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MNDNR

July 13, 2016

The Honorable Eric L. Lipman
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, Minnesota 55164-0620

Re: In the Matter of the Proposed Rules of the Department of Natural Resources Governing Mississippi River Corridor Critical Area; DNR Rebuttal Response to Public Comments; OAH Docket No. 8-9014-33236; Revisor's ID Number R-04240

Dear Judge Lipman:

This letter contains the Department of Natural Resources' rebuttal response to public comments.

This rebuttal includes the following materials:

D.RR.0-DNR Rebuttal Response Memorandum

D.RR.1-Attachment 1- Comment & DNR Response_June 25-July 6

D.RR.2-Attachment 2-District Map Revisions_June 25-July 6

The Department has addressed the many concerns raised during the hearings and the comment period and we look forward to your report.

Yours truly,

/S/ ELIZABETH P. CARLSON
Elizabeth P. Carlson
DNR Rules Coordinator

c: Barbara Naramore, Assistant Commissioner
Sherry Enzler, General Counsel
Luke Skinner, Ecological and Water Resources Director
Jennifer Shillcox, Ecological and Water Resources Division
Daniel Petrik, Ecological and Water Resources Division
Beth Carlson, DNR Rules Coordinator, Operations Services Division

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State of Minnesota
Minnesota Department of Natural Resources (DNR)

In the Matter of Proposed Rules
Minnesota Rules, Chapter 6106, Relating to
Mississippi River Corridor Critical Area (MRCCA)
OAH Docket # 8-9014-33236
Revisor ID R-04240

DNR Rebuttal Response to Comments Memo

July 13, 2016

DNR Rebuttal Response to Public Comments Submitted During the Post-Hearing Public Comment Period (June 25 - July 6, 2016)

I. Introduction

This document and attachments (hereinafter referred to as the "Rebuttal Response") supplements information provided in the Minnesota Department of Natural Resources' (DNR or Agency) Response to Public Comments submitted to the Office of Administrative Hearings (OAH) on July 6, 2016, in which the DNR responded to comments submitted during the pre-hearing public comment period, at the public hearings, and during the first full week of the post-hearing comment period (April 11 – June 24, 2016). The Rebuttal Response contains the DNR's detailed responses to the public comments submitted after the first full week of the post-hearing comment period through the close of the post hearing public comment period (June 25 – July 6, 2016).

The Agency reviewed all public comments received between June 25 and July 6, 2016. The subjects of many of the public comments received after June 25, 2016 were addressed previously in the DNR's July 6th Response to Comments. This Rebuttal Response contains only detailed responses to those comments not previously addressed or that require a more complete response. Where a comment raises issues previously discussed in DNR's July 6th Response to Comments, DNR has referenced the previous response.

This document and attachments, which comprise the Rebuttal Response, are listed as exhibits in Section V of this document. The two attachments are described in further detail here:

- **Attachment 1:** A spreadsheet that identifies the comments received by the OAH between June 25 – July 6, 2016 and the DNR's response. The DNR responds to some comments with short responses directly in the Attachment 1 spreadsheet in the column titled "DNR Response." The DNR provides more detailed responses to key topics on which it received multiple comments in Section II of in this document, and identifies proposed rule modifications in response to comments in Section III of this document.
- **Attachment 2:** A spreadsheet that identifies all proposed district map changes received by the OAH between June 25 – July 6, 2016 and the DNR's response.

II. DNR Detailed Response to Comments

The comment topics addressed in detail in this document are:

A. Comments regarding bluff maps;
B. Comments regarding the definition of intensive vegetation clearing **(6106.0050, Subp. 30)**;
C. Comments regarding primary conservation areas **(6106.0050, Subp. 53)**;

D. Comments regarding the definition of public river corridor views **(6106.0050, Subp. 56)**;
E. Comments regarding adding a "parks district" **(6106.0100)**;
F. Comments regarding visual impact analysis and tiering of buildings away from the river **(6106.0120, Subp. 2. A.(3) and (5), and D.(1)**;
G. Comments regarding hard surface trails on slopes over 30% **(6106.0130. Subp. 8.C.(1))**; and
H. Comments regarding minimum acreage thresholds for set-asides **(6106.0170, Subp. 2)**.

The DNR's detailed responses are as follows:

A. Comments regarding bluff maps.

Summary of comments: There are no official bluff maps for the full MRCCA. This creates challenges for consistent implementation and enforcement. Define a process to achieve specific geospatially mapped and locally validated identification of bluffs. Who is responsible?

Related Rule Parts: Definitions (6106.0050, Subp. 8)

SONAR Reference: Bluff Protection Standards (Pages 22–30)

DNR Response: Bluff maps are not a regulatory control and are not included in the proposed rules. Although Minn. Stat. § 116G.15 originally required the DNR to develop bluff maps, that requirement was removed from the statute in 2013. *See* 2013, ch. 137, art. 2, §§ 18-21, 2013 Minn. Laws at 2327 – 2329. As such the proposed rules include a bluff definition and direct local governments to identify and map bluffs within their jurisdictional boundaries based on this definition. This is similar to the approach used in the statewide Shoreland, Wild and Scenic River and Lower St. Croix Riverway program rules. The DNR has developed a bluff mapping tool to assist local governments in the bluff mapping process. The DNR is also developing a guidance document to be included as part of training and guidance materials to be provided to local units of government prior to the development of local plans and ordinances. This is intended to reduce the amount of error or variation among local governments' bluff maps.

B. Comments regarding the definition of intensive vegetation clearing.

Summary of comments: Need further clarification of what constitutes a "contiguous patch, strip, row, or block" in the definition of intensive vegetation clearing.

Related Rule Parts: Definitions (6106.0050, Subp. 30)

SONAR Reference: Rule by Rule Analysis (Page 31)

DNR Response: The definition of "intensive vegetation clearing" in the proposed rules is a definition commonly used by landscape architects and zoning officials. These terms are intended to communicate a spatial zone or area over which the vegetation management rules will apply for the proposed vegetation clearing activity. The shape of the spatial zone or area to which the vegetation management criteria applies can vary widely depending on the needs of the proposer, the location of the vegetation, and the topography. The intent is to identify a spatial zone or area in which one proposes cutting and then uses that spatial zone to manage the cutting activity. The proposed rules are intended to provide consistent vegetation management across the MRCCA.

C. Comments regarding primary conservation areas.

Summary of comments: Publicly owned parks, trails, and open space should be added to the definition of primary conservation areas, or added to specific mentions of primary conservation areas related to districts.

Related Rule Parts: Definitions (6106.0050, Subp. 53), Districts (6106.0100, Subp. 2-7), Subdivision and Land Development Standards (6106.0170)

SONAR Reference: Rule by Rule Analysis (Pages 32, 42-43 and 64-65)

DNR Response: The term "primary conservation areas" is used in the rules to identify key resources unique to the MRCCA that are intended to be given priority consideration for protection. Because of their importance in the MRCCA they are also given elevated consideration for areas to set aside as permanently protected open space. While publicly owned recreational facilities **may** contain some of these features, many do not. As such, it does not make sense to include recreational facilities and open space that is already in public ownership in the definition of this term. Indeed, some public parks in the MRCCA are highly urban in character and may not contain any of the key resources and features intended to be protected by Minn. Stat. § 116G.15 as primary conservation areas. This comment is similar to comments previously submitted by other commenters and is also addressed in the July 6, 2016 DNR Response to Comments, **D.3. Attachment 3**, Commenter # 8m.

D. Comments regarding the definition of public river corridor views.

Summary of comments: The definition of public river corridor views is overly broad and encompasses a very wide range of existing conditions. This may provide some challenges regarding consistent interpretation and implementation. Provide a more specific definition of this term.

Related Rule Parts: Definitions (6106.0050, Subp. 56), Districts (6106.0100), Dimensional Standards/Structure Height (6106.0120, Subp. 2)

SONAR Reference: Rule by Rule Analysis (Pages 33, 42-43 and 45-47)

DNR Response: The concept covered by the definition for “public river corridor views” is critical to the protection of the corridor's scenic character. The DNR recognizes that it is impossible to protect all views of the 72-mile river corridor, and that most viewers will experience the corridor from a public park or overlook, from the river itself, or from a trail or access point at the river's edge. With that said, as explained in the SONAR, “the definition is intended to provide local governments with an opportunity to identify specific views deemed important to that community, and to protect such views through the development review process." *See* SONAR at 33. The DNR will not attempt to identify each community's identified views, but will review the process by which those views were identified as part of our review of local plans and ordinances.

E. Comments regarding adding a "parks district."

Summary of comments: An urban park district would be a good additional district. If the rules do not create an urban park district, then the Urban Mixed (CA-UM) district should specifically address the creation and management of riverfront parks in this district.

Related Rule Parts: Districts (6106.0100), Urban Mixed District (6106.0100, Subp. 7)

SONAR Reference: Rule by Rule Analysis (Pages 42-43)

DNR Response: All districts include parkland. Parkland varies considerably throughout the corridor from very urban to very rural, and is managed in different ways depending on this context. The individual districts were established based, in part, upon current land use. Setback and height limits are designed to support the management purpose for each district, regardless of land use, property ownership or type of structures.

The creation of riverfront parks is not specified as a priority in any district. Providing public access to and public views of the river are, however, management priorities in the UM district and other districts. Providing public access and views may or may not be accomplished through the establishment of public parks. The creation of parks is accomplished by local or regional park agencies, and is an element of local plans. Local planning in concert with the Metropolitan Council is the appropriate vehicle for establishing new parks. The districts and dimensional standards for each district, along with performance standards for specific public recreational facilities, guide how those parks will be developed.

F. Comments regarding visual impact analysis and tiering of buildings away from the river.

Summary of comments: The term "visual impact" is undefined and ambiguous, and should be clarified or removed. The process for assessing visual impact should be clarified. Tiering of buildings away from the river in CA-RTC, SR, UM and UC is an inappropriately specific way to lessen visual impact, and can have greater negative visual impacts.

