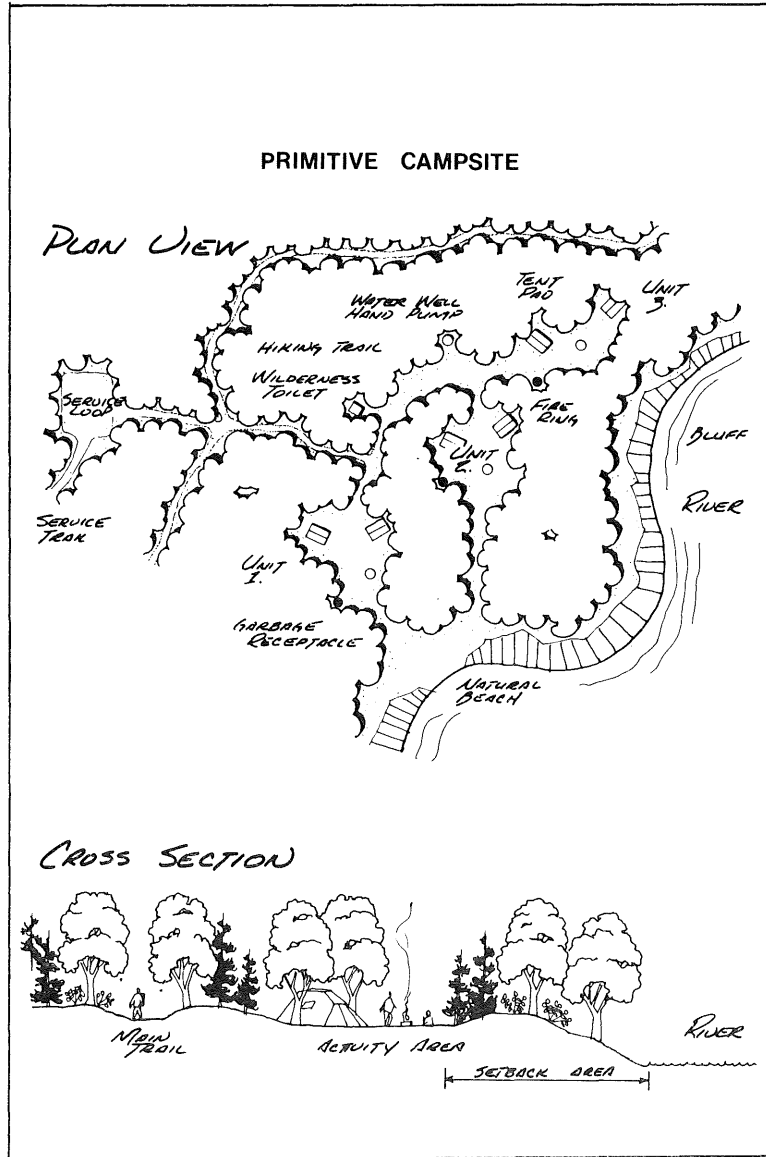
2. It is recommended that the PCA re-evaluate its ranking system for distribution of funding used for upgrading municipal sewage treatment systems, giving a higher priority to the Crow Wing River because of its statewide significance and large amount of recreational water-contact activities.

3. To help insure that the outstanding heritage of the Crow Wing River is protected for future generations, it is recommended that the Minnesota Historical Society conduct an inventory of all historical and archaeological sites within the proposed Wild and Scenic river land use districts and recommend appropriate methods for the preservation of those sites having outstanding historical significance.

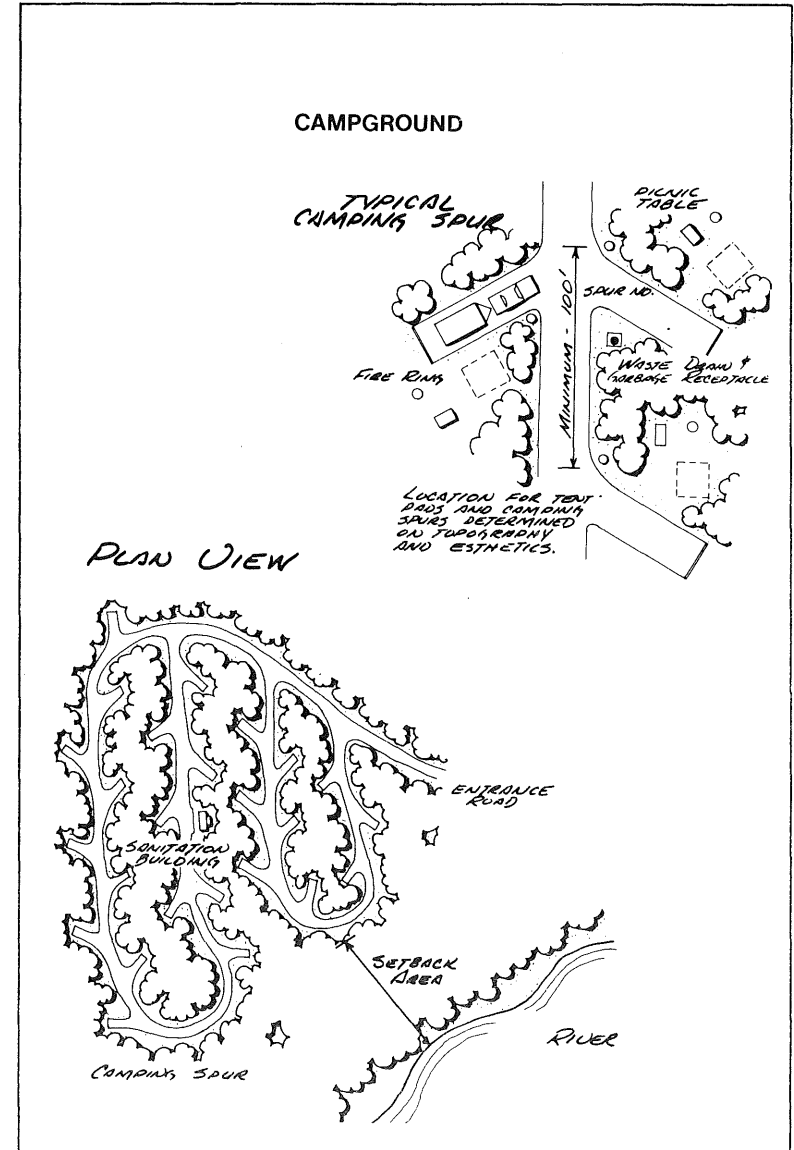
4. It is strongly urged that the environmental and sociological impacts of recreational use on the Crow Wing River be studied for the purpose of determining the river's carrying capacity.

