

John Helland, Legislative Analyst
296-5039

A New Mississippi National River and Recreation Area

One usually associates land managed by the National Park Service as one of the famous National Parks -- Yellowstone, Yosemite, or Minnesota's Voyager's. However, the Park Service is also in charge of smaller areas, such as national monuments (Grand Portage), national scenic rivers (the St. Croix), national lakeshores and national recreational areas.

The category of national recreational areas was broadened in 1972 to include lands within and adjacent to urban areas -- Gateway in the New York harbor area and Golden Gate in San Francisco, for example. This past fall Minnesota was awarded a national recreation area by Congress in the form of the Mississippi National River and Recreation Area.

This information brief describes the new law and its ramifications. It is divided into the following sections:

	Page
Background	2
Summary of Legislation	2
State Requirements	3
Issues in Implementation	4

A map of the Mississippi River in the metropolitan area is on the back page.

Background

In 1980 the National Park Service conducted a reconnaissance study of the Twin Cities Metropolitan River Corridors. The study found the Metropolitan River Corridor system comparable in value to any of the national recreation areas within the National Park System. In some instances it was considered to surpass the value of some areas. Further, the study reported that the Mississippi River Corridor will experience the greatest future demand to meet a variety of needs because of its diversity, location and potential.

Plans to recognize the metropolitan Mississippi as "nationally significant" have been under consideration for at least ten years. In 1980 Public Law 96-607 was enacted, creating a Metropolitan River Corridors Study Commission. The Commission's final report in 1986 contained 17 recommendations, including national significance designation for the metropolitan Mississippi.

Legislation signed into law in 1988 includes the Mississippi River Corridor in the Twin Cities metropolitan area, from the mouth of the Crow River to the mouth of the St. Croix River. The designation encompasses 69 miles of the Mississippi River and four miles of the Minnesota River at Fort Snelling.

This is not the first urban river under National Park Service auspices. The Park Service manages two other urban rivers as National Recreation Areas: The Chatahoochee in Atlanta, and the Cuyahoga Valley between Cleveland and Akron. National legislation enacted for the urban rivers contains no uniform standards but is adapted to fit each river's unique characteristics.

Summary of Legislation

The Mississippi National River and Recreation Area law does the following:

Establishes the area as the 69-mile segment of the Mississippi within the Twin Cities metropolitan area.

Establishes a 22-member coordinating commission, composed of federal, state and local officials and private citizens to develop and implement a management plan for the area.

Requires the management plan to be completed within three years (by November 18, 1991) using and coordinating existing federal, state, regional and local plans as much as possible.

Requires the plan's submission to the Secretary of Interior for final approval after appropriate public hearings and consultation with interested parties, and to the Governor for initial approval and recommendations.

Allows the commission to continually review the management plan's implementation; although the federal commission terminates in ten years, the law allows a state commission to perform the same duties.

Leaves navigation maintenance and improvements in the hands of the U.S. Corps of Engineers.

Authorizes land acquisition consistent with the purposes of the act:

- State and local government lands only by donation
- Private lands only with the consent of the owner unless, after appropriate review: (1) conformity with the management plan is not adhered to; or (2) enforcement of the plan is not adhered to (then only the private land in question is eligible for condemnation).

Authorizes grants to the state and local governments for up to 50 percent of the cost of any acquisition or development within the boundary area.

Authorizes federal representation on a "Tri-Rivers Management Board," if established by the state, to coordinate land use planning and management policy for the metropolitan portions of the Mississippi, Minnesota and St. Croix Rivers.

State Requirements

The state has certain requirements under the new national legislation.

The Governor must recommend 12 members of the 22-member Mississippi River Coordinating Commission, one of whom shall be appointed as chair by the Secretary of Interior.

The following agencies must each make recommendations for appointment to the Commission: Minnesota Historical Society, Metropolitan Council, City of Minneapolis (2), City of St. Paul (2), and Metropolitan Parks and Open Space Commission.

State agencies and interest groups must consult on a regular basis with the Commission in order to develop the area management plan.

The Governor is required to act on the plan within 90 days after it is submitted and send any recommendations to the Secretary of Interior. The Governor is allowed further review if the Secretary disapproves the plan.

Nonfederal lands and waters within the areas will be administered under state and local laws.

State and local rights are reaffirmed for civil and criminal jurisdiction and to carry out fish and wildlife laws.

The state is responsible for any action necessary to enforce the plan in those sections of the area where local plans, laws and ordinances are not in conformance and the local government takes no action. Condemnation is authorized by the Secretary of Interior in

the affected area of the local unit of government only if the state does not take action.