Related Rule Parts: Districts (6106.0100), Structure Height (6106.0120, Subp. 2)

SONAR Reference: Rule by Rule Analysis (Page 45-47)

DNR Response: Prior to issuing a CUP to exceed the height standards set forth in the proposed rules, local units of government must apply the applicable height criteria. The CUP criteria for buildings exceeding height limits require assessment of the visual impact of proposed buildings on public river corridor views, a concept that was carefully developed over the course of many meetings with stakeholders.

The height assessment and visual impact assessment mechanisms advanced in the rules are commonly used in many design standards, i.e., for historic districts. There are many accepted methods available for assessing visual impact; the choice of which method to use is up to the local government. The concept of tiering of buildings away from the river was developed with substantial input from local governments

and other affected interests, all of whom commented that tiering would avoid negative visual impacts. Other techniques may be used in addition to tiering, as discussed in part 6106.0120, subp. D (2).

G. Comments regarding hard surface trails on slopes over 30%.

Summary of comments: Rules allow hard-surface roads, but not hard-surface trails, on a bluff face >30% where no alternatives exist. The rules are more restrictive of bicycling and walking facilities than driving, and therefore are inequitable.

Related Rule Parts: Definitions (6106.0050, Subp. 27), Public Recreational Facilities/Trails (6106.0130, Subp. 8.C.(1))

SONAR Reference: Rule by Rule Analysis (Pages 31 and 51)

DNR Response: Many hard-surface trails already exist in the MRCCA on or near bluffs, and there are options to redesign existing road rights-of-way for pedestrian and bicycle access. The probability of new roads in areas with slopes over 30% is low due to higher costs of constructing on slopes, siting issues associated with roads in these areas, and the ongoing public safety concerns of building on these slopes . The goal is to minimize further destabilization of bluff faces with new construction. This includes the construction of hard-surface trails. The Jennings' reports (Hearing Exhibits 28 and 29) establish the public safety risks to bluff integrity that construction causes. These public safety issues are explained more fully in the DNR's July 6, 2016 Response to Comments, **D.1. Attachment 1**, part F regarding comments on bluffs.

H. Comments regarding minimum acreage threshold for set-asides.

Summary of comments: Six acres is a more appropriate threshold than 10 acres for requiring that primary conservation areas be preserved. Most parcels in the UM and RTC districts are smaller than 10 acres.

Related Rule Parts: Subdivision and Land Development Standards (6106.0170, Subp. 2)

SONAR Reference: Rule by Rule Analysis (Pages 63-65)

DNR Response: The set-aside thresholds of 10 acres for land abutting the Mississippi River and 20 acres for other parcels in the MRCCA were carefully considered in the rulemaking process. In determining these thresholds, the DNR considered the acreage and parcel size of available land for development in the MRCCA, as well as the costs of complying with the proposed rules. The proposed rules require that primary conservation areas, up to a specified percentage of the parcel, be set aside for permanent protection for those developments meeting the acreage thresholds. This is a significant strengthening of the proposed rules over Executive Order 79-19. Managing these primary conservation areas is not without costs to local governments, however, and spreading the costs over larger tracts of land helps to address local government concerns with development costs and long term maintenance and administration. The amount of required set-aside percentages for the UM and RTC districts is relatively small, so the actual amount of land that could be permanently protected through the set-aside requirement is relatively small and would be difficult for local governments to manage.

III. DNR Proposed Rule Modifications

After review and careful consideration of comments, the DNR proposes a number of modifications to the rules as published in the Minnesota State Register on April 11, 2016. These modifications are offered in addition to those proposed in the DNR Response to Comments dated July 6, 2016. *See* **Exhibit D.0**. The need and reasonableness of the each proposed rule part is established in the SONAR. Any additional information supplementing the need and reasonableness for the proposed modifications is outlined below and is considered a supplement to the SONAR.

Pursuant to Minn. Stat. § 14.05, subd. 2, proposed agency rules may be modified where:

- the changes are within the scope of the matter announced in the notice of hearing;
- the changes are a direct and logical outgrowth of comments submitted in response to the notice of hearing;
- the notice of hearing provided fair notice to persons interested in and affected by the rule amendments that the additional changes would be part of the rule in question;
- the additional changes do not change in any way the group of persons who will be affected by the rule;
- the subject matter of the additional changes is the same as the subject matter contained in the notice of hearing; and
- the additional changes do not alter the effects of the rule proposed in the hearing notice.

Proposed modification to the rules as published	Statement of need and reasonableness	§ 14.05, subd. 2 Standard
6106.0050, Subp. 71 State or Regional Agency Definition **Line 12.12** "and other state agencies, <u>as well as the University of Minnesota,</u>…"	This clarification acknowledges that the U of M is a state land grant institution servicing the citizens of the State of Minnesota (see **Attachment 1).**	This modification is a logical outgrowth of the comments received from the University of Minnesota. MInn. Stat. § 14.05, subd. 2b (2).
6106.0060, Subp. 7.D.(3) Duties of Cities **Lines 17.7 – 17.9** "(3) adjoining local governments <u>within the Mississippi River Corridor Critical Area</u>, including those with overlapping jurisdiction and those across the river…"	This modification clarifies that local governments must send notices to only those adjoining local governments with jurisdiction within the MRCCA, not all bordering jurisdictions, as requested by the City of Minneapolis (see **Attachment 1**).	This modification is within the scope of the matter announced in the rule and merely clarifies the rule for the user. Minn. Stat. § 14.05, subd. 2.
6106.0080, Subp. 4 Conditional & Interim Use Permits **Line 29.4** "and interim uses must consider potential impacts of the conditional <u>or interim</u> use on primary…"	The modification is proposed as a minor technical fix (see **Attachment 1**).	This modification imposes no new requirement and is within the scope of the matter announced in the rule and merely clarifies the rule for the user. Minn. Stat. § 14.05, subd. 2.

Proposed modification to the rules as published	Statement of need and reasonableness	§ 14.05, subd. 2 Standard
6106.0080, Subp. 7 Accommodating Disabilities **Line 30.16 – 30.19** "allowed ~~by administrative permit~~, subject to the following standards: A. parts 6106.0120 to 6106.0180 must be complied with, except as provided in item B below; and B. when parts 6106.0120 to 6106.0180 cannot be complied with, the local government may allow ramps or other facilities that don't meet these parts with an interim use permit and, upon expiration of the interim use permit, the ramp or other facilities must be removed."	This modification clarifies that removal of a ramp or other facility to provide persons with disabilities access to their property is only required when stipulated as part of an interim use permit, which in turn may be required by the local government when ramps or facilities cannot meet the dimensional and performance standards in the proposed rules. This provides local governments with an alternative to variances for these situations. This clarification is proposed based on comments from a citizen and the City of Hastings (**Attachment 1**).	This modification imposes no new requirement and is within the scope of the matter announced in the rule and merely clarifies the rule for the user. Minn. Stat. § 14.05, subd. 2.
6106.0120 Dimensional Standards **Line 38.17** "that protect primary conservation areas and public river corridor views from impacts of development and ensure that new…" **Line 38.20** Remove the comma after "accessory structures" on line 38.20.	These modifications clarify that the setback and height standards (dimensional standards) are intended to reduce visual impact of structures from views from the river, as proposed by FMR (**Attachment 1**). FMR also pointed out an erroneous comma. With the comma in place, it reads as though the clause "as defined by local ordinance" applies to both structures and accessory structures. Since structures are defined within these rules, but accessory structures are not, the clause should only apply to accessory structures (**Attachment 1**).	This modification is a logical outgrowth of the comments received in response to the notice and the subsequent public hearings. Minn. Stat. § 14.05, subd. 2(b)-(c). The modification addresses an issue core to the rule and thus is well within the subject matter of the proposed rules as noticed. Minn. Stat. § 14.05, subd. 2(c)(2).
6106.0140, Subp. 5 Stairways, Lifts and Landings **Lines 47.16 – 47.17** (4) stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and	This modification clarifies that these facilities should be placed in the least visible portion of the lot, when practical, as requested by cities in the NW portion of the MRCCA. This modification is similar to that in the statewide shoreland rules, which use the words, "whenever practical" (see **Attachment 1**).	This modification imposes no new requirement and is within the scope of the matter announced in the rule and merely clarifies the rule for the user. Minn. Stat. § 14.05, subd. 2.

Proposed modification to the rules as published	Statement of need and reasonableness	§ 14.05, subd. 2 Standard
6105.0160 Subp. 3 Land Alteration **Lines 53.19 - 54.7** Add the following new provision: C. Within the bluff impact zone and water quality impact zone, depositing yard waste including leaves and grass clippings is prohibited.	Yard waste smothers naturally occurring vegetation preventing it from stabilizing soils and reducing the flow of nutrients into surface waters. Yard waste is a significant source of nutrients and when placed near water and on slopes can readily discharge nutrients into surface waters (see **Attachment 1**).	This modification is a logical outgrowth of the comments received in response to the notice and the subsequent public comment period. Minn. Stat. § 14.05, subd. 2(b)-(c). The modification addresses an issue core to the rule and thus is well within the subject matter of the proposed rules as noticed. Minn. Stat. § 14.05, subd. 2(c)(2).

IV. Conclusion

After thorough consideration of comments made on the proposed rules, and as required by Minn. Stat. §§ 14.131, 14.14, subd. 2, and 14.15, subd.4, and Minn. Rules § 1400.2100, the Agency has shown the rules as proposed with the additional modifications detailed in Section III of this document and district map modifications detailed in **Attachment 2** are needed and are reasonable as demonstrated by and affirmatively shown by facts presented by the Agency on the hearing record.