5. It is strongly urged that an additional enforcement officer position be created for the





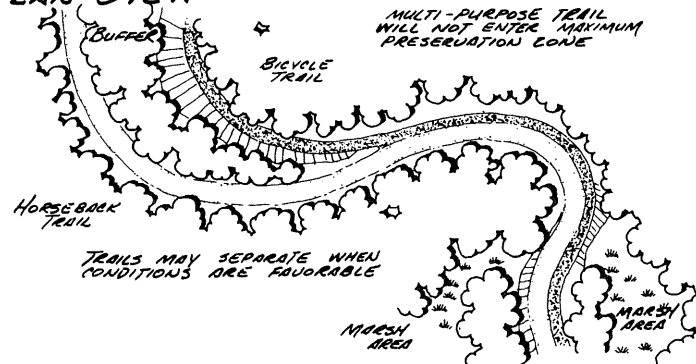
**SITE TYPICAL**



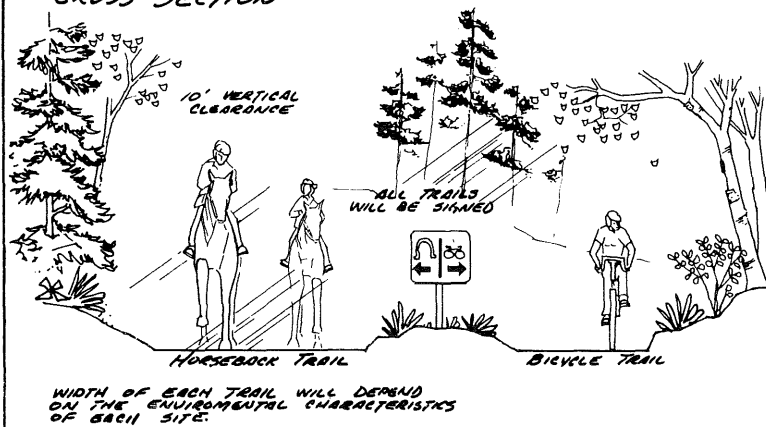
**SITE TYPICAL**

## TRAIL DESIGN

### PLAN VIEW

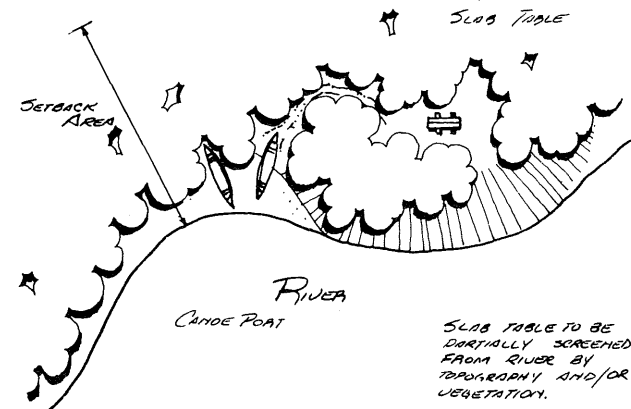


### CROSS SECTION



SITE TYPICAL

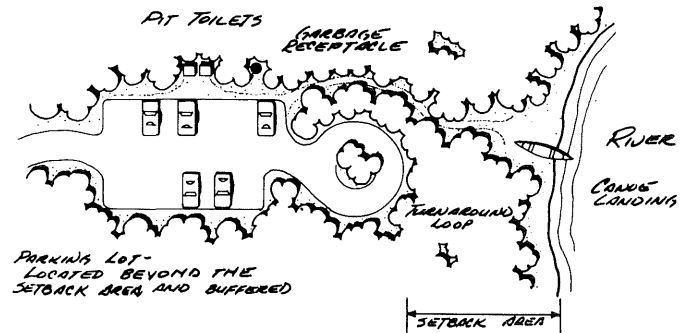
## REST AREA



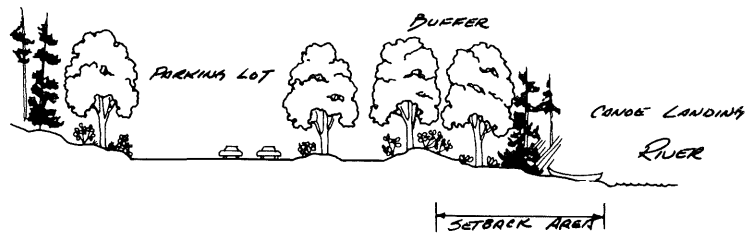
SITE TYPICAL

# CANOE ACCESS

## PLAN VIEW



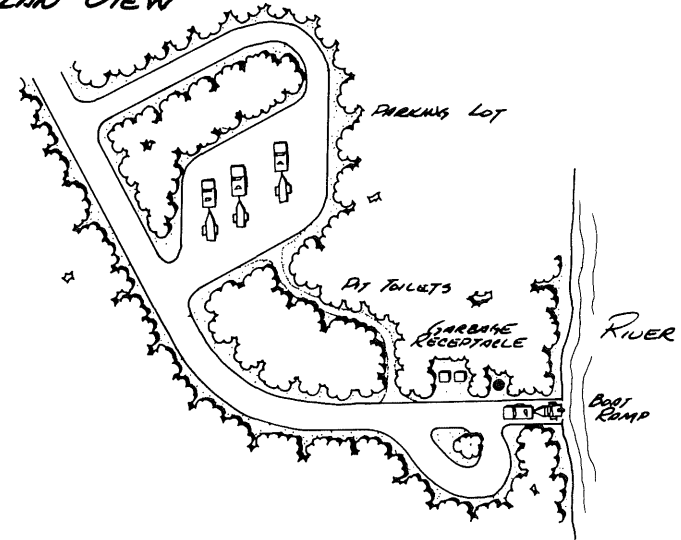
## CROSS SECTION



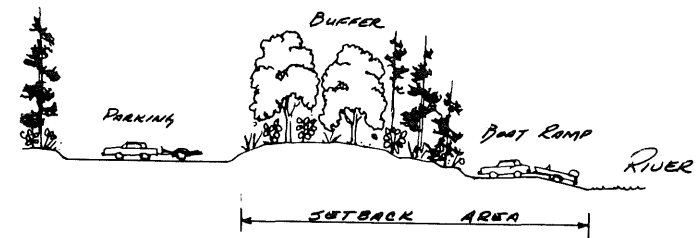
SITE TYPICAL

# BOAT ACCESS

## PLAN VIEW



## CROSS SECTION

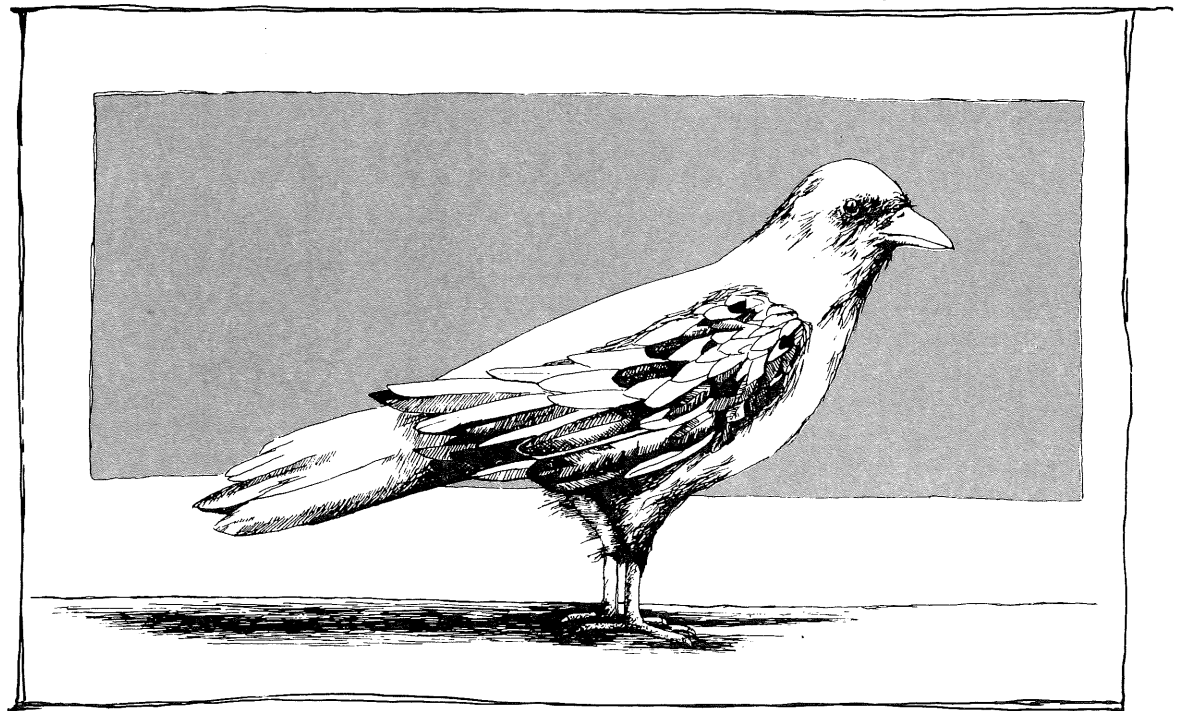


SITE TYPICAL





# Appendix



# The Wild and Scenic Rivers Act

---

## CHAPTER 271—H.F. No.672

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) NATURAL RESOURCES; 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 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, except that the distance limitations contained in section 105.485 do not apply to standards and criteria for wild, scenic, and recreational rivers; (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. (104.35) 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 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 adopted pursuant to section 4 of this act for local land use controls that differ from the statewide standards and criteria 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. Not 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.

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 and 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, within the limits of available appropriations and personnel.

Sec. 7. (104.37) ACQUISITION OF INTERESTS 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 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.

Approved May 16, 1973.

---



# Wild and Scenic Standards

---

## STATE OF MINNESOTA DEPARTMENT OF NATURAL RESOURCES Rules and Regulations

### CHAPTER SIX: NR 78-81 STATEWIDE STANDARDS AND CRITERIA FOR THE MINNESOTA WILD AND SCENIC RIVERS SYSTEM

#### NR 78 General Provisions

##### (a) STATEMENT OF POLICY

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

##### (b) SCOPE

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

##### (c) JURISDICTION

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

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

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

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

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

##### (d) DEFINITIONS

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

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

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

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

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

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

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

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

"Commissioner" means the Commissioner of Natural Resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) SEVERABILITY

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

(f) RIVERS ELIGIBLE FOR INCLUSION

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) PROCEDURE FOR INCLUDING A RIVER: MANAGEMENT PLANS

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

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

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

(2) Each Management Plan shall include:

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

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

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

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

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

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

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

(dd) The proposed regulations for local land use control. These shall be consistent with the river classification, but may differ from the standards and criteria of NR 78-81 to the extent necessary to take account of the particular attributes of the area.