Issues in Implementation

Since the federal law set up a process to manage a new National Recreation Area, there are four broad issues in implementation that the state will have to address: the management plan, land acquisition, state legislation, and plan coordination.

The Management Plan

State and local plans already exist to manage the metropolitan Mississippi. Back in 1976, the river was designated a state critical area by Governor's Executive Order. The Order designates a corridor along both riverbanks throughout the metropolitan area from a few blocks to almost a mile in width.

The critical area order contains standards and guidelines for the preparation of state, regional and local plans; and the review of plans, regulations and permit applications by the Metropolitan Council and the state Environmental Quality Board (EQB). Local plans and regulations have been adopted and are being implemented by the 24 communities along the Mississippi metropolitan corridor.

Additionally, the upper six miles of the river overlap with the 1980 designation of the Mississippi as a state wild and scenic river. The state has specific zoning criteria for land use changes within a wild and scenic river corridor.

The federal law requires the management plan to use existing state, regional and local plans in the coordination of a "unified comprehensive plan for the area." The plan must recognize existing economic activities, usually the responsibility of local government, and provide for their management.

The development of the plan over the next three years will determine the exact nature of federal/state relations on the river, and to what extent existing plans will be taken into account so wholesale replanning doesn't have to occur.

Land Acquisition

There are approximately 50,000 acres of river shoreline within the designated area. Close to 13,000 acres have been developed as state and local parks.

There are three county parks, 22 municipal parks, ten regional parks, one state wildlife management area (Gores Pool), and one state park at Fort Snelling. The regional parks, designated by the Metropolitan Council, coming downriver from Anoka County to Dakota County are: Coon Rapid's Dam, North Mississippi, Central Mississippi, Mississippi Gorge, Minnehaha, Hidden Falls/Crosby Farm, Lilydale/Harriet Island, Indian Mounds, Grey Cloud, and Spring Lake Park.

Federal land encroaching the river includes the three lock and dams of the Corps of

Engineers, and land of the Bureau of Mines and Veteran's Hospital, both near Fort Snelling.

Additionally, there are 17 private recreational facilities along the metropolitan Mississippi, including nine marinas.

There are no plans by the Secretary of Interior for massive land acquisition within the area. As the law provides, only federal lands under the direct jurisdiction of the Secretary shall be administered under federal law. Other lands and waters within the area shall be administered under state and local laws.

The Park Service has a land protection policy that stresses scenic easement acquisition and cooperative land use agreements, with fee title acquisition only where it is essential. The state and local units will want to monitor this policy closely so that condemnation will be used sparingly, if at all.

State Legislation

Any state legislation is not necessary immediately. The Mississippi River Coordinating Commission may not be appointed until sometime in the summer of 1989.

The earliest time for possible state legislation may be in 1992, after the completion of the management plan. At that time, there may be some requirements for state activities.