V. List of Exhibits Supporting the DNR's "Rebuttal Response"

D.RR.0 DNR Rebuttal Response to Comments Memo

D.RR.1 Attachment 1 - Spreadsheet of Comments & DNR Responses (June 25–July 6, 2016)

D.RR.2 Attachment 2 - Spreadsheet of District Map Comments & DNR Responses (June 25–July 6, 2016)

Attachment 1: Spreadsheet of Comments & DNR Response (June 25 - July 6, 2016)

State of Minnesota
Minnesota Department of Natural Resources (DNR)
DNR Rebuttal Response to Comments
July 13, 2016

Date of Comment	Date OAH Rec'd	Commenter #	Commenter Name	Representing	How Rec'd	Comment #	Rule Part	Comment Topic	Comment	DNR Response
6/27/2016	6/29/2016	1	Joe Spartz	Greater StP Bldg Owners & Mgrs Assoc	Letter	1a	General	Downtown St. Paul	Downtown St. Paul is already very urban. These rules will not improve river experience, and will instead limit redevelopment in an area that is already developed. St Paul needs to allow for increased density. By placing restrictions along the river downtown, the DNR is taking a critical resource for economic development.	Downtown St. Paul is located in the least restrictive UC district, with a special exception for the "River Balcony."
6/27/2016	6/29/2016	1	Joe Spartz	Greater StP Blg Owners & Mgrs Assoc	Letter	1b	General	Ford Site	The market, not arbitrary rules, should determine the development of the Ford site. These rules will limit density and reduce the taxing potential of the site.	See **D.3. Attachment 3** to the DNR's 7/6/16 response to comments, comment #4g.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2a	General	Urban Core District	We are supportive of the creation of the Urban Core district in order to continue to move forward on the vision outlined in the Downtown 2025 plan and our new Downtown Public Realm Framework. We reiterate our support for maximum flexibility for this important area... This includes acknowledgement that views of buildings and other aspects of the built environment are attractive and important aspects of river views, as opposed to something that must be covered up with vegetation.	
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2b	General	General	Many terms require more rigorous definition, including specific spatial definition of the ordinary high water line (as a line in GIS); steep slopes, very steep slopes, and bluffs... While we understand that the cities along the corridor will play a key role in defining these elements for their own jurisdictions, more clarity is needed regarding what criteria DNR will use to evaluate whether locally-generated definitions are acceptable.	Comments on specific terms and definitions are addressed below in comments #2c- #2e. "Very steep slopes" is no longer used in the draft rules.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2c	General	General	Provide a more specific definition of "visual impact" and a description of the methods cited in the rules by which it is assessed.	Assessment of visual impacts of a proposed building or structure is a common requirement in many design standards, i.e., for historic districts. There are many accepted methods available for assessing visual impact; the choice of which method to use is up to the local government. See **D.3, Attachment 3**, July 6, 2016 DNR Response to Comments, comment #4i.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2d	Definitions.0050	Public river corridor views	Provide a more specific definition of "public river corridor views," a term which comes up again and again throughout the rules as an evaluative tool.	The term "public river corridor view" was defined to capture a concept that is critical to the protection of the corridor's scenic character -- which views are most valued by those who live in, travel through, or recreate in the corridor. The DNR recognizes that it is impossible to protect all views of the 72-mile river corridor, and that most viewers will experience the corridor from a public park or overlook, from the river itself, or from a trail or access point at the river's edge. As stated in the SONAR, "the definition is intended to provide local governments with an opportunity to identify specific views deemed important to that community, and to protect such views through the development review process." The DNR will not attempt to identify each community's identified views, but will review the process by which those views were identified as part of our review of local plans and ordinances. "Public river corridor views" are further discussed in **D.RR.0,** Section II, part D.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2e	Definitions.0050	Native plant community, readily visible, primary conservation areas	[Provide] a spatial map definition of native plant communities; a precise definition of "readily visible," and "primary conservation area"; and a more performance based definition (rather than a literal description of plants in defining) "ecological function."	Native plant communities have been mapped (in part) by the DNR and those spatial locations will be shared in GIS, although additional studies to identify such plant communities are welcome. "Readily visible" is defined in the rules and discussed in the SONAR; it provides a usable performance standard that local governments and other affected interests can easily apply. Per the SONAR, "the definition is not used to prohibit development, but to ensure that visual resources are considered in development review by local governments." *See* SONAR at 33. The definition for "primary conservation areas" is further discussed in **D.RR.0**, Section II, part C. "Ecological function" is a common term used by resource agencies to encompass the many functions of natural vegetation, from stabilizing riverbanks against erosion to providing aquatic and terrestrial habitat.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2f	DimensionalStds.0120	Subp. 3B Bluff setback - General	Justify creation of "no build, no alter, no vegetation removal" zones: Bluff Impact Zones and Slope Preservation Zones. The amount of area restricted by these new zones should be studied to determine whether or not it is too burdensome. Language around natural vegetation, conservation, and ecological function needs to be clarified in order to understand better what is and is not allowed in these areas. We still seek language and policy that actively embraces an active edge in some parts of the riverfront.	The Slope Preservation Zone is not a concept or term used in the proposed rules. See **D.1. Attachment 1** of the July 6, 2016 DNR Response to Comments, part F. Furthermore, the flexibility provisions on 6106.0070, subp. 6 allow local governments to develop and propose alternative standards or exemptions in their local ordinances based on a landscape/topographical analysis, modeling or other resource impact studies that specifically address existing conditions, while protecting public safety and identified scenic and ecological resources.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2g	Districts.0100	Subp. 4 RN	The CA-RN segment directly across the river from Downtown should be modified to match either the adjacent CA-UC or CA-UM districts. A significant portion of this area is zoned R5 (high density residential), and is guided for medium to high density residential in a draft neighborhood small area plan now under development. The portion that is zoned R1A (low density residential) is already protected permanently as a public park so needs no further protection from development. Furthermore, there are also a number of multifamily buildings located in this area that are taller than the CA-RN height limit, and which would be made nonconforming by this new district designation. Finally, this is located very close to the city's and region's urban core, and within the purview of the City's Downtown Growth Center designation and guidance. While it is not the intent to displace the single family homes in this area in the near term, it would be short-sighted to designate this area long term as low density residential.	See **D.RR.2 Attachment 2,** District Map Revisions.

6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2h	Scope.0030	General	A clause that was in the draft rules regarding local determination has been dropped. It read, “Local governments may determine whether to administer the Minnesota statewide shoreland management standards in part 6120.2500 to 6120.3900 within the Mississippi River Corridor Critical Area.” The purpose according to the annotation was “to reduce complexity and confusion of overlapping regulations…” We would appreciate some explanation why it was dropped, and what should be done in the case the rules are in conflict. If the Critical Area regulations make the shoreland regulations unnecessary it would be good to be able to not have to administer both.	The requirement to submit ordinances to the commissioner under the State Shoreland Act (§ 103F.221) is required under the shoreland program and applies to cities. It was determined that the proposed rules cannot change this statutory requirement. The MRCCA rules do not change or amend rules adopted under the State Shoreland Act, which may be found in Minn. R. Ch. 6120. Where shoreland and MRCCA ordinances conflict, the most restrictive provision applies.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2i	Definitions.0050	Access path	Access path - definition should clarify whether access path refers to public or private access to public waters, or both	The term, as defined, applies to both public and private facilities.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2j	Definitions.0050	Essential services	Essential services -definition includes transmission poles for electrical service. In Part 6106.0170 Subpart 2, placement of essential services are identified as exempt from development standards. However, Part 6106.0130 Subpart 6 requires that transmission lines be concealed to the extent practical. This seems inconsistent.	The definition of essential services does not include electric power facilities, which are defined separately. The standard in part 6106.0130 is consistent with the Executive Order and is intended as guidance for local governments, rather than a mandate.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2k	Definitions.0050	Primary conservation areas	Definition is extremely broad and encompasses a very wide range of existing conditions. This may provide some challenges regarding consistent interpretation and implementation.	This definition is based on language in the Minn. Stat. § 116G.15 that identifies resources to be protected. It also allows local governments an opportunity to identify significant resources through their planning processes. The definition for "primary conservation areas" is further discussed in **D.RR.0**, Section II, part C.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2l	Definitions.0050	Public river corridor views	The definition of [public river corridor views] is extremely broad. It is not clear if the intent in the rules is to protect specific locations with scenic views, or the continuity of views along the corridor. This may provide some challenges regarding consistent interpretation and implementation.	See response to comment #2d above. "Public river corridor views" are further discussed in **D.RR.0**, Section II, part D.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2m	Definitions.0050	Steep Slope	The definition of Steep Slope seems to be expanding: it now captures everything between 12-18%. Is this an intentional change? Also, are all slopes greater than 18% to be considered Bluffs? This is likely to trigger significantly more variances.	The definition of "steep slope" is based on that in the Executive Order 79-19. See **D.10, Attachment 10** of July 6, 2016 DNR Response to Comments, Summary of Bluff & Steep Slope Standards in Executive Order 79-19.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2n	DimensionalStds.0120	Subp. 3B Bluff setback - General	There are currently no official bluff maps for the full MRCCA. This creates challenges for consistent implementation and enforcement, and should be remedied.	Bluff maps are not a regulatory control. The definition of bluffs established by the Legislature in Minn. Stat. § 116G.15 in 2009 were removed by the 2013 Legislature. The rules include a bluff definition and local governments are responsible for identifying or mapping bluffs based on this definition. This is simiarl to the approach used in the Shoreland, Wild and Scenic River and Lower St. Croix Riverway program regulations. Bluff maps are further discussed in **D.RR.0**, Section II, part A.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2o	Administration.0060	Subp. 7 Duties of cities	We appreciate the reduction in notice requirement from 30 days to 10 days, and request that you keep it at this level. However, requiring noticing of all adjacent jurisdictions (around 30 locations for the City of Minneapolis, if this is consistent with noticing required by Metropolitan Council) is an unnecessary administrative burden – particularly since many of these adjacent jurisdictions do not border on the Mississippi River. In general, we need clarity on the noticing requirements for adjoining jurisdictions – when specifically are these required?	The intent is that notice would be provided to "adjoining local governments, including those with overlapping jurisdiction and those across the river," within the MRCCA, not all bordering jurisdictions. The DNR proposes to clarify this statement as "adjoining local governments within the MRCCA". See **D.RR.0**, Section III.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2p	Preparation.0070	Subp. 2 Adoption of plans and ordinances	It should be noted that the timing of this rules adoption process, and DNR’s subsequent phase-in plan to provide additional support around implementation through 2021, makes it challenging to full synchronize the in-depth work required to comply with these rules with the comprehensive plan update process which is already underway. It is our understanding that the requirements will be phased in with jurisdictions notified at various times regarding when they are required to comply. We would request being notified in a timeframe that allows us to complete critical area work in a way that allows us to as much as possible of it as part of our now ongoing comprehensive plan update process.	The DNR recognizes this challenge and will work with communities and the Metropolitan Council to synchronize planning efforts as much as possible. Communities do not have to wait to be notified but may begin updating their plans as soon as the rules are finalized.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2q	Districts.0100	Subp. 4 RN	The CA-RN height limit may routinely need to be varied for some uses typical of a residential neighborhood, such as schools and religious places of assembly.	Typical building elements such as chimneys, church spires, etc. are exempt from height limits per the exemptions in 6106.0180. Under the proposed rules, the city may choose to request flexibility for locations that need broader exemptions from height requirements per 6106.0070. subp. 6.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2r	Districts.0100	General	We would strongly urge the development of an expedited rulemaking process for district boundary amendments. These highly specific boundaries made change over time as cities grow and develop, and requiring the full rulemaking process for needed amendments could become extremely burdensome, even with changes which are universally supported.	The DNR shares this concern and is working to address this issue. In the interim, changes to district boundaries will have to handled through the Minn. Stat. Chapter 14 rulemaking process.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2s	DimensionalStds.0120	Subp. 2A Height - General	Tying building height to mature tree height is a vague and arbitrary limit. It would be far preferable to have heights reflect standards for stories. Most zoning codes are based on building stories, and the heights limits required here will not all match up to standard story heights, creating confusion in how to enforce. For instance, a height limit of 56 feet would be preferable to 48 feet in CA-RTC.	Mature treeline in the corridor is generally in the 40-50' range, and similar to the RTC district height, or that of a 4-story building. Treeline height provides a useful tool for assessing public river corridor views, but is not a substitute for a more specific standard in local zoning, which could be expressed in stories or in feet. However, expressing height solely in stories can lead to unintended consequences such as lower ceiling heights in an effort to increase habitable space.