(ee) The proposed regulations, if any, for water surface use of the river.

(ff) The proposed plan for recreational management within the land use district.

(gg) The proposed plan for administration of the management plan.

## NR 79 Land Use Provisions

In order to preserve and protect those rivers and adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific, and similar values, to reduce the effects of over-crowding and poorly planned development of such adjacent lands, to prevent pollution, to provide ample space on lots for sanitary facilities, to preserve natural beauty and quietude, to maintain property values, and to promote the general welfare, land use ordinances and official zoning district maps shall be enacted or amended by the county or municipality to comply with the Management Plan promulgated for lands within the jurisdiction of the local authority.

### (a) LAND USE DISTRICTS

(1) The land use controls set forth herein shall apply to the area within the land use district boundaries described in the management plan, and determined in accordance with NR 78 (g) (2) (bb).

(2) The following land use districts shall be established in accordance with the classification of the river in the management plan:

(aa) Wild River Land Use District

(bb) Scenic River Land Use District

(cc) Recreational River Land Use District

### (b) USE WITHIN LAND USE DISTRICTS

(1) Nonconforming Uses and Substandard Uses

(aa) Nonconforming Uses

All uses in existence prior to the effective date of enactment or amendment of the ordinance, which do not conform to the use restrictions of the newly established land use district are nonconforming uses. Under the

authority permitted by law, local authorities may adopt provisions to regulate and control, reduce the number or extent of, or gradually eliminate nonconforming uses. Local authorities shall provide for the gradual elimination of sanitary facilities inconsistent with CONS 72 (b) (2), (b) (3), and (b) (5) over a period of time not to exceed five (5) years from the date of enactment of the local ordinance.

### (bb) Substandard Uses

All uses in existence prior to the effective date of enactment or amendment of the ordinance which are permitted uses within the newly established land use district, but do not meet the minimum lot area, setbacks or other dimensional requirements of the ordinance are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:

(i) Any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.

(ii) Each local authority shall provide for the gradual amortization of substandard signs over a period of time not to exceed five (5) years from the enactment or amendment of the ordinance.

### (2) Permitted and Conditional Uses

In the following table of uses:

P means Permitted Use

C means Conditional Use

N means Nonpermitted Use

Certain of the following uses are subject to the ZONING DIMENSION PROVISIONS and SANITARY PROVISIONS. See (c) and (d). All of the following uses are subject to the VEGETATIVE CUTTING PROVISIONS and the GRADING AND FILLING PROVISIONS. See (g) and (h).

	LAND USE DISTRICTS		
	Wild River	Scenic River	Rec. River
(aa) Governmental campgrounds, subject to management plan specifications.	N	P	P
(bb) Private campgrounds, subject to management plan specifications.	N	C	C
(cc) Public accesses, road access type with boat launching facilities subject to management plan specifications.	N	P	P
(dd) Public accesses, trail access type, subject to management plan specifications.	P	P	P
(ee) Temporary docks.	C	C	P
(ff) Other governmental open space recreational uses, subject to management plan specifications.	P	P	P



	LAND USE DISTRICTS		
	Wild River	Scenic River	Rec. River
(gg) Other private open space recreational uses, subject to management plan specifications.	C	C	C
(hh) Agricultural uses.	P	P	P
(ii) Single family residential uses.	P	P	P
(jj) Forestry uses.	P	P	P
(kk) Essential services.	P	P	P
(ll) Sewage disposal systems.	P	P	P
(mm) Private roads and minor public streets.	P	P	P
(nn) Signs approved by federal, state, or local government which are necessary for public health and safety and signs indicating areas that are available, or not available, for public use.	P	P	P
(oo) Signs not visible from the river that are not specified in (nn).	P	P	P
(pp) Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads.	P	P	P
(qq) Underground mining that does not involve surface excavation in the land use district.	C	C	C
(rr) Utility transmission power lines and pipelines, subject to the provisions of NR 79 (i).	C	C	C
(ss) Public roads, subject to the provisions in NR 79 (j).	C	C	C

All uses not listed as permitted or conditional uses shall not be allowed within the applicable land use district.

### (c) ZONING DIMENSION PROVISIONS

#### (1) Substandard Lots

(aa) Lots of record in the office of the County Register of Deeds (or Registrar of Titles) on the effective date of enactment or amendment of the local land use ordinance, which do not meet the requirements of NR 79 (c) shall be allowed as building sites provided the proposed use is consistent with the local ordinance and the SANITARY PROVISIONS, NR 79 (d), and the ZONING DIMENSION PROVISIONS, NR 79 (c), are complied with to the greatest extent practicable.

(bb) If in a group of two or more contiguous lots under a single ownership any individual lot does not meet the lot width requirements of the local ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined

with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width requirements of the local ordinance, or to the greatest extent practicable.

#### (2) Lot Size

(aa) For lots platted or created by metes and bounds description, the minimum size shall be:

(i) For Wild Rivers: At least 6 acres in area, and at least 300 feet in width at the building line and at least 300 feet at the water line for lots abutting a wild river.

(ii) For Scenic Rivers: At least 4 acres in area, and at least 250 feet in width at the building line and at least 250 feet at the water line for lots abutting a scenic river.

(iii) For Recreational Rivers: At least 2 acres in area and at least 200 feet in width at the building line and at least 200 feet at the water line for lots abutting a recreational river.

(bb) Smaller lot sizes may be permitted for planned cluster developments. See NR 79 (f).

