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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1750**

March 7, 2007

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The bill was read for the first time and referred to the Committee on Environment and Natural Resources

1.1 A bill for an act
1.2 relating to natural resources; modifying the Critical Areas Act of 1973;
1.3 appropriating money; amending Minnesota Statutes 2006, sections 116G.03, by
1.4 adding subdivisions; 116G.15.

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

1.6 Section 1. Minnesota Statutes 2006, section 116G.03, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 12. **Base of the bluff.** "Base of the bluff" means a line delineating the bottom
1.9 of a slope connecting the points at which the slope becomes less than 18 percent.

1.10 Sec. 2. Minnesota Statutes 2006, section 116G.03, is amended by adding a subdivision
1.11 to read:

1.12 Subd. 13. **Bluffline.** "Bluffline" means a line delineating the top of a slope
1.13 connecting the points at which the slope becomes less than 18 percent. More than one
1.14 bluffline may be encountered proceeding upslope from the river valley.

1.15 Sec. 3. Minnesota Statutes 2006, section 116G.15, is amended to read:

1.16 **116G.15 MISSISSIPPI RIVER CRITICAL AREA.**

1.17 Subdivision 1. **Establishment.** (a) The federal Mississippi National River and
1.18 Recreation Area established pursuant to United States Code, title 16, section 460zz-2(k),
1.19 is designated an area of critical concern in accordance with this chapter. The governor
1.20 shall review the existing Mississippi River critical area plan and specify any additional
1.21 standards and guidelines to affected communities in accordance with section 116G.06,

2.1 subdivision 2, paragraph (b), clauses (3) and (4), needed to insure preservation of the area
2.2 ~~pending the completion of the federal plan.~~

2.3 The results of an environmental impact statement prepared under chapter 116D
2.4 begun before and completed after July 1, 1994, for a proposed project that is located in
2.5 the Mississippi River critical area north of the United States Army Corps of Engineers
2.6 Lock and Dam Number One must be submitted in a report to the chairs of the environment
2.7 and natural resources policy and finance committees of the house of representatives
2.8 and the senate prior to the issuance of any state or local permits and the authorization
2.9 for an issuance of any bonds for the project. A report made under this paragraph shall
2.10 be submitted by the responsible governmental unit that prepared the environmental
2.11 impact statement, and must list alternatives to the project that are determined by the
2.12 environmental impact statement to be economically less expensive and environmentally
2.13 superior to the proposed project and identify any legislative actions that may assist in the
2.14 implementation of environmentally superior alternatives. This paragraph does not apply
2.15 to a proposed project to be carried out by the Metropolitan Council or a metropolitan
2.16 agency as defined in section 473.121.

2.17 (b) If the results of an environmental impact statement required to be submitted by
2.18 paragraph (a) indicate that there is an economically less expensive and environmentally
2.19 superior alternative, then no member agency of the Environmental Quality Board shall
2.20 issue a permit for the facility that is the subject of the environmental impact statement,
2.21 other than an economically less expensive and environmentally superior alternative,
2.22 nor shall any government bonds be issued for the facility, other than an economically
2.23 less expensive and environmentally superior alternative, until after the legislature has
2.24 adjourned its regular session sine die in 1996.

2.25 Subd. 2. Administration. (a) The board shall administer the Mississippi River
2.26 critical area program.

2.27 (b) The board shall work with the National Park Service to draft recommendations
2.28 on what provisions of the Mississippi National River and Recreation Area comprehensive
2.29 plan should be considered for inclusion in the critical area regulations. Regulations shall
2.30 include protections for bluffs and special geologic areas and other restrictions necessary to
2.31 protect the natural and aesthetic integrity of the corridor.

2.32 (c) The board shall work with local units of government to reevaluate and update
2.33 plans and regulations to ensure consistency with Executive Order 79-19 and the interim
2.34 standards. The standards shall be considered minimum standards for any revisions to local
2.35 plans. Local units may be encouraged to develop more restrictive controls.

3.1 (d) The board shall report to the house and senate committees having jurisdiction
3.2 over environmental policy and finance by February 1, 2008, on the Mississippi River
3.3 critical area program and at two-year intervals thereafter. The report shall include
3.4 the status of critical area plans, zoning ordinances, the number and types of revisions
3.5 anticipated, and the nature and number of variances sought. The report shall include
3.6 recommendations for regulations needed to adequately protect and manage the aesthetic
3.7 integrity and natural environment of the river corridor according to paragraph (b).

3.8 **Sec. 4. APPROPRIATIONS.**

3.9 \$100,000 in fiscal year 2008 and \$100,000 in fiscal year 2009 are appropriated from
3.10 the general fund to the commissioner of administration for the Environmental Quality
3.11 Board to add two full-time positions for the management of the Mississippi River critical
3.12 area program.