6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2t	Uses.0110	Wireless communication facilities	We are concerned that this portion of the rules regarding telecommunications is in the form of a mandate to the city and other local governments on how they will handle their local land use permits. Simultaneously, the federal government is increasingly issuing mandates to local governments on what they can and cannot do when it comes to wireless communication facility permitting. This subpart does not mention and does not seem to take into account some of the recent federal mandates in this area. For example, Congress passed wireless communications provisions as part of the Middle Class Tax Relief and Job Creation Act of 2012. In §6409 of that act, encoded as 46 U.S.C §1455, Congress has told us that: "…a state or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." The Federal Communications Commission has expanded on the definitions in this legislation when they issued FCC Order 14-153, which was adopted on October 17, 2014. This Order is now encoded in Title 47 of the Code of Federal Regulations. See, for example, the provisions regarding environmental review in 47 CFR 1.1306. See also 47 CFR § 1.40001 which contains the broad co-location provisions. The proposed rule in the draft language for Part 6106.0120, Subpart 7 does not appear to account for this new federal rule. Also, when dealing with wireless communications, local governments must account for the provisions of 47 U.S.C. §332 and 47 U.S.C. §253. The proposed rule does not seem to account for federal action in this area of the law. To the extent that the area covered by the proposed Part [6106.0110, Subpart 6] includes areas with existing wireless facilities or which includes areas where the proposed regulation may have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunication.	The placement of wireless communication facilities is not prohibited under the proposed rules, but allowed by CUP or IUP. To the extent that these rules are not consistent with federal law, the federal law would preempt these rules.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2u	PublicFacilityStds.0130	Subp. 3 General design standards	We are confused by Subpart 3(C) where it states "State or regional agencies, special purpose units of government, local park agencies, and local units of government with parks within their jurisdiction are not required to obtain a vegetation management or land alteration permit under Part 6106.0150 or 6106.0160, but must apply the standards and criteria that would be applied by local government were a permit required." It is unclear what that means particularly in our context where we have a park board and a university and various other agencies in the Critical Area. Do we always know what standards "would be applied"?	The standards applied would be those required by the local government; namely, the city.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2v	PublicFacilityStds.0130	Subp. 4 ROW standards	Native plants are listed as a requirement in right-of-way plantings, but this term is not defined. Is this consistent with standard planting practices in right-of-way?	The document "Native Vegetation Establishment and Enhancement Guidelines" referenced in part 6106.0090 covers native plants.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2w	PublicFacilityStds.0130	Subp. 6 Public utilities	The rules say that overhead utilities must be "hidden from view as much as practicable". There are large high voltage transmission lines along the much of the Minneapolis riverfront on both banks; what would be a practical response to the requirement to disguise them?	It is not the intent of the proposed rules nor is it practical to "disguise" existing high voltage transmission lines; however, if new ones are proposed, we anticipate that local governments would attempt to influence the placement of such lines to ensure they are located in less visible locations. This requirement is consistent with requirements in the Executive Order 79-19. *See* **D.13, Attachment 13** to the July 6, 2016 DNR Response to Comments, Facilities Standards in Executive Order 79-19.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2x	LandAlteration.0160	Subp. 3 Land alteration	Limits on land alteration and disturbance here and elsewhere in the rules should allow for an exemption for work necessary to remove contaminated soils and other pollutants. There are a number of brownfield sites in the MRCCA, and some may require extensive cleanup to make them suitable for redevelopment and/or restoration.	A land alteration permit would be required for cleanup operations of this type.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2y	Subdivision.0170	Subp. 4A Alt design incentives	What are considered acceptable ways to incentivize alternative design methods for conservation areas, as required by this section? Also, it is unclear what is meant by "better protection". Additionally, do these requirements apply only to parcels of 10 or more acres? It needs to be made clearer, so we know when we have to do the percentages.	Typical methods of incentivizing alternative design methods inclue allowing higher densities in developed portions of a site (through conservation design) or allowing transfer of development rights to a more developable site at a higher density than would otherwise be allowed. "Better protection," in this context, means protection of a larger area, or additional important resources, than would be otherwise be protected under conventional development. These requirements apply to parcels of 10 acres or more abutting the Mississippi River and 20 or more acres for other parcels within the MRCCA, as stated in 6106.0170, subp. 2.
6/27/2016	7/1/2016	2	D. Craig Taylor	City of Minneapolis	Letter	2z	Subdivision.0170	Subp. 5 Land dedication	Land dedication requirements should be clearer than the statement "must encourage" dedication of lands. Does that mean consider, or they have to do a dedication? "Must" under state statute is a word of mandate or regulatory command (See Minn.Stat. §645.44, Subd. 15a). It is paired here with "encourage," which is not a word of mandate or regulatory command and, in any event, has a fuzzy and uncertain meaning. Therefore we are not sure what it means, and question its appropriateness for inclusion in state regulation.	This provision applies to local governments that have park and open space dedication requirements in place. Since dedication is already required, it's not unreasonable to specify that local governments must encourage dedication of certain types of land that contribute to public river access and resource protection. This is also consistent with the dedication requirements in Executive Order 79-19. See **D.16, Attachment 16** to the July 6, 2016 DNR Response to Comments, Subdivision & PUD Standards in Executive Order 79-19.
6/28/2016	6/28/2016	3	Greg Genz	Upper Mississippi Waterway Assoc	Letter	3a	AdministrativeProv.0080	Subp. 3 Nonconformities	This provision restricts expansion in the SIZ by creating nonconformities that would require additional permitting for any such expansions. This restriction is in conflict with Minn. Stat. § 116G.15 and Minn. Laws Chapter 137, article 2 §18 & 19, which allow for economic activities, including the continuation, development, and redevelopment of urban, commercial, and industrial uses.	Restricting expansion does not in and of itself create nonconformities. If a structure is already located in the SIZ, it would already be considered a nonconforming structure.
6/28/2016	6/28/2016	3	Greg Genz	Upper Mississippi Waterway Assoc	Letter	3b	Districts.0100	Subp. 7 UM	Recommendation to adjust standards to give existing industrial uses the same exemptions that are proposed for River Dependent Uses.	Many industrial uses are not river-dependent, as defined, and do not require an exemption to function.
6/28/2016	6/28/2016	3	Greg Genz	Upper Mississippi Waterway Assoc	Letter	3c	Districts.0100	Subp. 7 UM	Change Lower Grey Cloud Island from ROS to UM. ROS is incompatible with the planned post-mining uses	See **D.RR.2, Attachment 2**, District Map Revisions.
6/28/2016	6/30/2016	4	John Anfinson	NPS	Letter	4a	Definitions.0050	Primary conservation areas	Definition should include scenic and natural areas and islands	See **D.3 Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #8m.
6/28/2016	6/30/2016	4	John Anfinson	NPS	Letter	4b	Preparation.0070	Subp. 6 Flexibility requests	Consistency is a fundamental element in the MRCCA program - concerned that flexiblilty may be used to create inconsistency	A certain amount of inconsistency will likely occur as local governments seek to adapt the corridor-wide rules to topography, soils, and development unique to their city. The rules contain specific criteria for submitting flexibility request and any approved deviation from the rules must still be consistent with the purpose of the rules per 6106.0070, subp. 6.