#### (3) Structures: Density, Setback, Placement, Height

##### (aa) Density of Dwelling Units

(i) The density of dwelling units shall not exceed 1 dwelling unit per lot.

##### (bb) Setback Provisions

Structures, except signs specified in NR 79 (b) (2) (nn), essential services, private roads, and minor public streets, shall be placed so as to satisfy all setback requirements of the following three minimum setback tables.

##### (i) From the normal high water mark:

Wild River	200 feet
Scenic River	150 feet
Recreational River	100 feet

##### (ii) From a bluffline:

Wild River	40 feet
Scenic River	30 feet
Recreational River	20 feet

##### (iii) From tributaries designated in the management plan:

Wild River	100 feet
Scenic River	100 feet
Recreational River	100 feet

##### (cc) Placement of Structures

(i) Structures shall not be located on slopes greater than 13% unless such structures can be screened and sewage disposal system facilities can be installed so as to comply with the SANITARY PROVISIONS (d).

(ii) Where a floodplain ordinance exists, no structure shall be located in the floodway of a stream as defined in Minnesota Statutes Chapter

104.02 and furthermore shall be placed at an elevation consistent with any such applicable floodplain management ordinances. Where no floodplain ordinances exist, the elevation to which the lowest floor of a structure, including a basement, shall be placed, shall be determined after an evaluation of available flood information and shall be consistent with the statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota.

(dd) Structure height shall not exceed 35 feet.

#### (d) SANITARY PROVISIONS

(1) The sanitary provision standards set forth in Minn. Regs. Cons. 72 of the Statewide Standards and Criteria for Management of Shoreland Areas of Minnesota shall apply to Wild, Scenic and Recreational river land use districts.

(2) However, the provisions of Cons. 72 (b) (4) are superseded by the following setback provisions for septic tank and soil absorption systems.

	Setback from the normal high water mark
Wild River	150 feet
Scenic River	100 feet
Recreational River	75 feet
Tributaries	75 feet

#### (e) WATERSHED MANAGEMENT AND FLOOD CONTROL STRUCTURE PROVISIONS

Minnesota Statutes Section 105.42, as amended, requires a permit from the Commissioner of Natural Resources before any change is made in the course, current, or cross section of public waters.

#### (f) SUBDIVISION REGULATIONS

##### (1) Land Suitability

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

##### (2) Subdivision Standards

The provisions otherwise set forth in NR 79 shall apply to all plats except Planned Cluster Developments.

##### (3) Planned Cluster Developments

Local ordinances shall contain provisions for allowing planned cluster developments when the proposed clustering provides a means of preserving agricultural land, open space, woods, scenic views and other features of the natural environment. Smaller lot sizes than those permitted in NR 79 (c) (2) may be allowed for planned cluster developments provided:

(aa) Preliminary plans are approved by the Commissioner of Natural Resources prior to their enactment by the local authority.

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

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

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

#### (g) VEGETATIVE CUTTING PROVISIONS

(1) On lands within 200 feet of the normal high water mark of Wild Rivers, 150 feet of the normal high water mark of Scenic Rivers, 100 feet of the normal high water mark of Recreational Rivers and lands within 100 feet of the normal high water mark of tributaries designated in the management plan and on lands 40 feet landward of the bluffline on Wild Rivers, 30 feet landward of the bluffline on Scenic Rivers, and 20 feet landward of the bluffline on Recreational Rivers, the following standards shall apply:

(aa) Clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted.

(bb) **Selective** cutting of trees in excess of 4 inches in diameter at breast height is permitted provided that cutting is spaced in several cutting operations and a continuous tree cover is maintained, uninterrupted by large openings. In cases where the existing tree cover has been interrupted by large openings in the past, selective cutting should be performed so as to maintain a continuous tree cover in the remaining wooded areas.

(cc) The above cutting provisions will not be deemed to prevent:

(i) The removal of diseased or insect infested trees, or of rotten or damaged trees that present safety hazards;

(ii) Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops, or cutting suppressed trees or trees less than four inches in diameter at breast height.

(2) Clear cutting anywhere in Wild, Scenic, or Recreational River Land Use Districts is subject to the following standards and criteria:

(aa) Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are fragile and subject to injury.

(bb) Clear cutting shall be conducted only where clear-cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain.

(cc) The size of clear cut blocks, patches, or strips shall be kept at the minimum necessary.

(dd) Where feasible all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring, or the following spring.

(h) GRADING AND FILLING PROVISIONS

(1) Grading and filling in of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the land use district.

(2) Grading and filling in of the natural topography which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities and shall be controlled by the local ordinance.

(3) Grading and filling in of the natural topography shall also meet the following standards:

(aa) The smallest amount of bare ground is exposed for as short a time as feasible.

(bb) Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.

(cc) Methods to prevent erosion and trap sediment are employed, and

(dd) Fill is stabilized to accepted engineering standards.

(4) Excavation of material from, or filling in a Wild, Scenic, or Recreational River, or construction of any permanent structures or navigational obstructions therein is prohibited, unless authorized by a permit from the Commissioner pursuant to Minnesota Statutes, Section 105.42.

(5) No state or local authority shall authorize the drainage or filling in of wetlands within Wild, Scenic, or Recreational River Land Use Districts.

(i) UTILITY COMPANIES, STANDARDS AND CRITERIA FOR UTILITY CROSSINGS

(1) Permits

(aa) All utility crossings (transmission and distribution) of Wild, Scenic, or Recreational Rivers, or of state lands within their land use districts which are under the control of the Commissioner, require a permit from the Commissioner pursuant to Minnesota Statutes, Sections 84.415 or 105.42. In reviewing permit applications for such crossings, primary consideration shall be given to crossings that are proposed to be located with or adjacent to existing public facilities, such as roads and utilities.