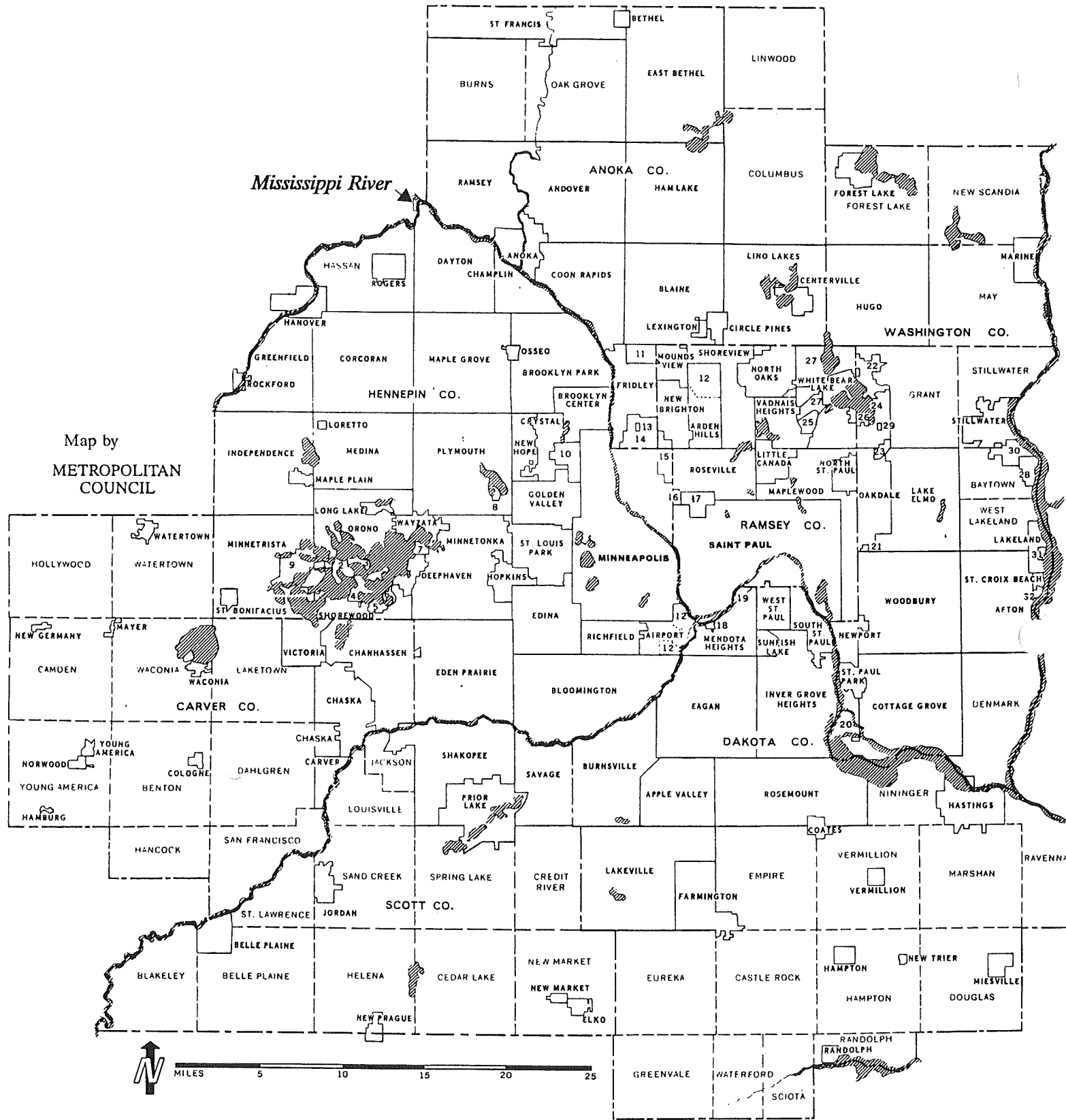
Since the Commission sunsets in 1998, the state may want to adopt legislation for a state commission to continue the duties.

Plan Coordination

There were no appropriations made in the federal legislation, but the Park Service plans to have a person in Minnesota by the winter of 1989 to begin the coordination process. The Tri-Rivers Management Board, authorized in the enabling legislation, can and will be created by cooperative agreement, initiated by the state Department of Natural Resources.

The legislation directs the Park Service to enter into agreements with the state or its political subdivisions, i.e., the Metropolitan Council, to review local plans, laws and ordinances for conformance with the management plan. This becomes especially important for local interests because, if nonconformance remains in effect, a locality can lose related federal monies and there would be the possibility of federal land acquisition using condemnation.

Plan coordination and implementation must be a true cooperative effort among all levels of government and a diverse commission in order to work and to protect the riverway. The metropolitan Mississippi may not change discernably, but its designation as a national recreation area may further raise the level of public consciousness to safeguard its cultural tradition and resources.



Map by
METROPOLITAN
COUNCIL

TWIN CITIES METROPOLITAN AREA Political Boundaries, 1988

- | | | | |
|--------------------|---------------------|-------------------|---------------------|
| 1 SPRING PARK | 9 MOUND | 17 FALCON HEIGHTS | 25 GEM LAKE |
| 2 OROHO | 10 ROBBINSDALE | 18 MENDOTA | 26 BIRCHWOOD |
| 3 MINNETONKA BEACH | 11 SPRING LAKE PARK | 19 LILYDALE | 27 WHITE BEAR |
| 4 TONKA BAY | 12 U. S. GOVT. | 20 GREY CLOUD | 28 BAYPORT |
| 5 EXCELSIOR | 13 HILLTOP | 21 LANDFALL | 29 WILLERNIE |
| 6 GREENWOOD | 14 COLUMBIA HEIGHTS | 22 DELLWOOD | 30 OAK PARK HEIGHTS |
| 7 WOODLAND | 15 ST. ANTHONY | 23 PINE SPRINGS | 31 LAKELAND SHORES |
| 8 MEDICINE LAKE | 16 LAUDERDALE | 24 MAHTOMEDI | 32 ST. MARY'S POINT |

ANOKA — County Boundary
ORONO — Municipal Boundary
CAMDEN — Township Boundary