6/28/2016	6/30/2016	4	John Anfinson	NPS	Letter	4c	AdministrativeProv.0080	Subp. 4 Conditional and IUPs	Would like additional language requiring the implementation of techniques identified to mimize impacts to public river corridor views	The rules require local governments and other agencies to mimize impact on public river corridor views when considering taller building heights under CUPs and when developing or reviewing various types of public and private facilities. Public river corridor views are diverse, ranging from the highly urban to the highly rural. Developing techniques to address the wide variety of views would be difficult to incorporate into the rules, but could be developed as additional guidance for local governments. Mitigating conditions are best developed when they can deal with a specific situation and a specifically identified impact by those directly involved in the evaluation.
6/28/2016	6/30/2016	4	John Anfinson	NPS	Letter	4d	PublicFacilityStds.0130	General	Given the potential public benefits, greater flexibility should be afforded to public facilties provided resource impacts are avoided or mitigated.	Public benefits will be considered as part of requests for flexibility to the public facility standards under 6106.0070, subp. 6.
6/28/2016	6/30/2016	4	John Anfinson	NPS	Letter	4e	Subdivision.0170	Subp. 2 Applicability	The threshold for design standards should be six acres	See **D.3**.**Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #8ddd.
6/28/2016	6/30/2016	4	John Anfinson	NPS	Letter	4f	Districts.0100	Subp. 9 District boundaries	Anoka - Kings Island, change from RN to ROS	See **D.4, Attachment 4** to the DNR's 7/6/16 Response to Comments, District Map Revisions
6/28/2016	6/30/2016	4	John Anfinson	NPS	Letter	4g	Districts.0100	Subp. 9 District boundaries	Minneapolis - Riverward of Main Street, change from UC to UM	See **D.RR.2, Attachment 2**, District Map Revisions.
6/28/2016	6/30/2016	4	John Anfinson	NPS	Letter	4h	Districts.0100	Subp. 9 District boundaries	St. Paul - West 7th, change from SR to RTC	See **D.RR.2, Attachment 2**, District Map Revisions.
6/28/2016	6/30/2016	4	John Anfinson	NPS	Letter	4i	Districts.0100	Subp. 9 District boundaries	St. Paul - Shepard Rd, change from UM to RTC	See **D.RR.2, Attachment 2**, District Map Revisions.
6/28/2016	6/30/2016	4	John Anfinson	NPS	Letter	4j	Districts.0100	Subp. 9 District boundaries	St. Paul - Watergate Marina, change from ROS to RN	See **D.4. Attachment 4** to the DNR's 7/6/16 Response to Comments, District Map Revisions.
6/28/2016	6/30/2016	4	John Anfinson	NPS	Letter	4k	Districts.0100	Subp. 9 District boundaries	Inver Grove Heights - Twin Cities Marina, change from UM to RN	See **D.RR.2, Attachment 2**, District Map Revisions.
6/29/2016	6/29/2016	5	Robert Bieraugel	Aggregate Industries	Letter	5a	Districts.0100	Subp. 7 UM	The Minneapolis Distribution Yard at 26th Avenue does not really benefit from the river dependent use exemptions since the closure of the locks. Any such improvements and future adjustments will be restricted particularly the SIZ and BIZ standards.	This is correct; future uses on the site for which access to and use of the river is not an integral part of conducting business and where the use is not dependent on shoreline facilities will not have the same SIZ and BIZ exemptions as river dependent uses.
6/29/2016	6/29/2016	5	Robert Bieraugel	Aggregate Industries	Letter	5b	Policy.0010	General	These rules shall preserve the economic interests of the corridor.	Economic interests are considered in relation to all other specified resources and uses of the corridor, as set forth in Minn. Stat. §116G.15.
6/29/2016	6/29/2016	5	Robert Bieraugel	Aggregate Industries	Letter	5c	Districts.0100	Subp. 7 UM	Recommendation to extend the same exemptions for UM district that are available for River-dependent uses.	The exemptions proposed in the rules are intended to apply to specific uses with needs for river access, not for entire districts, which have their own dimensional standards.
6/29/2016	6/29/2016	5	Robert Bieraugel	Aggregate Industries	Letter	5d	Vegetation.0150	Subp. 3 General Provisions	This section does not establish a clear approval process for vegetative clearing associated with mining operations.	Clearing of vegetation would be allowed under standard permitting procedures by local government. Intensive clearing is restricted only in specified areas, as specified in 6106.0150, Subp. 2.
6/29/2016	6/29/2016	5	Robert Bieraugel	Aggregate Industries	Letter	5e	Uses.0110	General	Rules will make the expansion of their mining operations at the Nelson Sand and Gravel Mine (in Cottage Grove) more difficult and costly. Except for "river dependent uses," the proposed regulations prohibit activities in the SIZ and BIZ. The terms "readily visible" and "designed in a compact fashion" (performance standard for River-dependent uses) are subjective terms.	The importance of protecting the SIZ and BIZ are discussed in the SONAR onpages 22-23, 47-50 and 56. See previous "readily visible" response 2e. The barge-loading area must be limited to the "minimum size practicable" -- that is, the size needed for operations. *See* SONAR at 37.
6/29/2016	6/29/2016	5	Robert Bieraugel	Aggregate Industries	Letter	5f	Districts.0100	Subp. 7 UM	ROS designation for the west portion of the upper island in Grey Cloud Island Twp and Lower Grey Cloud Island results in overly restrictive standards, and restricts the planned post-mining uses. Imposition of 200' setbacks and 50% as Primary Conservation Areas (PCAs) would severely limit the future plans. Current definition of PCAs would include virtually all of the un-mined shoreline on both islands.	Lower Grey Cloud Island is currently located in the Rural Open Space District under Executive Order 79-19 and is therefore subject to the same setback standards as in the proposed rules.
6/30/2016	7/1/2016	6	Tom Dimond	self	Letter	6a	Definitions.0050	Bluff	The proposed rules significantly reduce protections for bluffs and very steep slopes. Statutory framework calls for retention of provisons that work well. Prohibiting development and requiring that all 18% and greater slopes be retained in a natural state works well in EO 79-19 and should be retained. EO 79-19 contains clear and well defined requirements for the protection of all 18% and greater slopes.	Minn. Stat. §116G.15 does not call for "retention" of provisions, but rather calls for the establishment, through rule, of standards and criteria. In developing the rules, the DNR retained provisions that worked well, and improved those that didn't. An extensive public process was used in developing the rules. Part of that process included a critique of EO 79-19 standards and criteria. There was broad agreement among most affected interests that the existing definition of bluffs was not working well due to the vague definition of bluffs and standards for bluff protection. See also**D.3. Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #8c.
6/30/2016	7/1/2016	6	Tom Dimond	self	Letter	6b	Scope.0030	General	The same definitions used in the Shoreland Rules should be used for the MRCCA as the least costly alternative, provides the greatest consistency between programs.	See **D.3. Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #8a.
6/30/2016	7/1/2016	6	Tom Dimond	self	Letter	6c	General	Administration	It is important to differentiate between regulations that work well compared to local or state government's admininstration of the regulations. Local governments must submit regulations to the DNR after two years after they have been in effect, the DNR has not required this. Some communities have not adopted regulations as required and the DNR has not used its authority to adopt regulations for those communities. Changing the regulations does nothing to address the real issue of ensuring that the DNR ensures LGU regulations are consistent with MRCCA regulations and that LGUs administer them properly.	Most local governments adopted plans and regulations in the late 70s and early 80s; the EQB wqas required to complete this review within two years of the initial date of the EQB's approval of the plans and ordinances under Minn.Stat. §116G.10. To the best of our knowledge the EQB conducted the required review. The DNR has consistently reviewed plan and ordinance amendments by local governments since program authority was transferred to the DNR in 1995. The DNR acknowledges that two local governments have not adopted ordinances, in these cases the Interim Devevelopment Regulations in EO 79-19 apply. All local governments have adopted plans.
6/30/2016	7/1/2016	6	Tom Dimond	self	Letter	6d	Definitions.0050	Bluff	Executive Order 79-19 and 130 define bluffs as 12% and greater slopes.	The executive orders only define "bluffline." See also **D.3. Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #8c.
6/30/2016	7/1/2016	6	Tom Dimond	self	Letter	6e	Definitions.0050	Bluff	The Metropolitan Council recommendation for Critical Area Designation submitted to the Governor defines Bluff on page 43 as those steep slopes of more than 12 percent from the horizontal	Metropolitan Council Resolution 79-48 making the MRCCA designation permanent adopted EO 79-19 and its standards and guidelines. The Metropolitan Council did not adopt a 12% slope definition for bluffs.
6/30/2016	7/1/2016	6	Tom Dimond	self	Letter	6f	Definitions.0050	Bluff	The bluff definition is not for an 18% slope but requires a 100% slope.	See **D.3. Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #8d.
6/30/2016	7/1/2016	6	Tom Dimond	self	Letter	6g	Definitions.0050	Bluff	The MRCCA has been in place for 40 years. Any nonconforming structure has been in place for 40 years so how can the proposed new bluff definition create new nonconformities? It is not possible to create new nonconformities.	The proposed bluff definition is more precise due to the height and width paramenters. This allows for greater consistency in local administration across the corridor. The previous definition was so vague that administration of bluff-related standards varied considerably. The new definition may have the effect of identifying bluffs in places not previously considered to be bluffs, or of removing some areas previously considered bluffs, depending on how each community defined and identified bluffs. This may create new nonconforming structures, or eliminate existing nonconforming structures.