(bb) Utility **transmission** crossings of lands within the jurisdiction of the local authority within Wild, Scenic, or Recreational River Land Use Districts, require a conditional use permit from the local authority. **Transmission** means electric power, telephone, and telegraph lines, cables, or conduits which are used to transport large blocks of power between two points — with respect to electric power, generally, 69 kilo-volts or more — or main or pipeline crossings for gas, liquids, or solids in suspension which are used to transport large amounts of gas, liquids, or solids in suspension between two points. A conditional use permit is not required for high voltage (200 kilo-volts or greater) transmission lines under the control of the Environmental Quality Council, pursuant to Minnesota Statutes, Section 116C.61.

**Distribution** means lines, cables, or conduits or mains or pipelines used to distribute power, water, gas, or other essential services to the utility com-

pany's customers. These are essential services. A conditional use permit is not required for essential services.

(2) Standards and Criteria for utility **transmission** crossings of lands within the jurisdiction of the local authority within Wild, Scenic, or Recreational River Land Use Districts:

(aa) Policy

It is essential to regulate utility transmission crossings of lands within the jurisdiction of the local authority within Wild, Scenic, or Recreational River Land Use Districts in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from such utility crossings. These standards and criteria provide a basic framework of environmental considerations concerning such a proposed crossing. The considerations deal with route design, structure design, construction methods, safety considerations, and right-of-way maintenance.

(bb) Standards and Criteria

For each environmental consideration listed in these standards and criteria, the applicant shall indicate how he is satisfying the consideration, where applicable, or if he is not, why not. In dealing with route design considerations the applicant must, where applicable, also supply data on relevant site conditions. The local authority shall issue a conditional use permit if the applicant shows he has satisfied, to the extent feasible, these environmental considerations.

In general, avoid Wild, Scenic and Recreational River Land Use Districts, especially Wild River Land Use Districts, whenever practicable. But if there is no feasible alternative, the following standards and criteria shall apply.

(i) Route Design

With regard to topography:

(aaa) Avoid steep slopes.

(bbb) Avoid scenic intrusions into stream valleys and open exposures of water.

(ccc) Avoid scenic intrusions by avoiding ridge crests and high points.

(ddd) Avoid creating tunnel vistas by, for example, building deflections into the route or using acceptable screening techniques.

With regard to location:

(eee) Avoid entering areas within 200 feet of Wild, Scenic, and Recreational Rivers and avoid entering areas within 100 feet of designated tributaries with Wild, Scenic, or Recreational River Land Use Districts except where the utility has been authorized by the Commissioner to cross Wild, Scenic, or Recreational Rivers or tributaries within their land use districts.

With regard to vegetation:

(fff) Avoid wetlands.

(ggg) Run along fringe of forests rather than through them.

But if it is necessary to route through forests, then utilize open areas in order to minimize destruction of commercial forest resources.

With regard to soil characteristics:

(hhh) Avoid soils whose high susceptibility to erosion would create sedimentation and pollution problems during and after construction.

(iii) Avoid areas of plastic soils which would be subject to extensive slippage.

(jjj) Avoid areas with high water tables, especially if construction requires excavation.

With regard to crossing of public waters:

(kkk) Utility crossings of public waters requires a permit from the Commissioner pursuant to Minnesota Statutes, Section 84.415 or 105.42.

With regard to open space recreation areas:

(lll) Avoid them whenever practicable.

(ii) Structure Design

With regard to locating the utility overhead or underground:

(aaa) Primary considerations must be given to underground placement in order to minimize visual impact. If the proposal is for overhead placement, the applicant shall explain the economic, technological, or land characteristic factors, which make underground placement infeasible. Economic considerations alone shall not be the major determinant.

(bbb) If overhead placement is necessary, the crossing should be hidden from view as much as practicable.

With regard to the appearance of the structures:

(ccc) They shall be made as compatible as practicable with the natural area with regard to: Height and width, materials used, and color.

With regard to the width of the right-of-way:

(ddd) The cleared portion of the right-of-way should be kept to a minimum.

(iii) Construction methods

(aaa) Construct across wetlands in the winter in order to minimize damage to vegetation, and in order to prevent erosion and sedimentation.

(bbb) Construct at times when local fish and wildlife are not spawning or nesting.

(ccc) Effective erosion and sedimentation control programs shall be conducted during all clearing, construction, or reconstruction operations in order to prevent the degradation of the river and adjacent lands.

(iv) Safety Considerations

Applicants must adhere to applicable Federal and State safety regulations, both with regard to prevention (such as safety valves and circuit breakers) and with regard to emergency procedures in the event of failure (fire suppression, oil spill cleanup).

(v) Right-of-Way Maintenance

(aaa) If possible, natural vegetation of value to fish or wildlife, and which does not pose a hazard to or restrict reasonable use of the utility, shall be allowed to grow in the right-of-way.

(bbb) Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and trees, should be planted and maintained on the rights-of-way.

(ccc) Chemical control of vegetation is discouraged. But where such methods are justified, chemicals used and the manner of their use must be in accordance with rules, regulations and other requirements of all state and federal agencies with authority over the use.

(ddd) The Management Plan may identify areas suitable for utility corridors.

(j) PUBLIC ROADS, RIVER CROSSINGS

(1) Permits

(aa) A permit as established in Minnesota Statutes, Section 105.42, is required for the construction or reconstruction, removal, or abandonment of any road or railroad crossing, of a public water.

In reviewing permit applications required for road or railroad crossings, primary consideration shall be given to crossings located with or adjacent to existing facilities, such as roads and utilities.

(bb) A conditional use permit from the local authority shall be required for any construction of new public roads, or the reconstruction of any existing public roads within Wild, Scenic, or Recreational River Land Use Districts. **Public roads** include township, county, and municipal roads and highways which serve or are designed to serve flows of traffic between communities or other traffic generating areas. **Public roads** also include public streets and roads which serve as feeders or traffic-ways between minor public streets and major roads. A conditional use permit is not required for minor public streets which are streets intended to serve primarily as an access to abutting properties.