6/30/2016	7/1/2016	6	Tom Dimond	self	Letter	6h	Definitions.0050	Bluff	Neither Figure 4 on page 24 of the SONAR nor other evidence support the claim that the proposed bluff definition eliminated most minor topographic variations such as grading for driveways yet encompassed the iconic bluffs that characterize the river corridor and natural vegetation and habitat systems. Iconic bluff is not a term used in the current regulations and serves no useful purpose.	The purpose of Figure 4 in the SONAR is to compare the bluff definition in the June 2014 working draft rules as defined in the 2009 Legislation to the proposed definition to show how the proposed definition reduces the number of nonconforming structures while protecting major bluff features. The 2013 Legislature removed the 2009 bluff definition because it created many nonconforming strutures, and gave authority to the DNR to address this issue through the rulemaking process. An extensive public participation effort was undertaken with affected parties to develop a bluff definition that could be consistenty administered throughout the corridor yet would protect major bluff features (and their respective vegetation and habitat systems) while minimizing the creation of new nonconformities. Figures 5 and 6 in the SONAR show examples of the types of minor topographic variations that would be eliminated as well as structures that wouldn't become nonconforming structures under the proposed definition. The use of the words "major" or "iconic" are useful terms to communicate that the rules are focused on protecting slope features that most people would recognize as bluffs, as opposed to minor topographic undulations. Those affected by these regulations are more likely to accept and comply with them if they feel they are reasonable. Definitions need to be recognizable within a common range of experience and common sense.
6/30/2016	7/1/2016	6	Tom Dimond	self	Letter	6i	Purpose.0020	General	The MRCCA rules were never intended to be a uniform standard. They are designed as a minimum threshold of protection.	The proposed MRCCA rules provide a set of consistent minimum standards for the corridor. Local governments may always be more protective.
6/30/2016	7/1/2016	6	Tom Dimond	self	Letter	6j	Scope.0030	General	The proposed rules eliminate any shoreland setback in conflict with the state shoreland statues. SL regulations require all public waters to have a least a 50 foot setback.	See **D.3. Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #8a.
6/30/2016	7/1/2016	6	Tom Dimond	self	Letter	6k	PublicFacilityStds.0130	Subp. 6 Public utilities	Scenic views should be protected by placing overhead utilities underground. Existiing regulations requiring primary consideration for underground placement should be maintained.	See **D.3. Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #35a.
7/6/2016	7/6/2016	6	Tom Dimond	self	Letter	6l	Definitions.0050	Bluff	On Page 24 of the SONAR the DNR states that the proposed bluff definition was premised on minimizing the creation of new nonconforming structures and Figure 4 does not demonstrate this claim. Fig 4 shows the proposed bluff definition removes current protections and eliminates existing nonconforming strucutres. The 2009 bluff definition used for the analysis is less protective than the bluff definition in Executive Orders 130 and 79-19. The executive order is based on 18% slope measured over a 50 foot horizontal distance or 9 foot rise. The 2009 definition was an effort to weaken the bluff protections by requiring a 10 foot rise.	Page 24 of the SONAR states that the proposed definition was premised on the dual goal of protecting sensitive bluff features while minimizing the creation of new nonconforming strucutres. The analysis described on page 24 compared the proposed definition to the one created by the 2009 Legislature and included in the 2014 working draft rules, not the current definition used by the City of St. Paul. This analysis does not address the elimination of existing nonconforming structures.The City of St. Paul and St. Paul business interests were very concerned that the 2009/2014 definition created too many nonconforming structures and the intent of the analysis was to show how the creation of new nonconformities compared between the proposed bluff defintion and the 2009/2014 defintion. Concern over the creation of new nonconformities contributed to removal of this bluff definition in Minn Stat. § 116G.15 by the 2013 Legislature. The Executive Orders do not contain a bluff definition and do not contain any language specifying a horizontal width of any length.
6/30/2016	6/30/2016	7	Christine Goepfert	National Parks Conservation Assoc	Letter	7a	General	General	Supports rules - a consistent approach is needed to manage the MNRRA. The current EO 79-19 framework is deficient for several reasons.	
6/30/2016	7/5/2016	8	Shirley Erstad	Friends of the Parks and Trails of St Paul & Ramsey Co	Letter	8a	Definitions.0050	Bluff	Retain current definition as "18% and greater slopes" - it's used in existing regulations and many local ordinances	See **D.3. Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #8b.
6/30/2016	7/5/2016	8	Shirley Erstad	Friends of the Parks and Trails of St Paul & Ramsey Co	Letter	8b	Definitions.0050	Native plant community	Replace "mapped" with "identified."	See **D.3. Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #29a.
6/30/2016	7/5/2016	8	Shirley Erstad	Friends of the Parks and Trails of St Paul & Ramsey Co	Letter	8c	Definitions.0050	Primary conservation areas	Include islands, wildlife preservation areas, and waterfalls in definition, retain publicly-owned parks, trails, and open space.	See **D.3. Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #8m.
6/30/2016	7/5/2016	8	Shirley Erstad	Friends of the Parks and Trails of St Paul & Ramsey Co	Letter	8d	Definitions.0050	Shore impact zone	Include "but not less than 50 feet." The SIZ serves as all or part of the shoreline buffer, this is required in the draft SL rules.	The SIZ is 50% of the setback, which varies by district. The width of the SIZ, and subsequent room for buffers, is designed to intentionally vary to align with existing and planned future development. This variable approach to establishing areas for buffers is consistent with the statewide shoreland program.
6/30/2016	7/5/2016	8	Shirley Erstad	Friends of the Parks and Trails of St Paul & Ramsey Co	Letter	8e	Subdivision.0170	Subp. 2 Applicability	Delete from item A - thresholds of ten or more acres for parcels abutting the River and twenty or more acres for all other parcels. Instead, apply to the division of any parcel of land being subdivided into two or more lots.	See **D.3. Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #8ddd.
6/30/2016	7/5/2016	8	Shirley Erstad	Friends of the Parks and Trails of St Paul & Ramsey Co	Letter	8f	Subdivision.0170	Subp. 5 Land dedication	Replace "that" with "shall." Existing regulations require dedication, proposed rules should to.	See **D.3. Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #8eee.
6/30/2016	7/5/2016	8	Shirley Erstad	Friends of the Parks and Trails of St Paul & Ramsey Co	Letter	8g	DimensionalStds.0120	Subp. 3A OHWL setback - General	Flood control structures should not be exempt from setback requirements, structures at Holman Field demonstrate the value of using the setback area for shoreline restoration.	See **D.3. Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #8jjj.

7/1/2016	7/1/2016	9	Monique MacKenzie	University of Minnesota	Letter	9a	General	General	University supports intent of rules and will remain a committed partner. Some aspects of rules are overly vague.	
7/1/2016	7/1/2016	9	Monique MacKenzie	University of Minnesota	Letter	9b	Definitions.0050	Biological and ecological function	Definition of "biological and ecological function" is overly broad and should include standards.	See response to comment 2e.
7/1/2016	7/1/2016	9	Monique MacKenzie	University of Minnesota	Letter	9c	Definitions.0050	Bluff, public river views	Articulate a process to achieve specific geospatially mapped and locally validated ID of steep slopes and bluffs, not simply LiDAR based. Who is responsible?	Local governments will need to create their own bluff maps based on the bluff definition in the proposed rules. The DNR has developed a bluff mapping tool that local governments may use if they wish. The rules specifically exclude man-made features from regulation, so local governments will need to keep this in mind when developing bluff maps. The DNR will be providing guidance for using the bluff mapping tool. The guidance is intended to reduce the amount of error or variation among each local governments' maps. However, the DNR is interested in user feedback on how this can be best achieved. Bluff maps are further discussed in **D.RR.0**, Section II, part A.
7/1/2016	7/1/2016	9	Monique MacKenzie	University of Minnesota	Letter	9d	Definitions.0050	Essential services	Change to include at-grade distribution facilities and 'chilled water' utilities	The definition of essential services is broad enough to include these facilities.
7/1/2016	7/1/2016	9	Monique MacKenzie	University of Minnesota	Letter	9e	Definitions.0050	Intensive vegetation clearing	Clarify whether "majority" of trees is simple majority by site area	A simple majority by site area can be used to determine intensive vegetation clearing, although local governments may choose other methods that are equally protective.
7/1/2016	7/1/2016	9	Monique MacKenzie	University of Minnesota	Letter	9f	Definitions.0050	Public river corridor views	"Public overlook" is not defined -- used by public or publicly owned?	A "public overlook" is one that is publicly owned; it would not be feasible to identify all private overlooks used by the public.
7/1/2016	7/1/2016	9	Monique MacKenzie	University of Minnesota	Letter	9g	Definitions.0050	State or regional agency	University should more properly be considered as a "state or regional agency." Issues own building permits and develops own plans. This would address concern below under district boundary changes.	See DNR proposed modification to amend the definition of "state or regional agency" in **D.RR.0**, Section III.
7/1/2016	7/1/2016	9	Monique MacKenzie	University of Minnesota	Letter	9h	Districts.0100	Subp. 9 District boundaries	Redraw boundaries to more precisely follow road centerlines and parcel lines - along E. River Road between Fulton St. SE and the Washington Ave. Bridge, and along the west bank between I-35W and 26th Ave. S.	The DNR will attempt to make minor technical corrections that are functions of the accuracy/inaccuracy of the data layers and GIS software before releasing the final district boundary maps.
7/1/2016	7/1/2016	9	Monique MacKenzie	University of Minnesota	Letter	9i	Districts.0100	Subp. 9 District boundaries	Rules should allow the U to submit a written request to DNR for district boundary amendments.	See DNR proposed modification to amend the definition of "state or regional agency" in **D.RR.0**, Section III, which will result in the U of M being able to request district boundary amendments.
7/1/2016	7/1/2016	9	Monique MacKenzie	University of Minnesota	Letter	9j	Uses.0110	Wireless communication facilities	Term is not defined. Includes more than free-standing wireless towers? How does it apply to state/regional or special purpose units of govt.? Clarify.	See response to comment 2t.
7/1/2016	7/1/2016	9	Monique MacKenzie	University of Minnesota	Letter	9k	DimensionalStds.0120	Subp. 2A Height - RN, UM, UC	Provide a more specific and defensible definition of "visual impact" and description of how it is to be assessed.	Assessment of visual impacts of a proposed building or structure is a common requirement in many design standards, i.e., for historic districts. There are many accepted methods available for assessing visual impact; the choice of which method to use is up to the local government. See **D.3. Attachment 3**, 7/6/16 Response to Comment, comment # 4i, and also **D.RR.0**, Section II, part F.
7/1/2016	7/1/2016	9	Monique MacKenzie	University of Minnesota	Letter	9l	PublicFacilityStds.0130	Subp. 3 General design standards	Clarify statement that agencies must apply standards and criteria that would be applied by a local government" -- should be the standards and criteria of the respective agency or special purpose unit	"Local government" is defined in the rules as "counties, cities, and townships." The standards of the local government are those that would be applied. Any agreements as to development review responsibilities between the University and local government (Minneapolis) would apply in this case.
7/1/2016	7/1/2016	9	Monique MacKenzie	University of Minnesota	Letter	9m	Vegetation.0150	Subp. 2 Applicability	Intensive clearing should be allowed when restoring an area to establish native communities, etc.	Intensive clearing would be allowed with a local permit, which provides an opportunity to review and suggest best practices.
7/1/2016	7/1/2016	9	Monique MacKenzie	University of Minnesota	Letter	9n	LandAlteration.0160	Subp. 4A Riprap - comply w 6115	Is a DNR Public Waters Work Permit required, or a separate approval? Clarify.	DNR approval is required for work below the OWHL under Minn. R. 6115. Approval may be in the form of approval from the DNR Area Hydrologist or in the form of a permit depending on the nature and location of the work.
7/1/2016	7/1/2016	9	Monique MacKenzie	University of Minnesota	Letter	9o	LandAlteration.0160	Subp. 4B Riprap - Local permit	Reads as if erosion must occur before stabilization is employed. Riprap should always be present in some locations, such as storm sewer outlets	Stormwater, public transportation and other public utilities are exempt from location restrictions in the BIZ and SIZ or water quality impact zone. See 6106.0180.
7/1/2016	7/1/2016	9	Monique MacKenzie	University of Minnesota	Letter	9p	LandAlteration.0160	Subp. 4B Riprap - Local permit	RFPE not defined. Riprap may be needed above OHWL, as in prior comment.	Subp. 4B (4) states that the restriction on height above the Regional Flood Protection Elevation (RFPE) may be exceeded when a professional engineers that a larger structure is needed to address erosion problems. "Flood Protection Elevations" are defined in the statewide floodplain management rules, 6120.5700, subp. 5, and RFPE is defined in the statewide model floodplain ordinance and most local floodplain ordinances.
7/1/2016	7/5/2016	10	Sen. Sieben et. al.	MN Legislators	Letter	10a	General	Support	Letter from 13 state legislators underscoring the need for and expressing their support for the proposed rules, and urging their adoption. Legislators who signed the letter include Sen. Sieben, Rep. Hansen, Sen. Pappas, Sen. Eaton, Sen. Clausen, Rep. Kahn, Rep. Davnie, Rep. Schoen, Sen. Goodwin, Sen. Cohen, Rep. Mullery, Sen. Torres Ray, and Sen. Johnson.	
7/1/2016	7/5/2016	11	Parks & Trails Council of MN		Letter	11a	General	General	General support, but wish proposed rules provided better protections for storm water management, and building height. Particularly concerned about height around the MS/MN confluence, Spring Lake Park area, and Grey Cloud Island.	
7/4/2016	7/4/2016	12	Patricia Lueth	self	e-comment	12a	General	General	Concerned about development near river by Spring Lake Park Reserve. Implies rules are being amended, and weakened, to allow for the development of the Greenway Bike Trails. Indicates that Dakota Co has received poor support for their plan. Recommends keeping current rules in place. Opposed to Dakota County's recent comments.	See response to Dakota County's comments in **D.3. Attachment 3** to the DNR's 7/6/16 Response to Comments, comments #53a-i.
7/4/2016	7/5/2016	13	Ronald Vantine	self	Letter	13a	Districts.0100	Subp. 8 UC	City of Minneapolis not adhering to its own zoning rules for projects in Urban Core. Approval by P & Z Committee of 42-story Alatus tower overrules HPC recommendations and St. Anthony Falls Historic District Guidelines. Rules allow City too much leeway.	The Urban Core district gives the highest degree of discretion to local governments. Historic district plans and guidelines are one type of locally-adopted plan, but are not the only determinant of the appropriate level of development in a designated area of growth. DNR is not the appropriate agency to advocate for or against HPC recommendations. City actions are subject to appeal.
?	7/5/2016	14	Lyndon Torstenson	self	Letter	14a	General	General	As an educator, commenter supports clear and strong rules governing the MRCCA. Students are captivated and engaged by the river and nature; these resources are diminished by each variance or other relaxation of standards.	
7/5/2016	7/5/2016	15	Dale Herron	self	Letter	15a	Districts.0100	Subp. 8 UC	City of Minneapolis not adhering to its own zoning rules for projects in Urban Core (Alatus tower issue). Should rules set a limit on height increases, such as 20% over maximum? Should buildings requiring variances also require an EAW?	See response to comment 13a.

7/5/2016	7/5/2016	16	Gordon Nesvig	Self	Letter	16a	General	Notice & Public Input	I had no notice of meetings held prior to the public hearings. Does not recall receiving a postcard from the DNR in May of 2014. Info provided on postcards was insufficient notice or service of process when property rights are affected.	DNR has confirmed that a postcard was mailed to Mr. Nesvig on May 30, 2014. This postcard was sent to all 16,714 property owners in the MRCCA announcing the Request for Comments and directing interested parties to sign up to a mailing or e-mail list to receive further updates and notifications. Since then, the DNR has done additional outreach to property owners and other affected interests as outlined in the Additional Notice Plan in the SONAR (Hearing Exhibit 3) and Certificate of Additional Notice (Hearing Exhibit 7), including multiple press releases to general circulation newspapers in the MRCCA, DNR website updates, and communications sent to local governments and interest groups to include in their newsletters, websites, and other communications.
7/5/2016	7/5/2016	16	Gordon Nesvig	Self	Letter	16b	Districts.0100	Subp. 3 ROS	Mr. Nesvig owns ~150 acres of land in the MRCCA and requests to change the district from CA-ROS to CA-RN. Reasons cited include it is similar to property to the south and east designated RN, a new county bridge is planned for the highway that bisects the property, and the property has been planned and approved for development since 2004; it was subject to an AUAR completed in 2003, which was extended by the City of St. Paul Park and Met Council in 2009 and 2014. DNR signed off on the development plans.	This property is referred to as "River's Edge" in the City of St. Paul Park's comprehensive plan and is currently in the Rural Open Space District under Executive Order 79-19. The City's comprehensive plan contains chapters on the MRCCA and on River's Edge approved by the DNR in 2010, and states "*As verified by the DNR in a letter to the City dated September 16, 2008, the Rural Open Space designation continues to apply to land within the MRCCA portion of the River's Edge area. The City is interested in seeing this area developed at densitiies greater than 1 unit/10 acres in order to achieve a number of goals: additional bluff restoration, increased partk and trail space, as well as more housing. However, the City understands that any increase in density over 1 unit/10 acres within the MRCCA portion of the River's Edge area can only happen if appoved by the DNR through a PUD process.*" Development on the property is currently restricted to a density of 1 unit/10 acres and setbacks of 200' from the OHWL and 100' from bluffs under the City's MRCCA ordinance, which was last updated by the City and approved by the DNR in 2013. Under the proposed rules, the ROS district that applies to this property does not contain the 1 unit/10 acre density requirement, which would provide opportunities for greater density than is currently allowed, and retains the setbacks that currently apply to the property. This property contains many sensitive resources, including steep limestone bluffs, forests (including floodplain, oak savanna/woodland, and dry cliff forests), native prairie remnants, springs and seeps, bays, islands, and rare species habitat, including "Sites of Biological Significance", bald eagle nesting areas, and rare mussel communities on or in the vicinity of the property. The goal is to transfer density away from the river and these resources to protect them. As such, the ROS continues to be the most fitting district for this property. See also **D.RR.2 - Attachment 2** for the DNR's response to this and other district map changes.
7/5/2016	7/5/2016	16	Gordon Nesvig	Self	Letter	16c	General	Support	Overall, the proposed changes seem reasonable with the exception of the district designation on my property.	
7/5/2016	7/5/2016	17	Dan Kalmon	MS WMO	Letter & Hearing	17a	LandAlteration.0160	Subp. 7B SW Mgmt - WQIZ	In cases where two subparts of the Rules could conflict, does the most restrictive apply within the critical area? If a conflict occurs would the DNR carry out enforcement of the rule? For example: If city stormwater regulations (Subpart 7.B.1) and watershed standards established in a Watershed Management Plan in accordance with 103B (Subpart 9.A) are in conflict whlcb standards would be applied?	Whichever standard is most restrictive would apply.
7/5/2016	7/5/2016	17	Dan Kalmon	MS WMO	Letter & Hearing	17b	Preparation.0070	Subp. 6 Flexibility requests	This section should allow other affected jurisdictions the opportunity to comment on flexibility requests. Watershed organizations should receive notification of requests.	See **D.0 DNR Response to Comments Memorandum** of 7/6/16 for proposed rule modification on providing notice of flexibility requests.
7/5/2016	7/5/2016	18	Barbara Glaser	self	Letter	18a	Districts.0100	Subp. 8 UC	City of Minneapolis not adhering to its own zoning rules for projects in Urban Core. Approval by P & Z Committee of 42-story Alatus tower overrules HPC recommendations and St. Anthony Falls Historic District Guidelines. Rules should be modified to recognize unique historical value of National Register districts, giving them their own designation, and should incorporate reference to SAF Historic District Guidelines.	In establishing the boundaries of corridor districts, the DNR has carefully considered and attempted to balance multiple plans and interests, including Comprehensive Plan, neighborhood plans, and input from both local governments and stakeholders. Historic district plans and guidelines are one type of locally-adopted plan, but are not the only determinant of the appropriate level of development in a designated area of growth.
7/5/2016	7/5/2016	19	Carolyn Braun et al.	Cities of Anoka, Brooklyn Park, Champlin, Coon Rapids, Dayton, Ramsey	Letter	19a	Definitions.0050	Bluff	Unlike the shoreland rules, the proposed definition does not require the bluff to be located in a shoreland area - bluffs can be located in an area that is not readily visible or distant from the river.	The purpose for the MRCCA designation and protection is different from that for shoreland. In fact, each program is authorized under different statutes, § 116G for the MRCCA and § 103F for shoreland. The area within the MRCCA boundary is significantly largerin some areas than the 1000 feet from lakes and 300 feet from rivers that define the shoreland area. One of the defining features of the MRCCA is the large bluff complexes, especially in the central and southern reaches of the MRCCA. These complexes contain connected habitat and generally drain to the Mississippi River. It is reasonable to regulate bluffs in the MRCCA differently to protect views, habitat, and hydrologic systems unique to the MRCCA.
7/5/2016	7/5/2016	19	Carolyn Braun et al.	Cities of Anoka, Brooklyn Park, Champlin, Coon Rapids, Dayton, Ramsey	Letter	19b	Definitions.0050	Bluff	Item B defines a bluff feature with a 45 degree angle that rises ten feet above the OHWL, which is also 100 percent slope, neither of which is a cliff or escarpment that rises straight up into the air. The definition needs to be further refined.	See **D.0 DNR Response to Comments Memorandum** 7/6/16 for proposed modification to the escarpment definition to better capture escarpment features.
7/5/2016	7/5/2016	19	Carolyn Braun et al.	Cities of Anoka, Brooklyn Park, Champlin, Coon Rapids, Dayton, Ramsey	Letter	19c	Definitions.0050	Subdivision	The subdivision definition refers to the definition in 462.352 which means the separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys. Based on this definition, would separation of land into two or more parcels on an existing road not be considered a subdivision and therefore exempt from the design standards in 6106.0170 Subp. 4, including set-asides?	This comment is unclear. Most lot divisions of this type would be considered parcels, tracts, or lots, not long-term leasehold interests, so the set-aside requirements would apply.
7/5/2016	7/5/2016	19	Carolyn Braun et al.	Cities of Anoka, Brooklyn Park, Champlin, Coon Rapids, Dayton, Ramsey	Letter	19d	AdministrativeProv.0080	Subp. 3 Nonconformities	Subp. 3E states that site alterations (vegetation, erosion control, stormwater control, and other nonstructural improvements) that were legally made prior to the effective date of local ordinance adoption are considered conforming. Expansion of site improvements must comply with the proposed rules. Does vegetation include lawns and if so, does this prevent the expansion of lawns? 6106.0150 Subp. 3B (2) allows maintenance of existing lawns, landscaping and gardens. Does this allow for expansion of existing lawns? Do these two provisions conflict?	These two provisions are not inconsistent. The nonconforming provision allows existing site alterations that would be prohibited under the current rules, such as the clearing of native plant communities for a lawn, to continue as protected nonconformities. Expansion of existing lawns is allowed as long as the expansion does not conflict with the rules. For example, clearing of additional native plant communities to expand a lawn would not be allowed.