(2) Standards and Criteria for construction of new public roads, or the reconstruction of any existing roads within Wild, Scenic, or Recreational River Land Use Districts.

(aa) Policy

It is essential to regulate the construction of new public roads and reconstruction of existing public roads within Wild, Scenic, and Recreational River Land Use Districts in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from such development. These standards and criteria provide a basic framework of environmental considerations concerning such proposed road construction. The considerations deal with route design, construction methods, safety considerations, right-of-way maintenance, and waysides.

(bb) Standards and Criteria

For each environmental consideration listed below, the applicant shall indicate how he is satisfying the consideration, where applicable, or if he is



not, why not. In dealing with route design considerations, the applicant must, where applicable, also supply data on relevant site conditions. The local authority shall issue a conditional use permit if the applicant shows he has satisfied, to the extent feasible, these environmental considerations.

In general, avoid Wild, Scenic, and Recreational River Land Use Districts, especially Wild River Land Use Districts, whenever practicable. But if there is no feasible alternative, the following standards and criteria shall apply.

(i) Route Design

With regard to topography:

(aaa) Avoid steep slopes.

(bbb) Avoid scenic intrusion into stream valleys and open exposures of water.

(ccc) Avoid scenic intrusion by avoiding ridge crests and high points.

With regard to location:

(ddd) Avoid new public road construction within 200 feet of Wild, Scenic, and Recreational Rivers and avoid new public road construction within 100 feet of designated tributaries within Wild, Scenic, or Recreational River Land Use Districts, except where a crossing of a Wild, Scenic, or Recreational River has been authorized by the Commissioner.

With regard to vegetation:

(eee) Avoid wetlands.

(fff) Run along fringes of forests rather than through them. But if it is necessary to route through forests, then utilize open areas in order to minimize destruction of commercial forest.

With regard to soil characteristics:

(ggg) Avoid soils whose high susceptibility to erosion would create sedimentation and pollution problems during and after construction.

(hhh) Avoid areas of plastic soils which would be subject to extensive slippage.

(iii) Avoid areas with high water tables, especially if construction requires excavation.

With regard to crossing of public waters:

(jjj) A permit from the Commissioner is required for a road or railroad crossing, or reconstruction, removal, or abandonment of any existing road or railroad crossing, of a public water.

With regard to open space recreation areas:

(kkk) Avoid them whenever practicable.

(ii) Construction methods

(aaa) Construct new roads so they rest as "lightly on the land" as feasible, avoiding cuts and fills so as to blend into the natural terrain so that it appears to be a part of the natural landscape.

(bbb) Reconstruction of an existing public road or railroad should be performed in a manner that would minimize any adverse effect on the natural beauty and environment of the river.

(ccc) Effective erosion and sedimentation control programs shall be conducted during all clearing, construction, or reconstruction operations in order to prevent the degradation of the river and its adjacent lands.

(ddd) Construct across wetlands in a manner which minimizes damage to vegetation, and in a manner preventing erosion and sedimentation.

(eee) Construct at times when local fish and wildlife are not spawning or nesting.

(iii) Safety Considerations

Applicants must adhere to applicable Federal and State Safety regulations with regard to new road construction or reconstruction of an existing road.

(iv) Right-of-Way Maintenance

(aaa) If possible, natural vegetation of value to fish or wildlife, and which does not pose a safety hazard, shall be allowed to grow in the roadside right-of-way.

(bbb) Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and trees should be planted and maintained on the roadside right-of-way.

(ccc) Chemical control of vegetation is discouraged. But where such methods are justified, chemicals used and the manner of their use must be in accordance with rules, regulations and other requirements of all state and federal agencies with authority over their use.

(v) Highway Waysides

Highway waysides shall be designed in such a manner so as to harmonize with the surroundings.

**NR 80 Public Use of Waters and Lands within Wild, Scenic, and Recreational River Land Use Districts**

**(a) POLICY**

(1) In order to protect the rights of private landowners, to ensure quietude, to prohibit trespassing, to prevent littering, and to maintain the essential quality of Wild, Scenic and Recreational Rivers and their land use districts, the Commissioner and local governments shall adopt measures to manage the use and enjoyment of the rivers and their land use districts by the public.

(2) The public use and enjoyment of Wild, Scenic, and Recreational Rivers and their land use districts is limited to the public waters and designated publicly owned lands and interests in land within the land use districts. Private lands which may be located within the Land Use District do not become public in any sense. As otherwise provided in NR 78, private landowners may grant scenic easements in their land to the State of Minnesota. However, unless specifically provided by the parties, no such easement shall give the holder or any beneficiary the right to enter on the land except for enforcement of the easement.

(3) The restrictions set forth in NR 80 (b) shall not apply to persons who have been authorized by the Commissioner or by the appropriate local government to possess such items for the sole purpose of removing such items from the area.

#### (b) RESTRICTIONS

(1) Pursuant to Minnesota Statutes, Section 609.68, whoever unlawfully deposits garbage, rubbish, offal, or the body of a dead animal, or other litter in or upon any public highway, public waters or the ice thereon, public lands, or without the consent of the owner, private lands or water or ice thereon, may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.

(2) No person shall discharge a firearm while traveling on or using a Wild, Scenic, or Recreational River, except for the purpose of hunting during those times and in those areas in which hunting for protected animals is allowed.

(3) No person traveling over or using publicly owned lands within Wild, Scenic, or Recreational River Land Use Districts shall use trail bikes, all-terrain vehicles, or vehicles of a similar nature, provided that snowmobiles may be provided for in accordance with the management plan. This provision shall not apply to the lawful use of such vehicles on public roads and public streets.

(4) Overnight camping, fires or campfires shall not be allowed on publicly owned lands within Wild, Scenic, or Recreational River Land Use Districts, except in areas posted or designated by the Commissioner for such purposes.

(5) No person traveling on or using a Wild, Scenic, or Recreational River shall enter upon private lands within the land use district unless he has permission from the landowner, lessee, or occupant.

(6) Anyone violating any of the provisions of NR 80 (b) shall be guilty of a misdemeanor.

#### (c) WATER SURFACE ZONING

Any regulations which may be necessary to reduce conflicts among users of a particular river, or between users and nearby residents, shall be promulgated as part of the management plan for the river, or as amendments thereto. The boundaries of such areas shall be described with particularity in the management plan.

### NR 81 General Administration

#### (a) IMPLEMENTING THE PROPOSED MANAGEMENT PLAN

(1) Adoption of the management plan, and adoption or amendment of local ordinances to comply with the management plan, shall be carried out pursuant to the procedures described in Laws of Minnesota 1973, Chapter 271, sections 5 and 6.

(2) When the Commissioner deems it necessary to expedite the preservation and protection of the designated river, he may request the local authority to initially implement the land use controls described in the adopted

management plan by passing an interim zoning resolution, providing such a resolution would be otherwise lawful.

#### (b) CERTIFYING CERTAIN ACTIONS

(1) In order to ensure that the standards herein are not nullified by unjustified exceptions in particular cases, and to promote uniformity in the treatment of applications for such exceptions, a review and certification procedure is hereby established for certain local land use decisions. These certain decisions consist of any decisions which (1) directly affect the use of land within a Wild, Scenic, or Recreational River Land Use District, and (2) are one of the following types of action:

(aa) Adopting or amending an ordinance regulating the use of land, including rezoning of particular tracts of land.

(bb) Granting a variance from a provision of the local land use ordinance which relates to the ZONING DIMENSION PROVISIONS of NR 79 (c) and any other zoning dimension provisions established in the management plan.

(cc) Approving a plat which is inconsistent with the local land use ordinance.

(2) No such action shall be effective unless and until the Commissioner has certified that the action (1) complies with the Minnesota Wild and Scenic Rivers Act, the statewide standards and criteria, and the management plan; and (2) conforms to the following decision guides:

(aa) A land use ordinance or amendment must comply with the Act, the statewide standards and criteria, and the management plan.

(bb) The grant of a variance requires the presence of these conditions:

(i) The strict enforcement of the land use controls will result in unnecessary hardship. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use under the conditions allowed by the zoning provisions. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of the ordinance.

(ii) Granting of the variance is not contrary to the purpose and intent of the zoning provisions herein established by these standards and criteria, and is consistent with the comprehensive management plan adopted by the Commissioner.

(iii) There are exceptional circumstances unique to the subject property which were not created by the landowner.

(iv) Granting of the variance will not allow any use which is neither a Permitted or Conditional use in the land use district in which the subject property is located.

(v) Granting of the variance will not alter the essential character of the locality as established by the management plan.

(vi) Exception:

Where a setback pattern from the normal high water mark has already been established on both sides of the proposed building site, the setback of

the proposed structure may be allowed to conform to that pattern. (This provision shall apply only to lots which do not meet the minimum lot width restrictions of the ordinance).

(cc) Approval of a plat which is inconsistent with the local land use ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.

(3) Procedures for the certification process

(aa) A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, variances, or inconsistent plats under the local ordinance shall be received by the Commissioner at least thirty (30) days prior to such hearings or meetings to consider such actions. The notice or application shall include a copy of the proposed ordinance or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance.

(bb) The local authority shall notify the Commissioner of its final decision on the proposed action, within 10 days of the decision.

(cc) The Commissioner shall, no later than 30 days from the time he receives notice of the final decision, communicate to the local authority either:

(i) Certification of approval, with or without conditions; or

(ii) Notice of non-approval.

(dd) The action becomes effective when and only when either:

(i) The final decision taken by the local authority has previously received certification of approval from the Commissioner; or

(ii) The local authority receives certification of approval after its final decision; or

(iii) Thirty days have elapsed from the day the Commissioner received notice of the final decision, and the local authority has received from the Commissioner neither certification of approval nor notice of non-approval; or

(iv) The Commissioner certifies his approval after conducting a public hearing.

(ee) In the case of notice of non-approval of an ordinance or a variance or an inconsistent plat, either the applicant, or the chief executive officer of the county or municipality, may, within 30 days of said notice, file with the Commissioner a demand for hearing. If the demand for hearing is not made within the 30 days, the notice of non-approval becomes final. Also:

(i) The hearing shall be held in an appropriate local community within 60 days of the demand for it but not before 2 weeks published notice. Notice and the conduct of the hearing and the allocation of costs of the hearing shall be accomplished in the same manner as provided in Minnesota Stats. 105.44, subdivisions 5 and 6 (1971) as amended.

(ii) Within 30 days after the hearing, the Commissioner shall either certify his approval of the proposed action, or deny it. His decision shall be based upon findings of fact made on substantial evidence found in the

hearing record. If the Commissioner concludes that the proposed action satisfies the standards and criteria of NR 81 (b) (2), then he shall certify his approval; otherwise, he shall deny it.

(c) REVIEWING APPLICATIONS FOR CONDITIONAL USE PERMITS

A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit shall be received by the Commissioner at least thirty (30) days prior to such hearings or meetings to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the Commissioner within ten (10) days of such action.

(d) COPIES OF ALL PLATS SUPPLIED TO THE COMMISSIONER

Copies of all plats within the boundaries of wild, scenic, or recreational river land use districts shall be forwarded to the Commissioner within ten (10) days of approval by the local authority.

---