7/5/2016	7/5/2016	19	Carolyn Braun et al.	Cities of Anoka, Brooklyn Park, Champlin, Coon Rapids, Dayton, Ramsey	Letter	19e	DimensionalStds.0120	Subp. 2A Height - General	Many standards require a structure to be of a height generally consistent with the height of the mature treeline and existing development, as viewed from the OHWL of the opposite shore. How do we access the opposite shore, if in private ownership, and how do we process applications made during "leaf-off?"	This is an issue for structure height in the RTC and SR districts. As part if a visual impact assessment for a CUP in the RTC district, a site visit may be needed to assess the height of surrounding development and the mature treeline, where present. In situations where there is concern that buildings may be visible, a cross-section analysis using GIS is one tool that could be used to determine visibility from the opposite shore. In the SR district, the DNR will determine whether the height in underlying local zoning within this district is consistent with the mature treeline and existing development as part of its review and approval of local MRCCA ordinances.
7/5/2016	7/5/2016	19	Carolyn Braun et al.	Cities of Anoka, Brooklyn Park, Champlin, Coon Rapids, Dayton, Ramsey	Letter	19f	PrivateFacilityStds.0140	Subp. 5 Water access & viewing	Subp. 5 C (4) states that stairways, lifts and landings must be located in the least visible portion of a lot. The least visible portion may be inappropriate due to physical conditions or presense of valuable vegetation. How is this addressed?	These facilities should be placed in the least visible portion of the lot, when practical. However, we recognize that siting around topography, wetlands and other natural features are considered during site design and the best site is chosen based on physical conditions. This provision is similar to that in the statewide shoreland rules, however, the shoreland rules use the words, "whenever practical." See proposed DNR modification in **D.RR.0**, Section III.
7/5/2016	7/5/2016	19	Carolyn Braun et al.	Brooklyn Park, Champlin, Coon Rapids, Dayton, Ramsey	Letter	19g	PrivateFacilityStds.0140	Subp. 5 Water access & viewing	Is storage of boat lifts allowed in the setback/SIZ?	Yes. See **D.0 DNR Response to Comments Memorandum** 7/6/16 for proposed modification to the exemptions table to allow storage of docks, boats and other equipment.
7/5/2016	7/5/2016	19	Carolyn Braun et al.	Cities of Anoka, Brooklyn Park, Champlin, Coon Rapids, Dayton, Ramsey	Letter	19h	LandAlteration.0160	Subp. 4A Riprap - comply w 6115	This section requires a permit for all erosion control measures. Would like a simplified permit process that allows for minor erosion control maintenance	See **D.0 DNR Response to Comments Memorandum** 7/6/16 for proposed modification to Subp. 4 allowing repair of riprap without a local permit.
7/5/2016	7/5/2016	19	Carolyn Braun et al.	Cities of Anoka, Brooklyn Park, Champlin, Coon Rapids, Dayton, Ramsey	Letter	19i	Subdivision.0170	Subp. 4B PCA set asides	Given the provisions to protect primary conservation areas, shoreland, bluffs/slopes, vegetation, impervious surface and park/open space dedication requirements, the permanent set aside of primary conservations areas (percentages varying by district) is over-reaching. If challenged, local government will have to defend this requirement.	See **D.1, Attachment 1** to the DNR's 7/6/16 Response to Comments, part C, and **D.3, Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #38e.
7/5/2016	7/5/2016	20	Rep. Sheldon Johnson	Miss. River Parkway Commission of MN (MN-MRPC)	Letter	20a	General	General	Supports and is grateful for DNR efforts to develop proposed rules, including comprehensive public outreach. Appreciates that some of MN-MPRC 2014 comments were incorporated, but asks for reconsideration of all comments (copy of 2014 attached with updated 2016 comments). ~~Note that all of these comments were considered by DNR in 2014, and the resulting language has already taken into account. That said, we have responded to each.~~	The MN-MPRC asks for reconsideration of comments it submitted to the DNR in 2014 that were not incorporated into the proposed rules. The DNR considered these comments in 2014, and the language in the proposed rule are the outcome of a deliberative, highly participatory process that sought to balance many perspectives and values; as a result, not all of MN MPRC comments were incorporated into the proposed rules. That said, we have responded to each specific reconsideration in Comments 20b to 20dd below.
7/5/2016	7/5/2016	20	Rep. Sheldon Johnson	MN-MRPC	Letter	20b	Definitions.0050 and/or Districts .0100	Primary conservation areas	Either add "publicly owned parks, trails and open spaces" to the definition of primary conservation areas, or add it to specific mentions of primary conservation areas in the rules such as line 34.8 - CA-UC district	The term "primary conservation areas" is used in the subdivision and PUD provisions of the proposed rules to identify key resources to be given priority consideration for protection as open space. As such, it does not make sense to include recreational facilities and open space that is already in public ownership in the definition of this term. This comment is similar to comments previously submitted by other commenters and is addressed in the July 6, 2016 DNR Response to Comments, **D.3. Attachment 3**, comment #8m.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20c	Definitions.0050	Public river corridor views	Add "bridgeheads and bridge crossings" to the definition of public river corridor views.	Through the rulemaking process, the DNR determined that views from bridgeheads and bridgecrossings encompassed too large an area; one that in some cases spans beyond the MRCCA boundary. This comment is similar to comments previously submitted by other commenters and is also addressed in the July 6, 2016 DNR Response to Comments, **D.3. Attachment 3**, comment #8n.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20d	AdministrativeProv.0080	Subp. 3 Nonconformities	Nonconforming structures between or are visible from Great River Road and the Mississippi River should be subject to greater controls. For example, expanding a nonconforming billboard in the river corridor should not be allowed, while restoring a designated historic building would be welcome.	Nonconformities are protected under state law, specifically Minn. Stat. §§ 394.36, 462.357, and 117.184. The proposed rules must be consistent with these laws and cannot treat nonconformities in specific locations differently. This comment is similar to comments previously submitted by other commenters and is also addressed in the July 6, 2016 DNR Response to Comments, **D.3. Attachment 3**, commenter #8w.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20e	AdministrativeProv.0080	Subp. 3 Nonconformities	The "averaging" provision for new structures raises concerns.	The concept of setback averaging is based on similar provisions in the statewide shoreland rules and is very important for dealing with the large amount of existing developed areas in the MRCCA.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20f	AdministrativeProv.0080	Subp. 3 Nonconformities	A view and impact assessment as required for height CUPs in the proposed rules should be required for the review of nonconformities.	Due to the prevalence of nonconformities in the MRCCA, this would not be a reasonable requirement. Also, since 2014 when this comment was originally submitted to the DNR, the DNR incorporated a new provision into the proposed rules (lines 27.16-27.17) to specifically address visual impacts and limit the amount of expansion of nonconforming structures (in italics for emphasis): 6106.0080, subp. 3.C.(2) Local governments may choose to allow lateral expansion of legally nonconforming principal structures that do not meet the setback requirements of part 6106.0120, provided that:*(2) the expanded structure's scale and bulk is consistent with that of the orginal structure and existing surrounding development*.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20g	DimensionalStds.0120	Subp. 2A Height - RTC	Outside of the UC and UM areas, limiting height based on the mature tree line would address scenic values and limit building visibility. The RTC district, which allows heights of 48', exceeds the mature treeline and should be changed to a lesser height.	The districts were developed to address a wide variety of existing and planned land uses and to protect commercial and industrial resources. Use of the RTC district is limited to those areas where there are clusters of existing commercial and institutional uses or where communities have plans for those uses.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20h	DimensionalStds.0120	Subp. 2A Height - UM & UC	Require tiering of height away from the river.	The design standards for these two districts specify placement to minimize interference with public river corridor views and tiering of structures away from the river and from blufflines.

7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20i	DimensionalStds.0120	Subp. 2D Exceed Height CUP	Incorporate into CUP performance standards the following: protection of public access, clearly stated performance standards for assessing visual impacts along Great River Road, and vegetation screening requirements to maintain and improve views.	The CUP criteria include an assessment of the visual impact of tall buildings on public river corridor views - a concept that was carefully developed over the course of many meetings with stakeholders to manage visual impacts. Developing criteria to address views from the Great River Road, a feature with implications on scale and distance that are significantly different from public river corridor views, is not reasonable at this stage in rulemaking. Local government plans must identify views that are important to them in their MRCCA plans. Considering visual impacts on the Great River Road in local plans will be important, where relevant to the local community. The listed techniques for minimizing the bulk of buildings were developed to address visual impacts from tall buildings on public river corridor views. Vegetative screening may be a useful technique, but is unlikely to address building scale impacts on public river corridor views. Protecting public access is not related to minimizing impacts to public river corridor views. Permit conditions must be related and proportional to the impact of the proposed activity. "Visual impact analysis" is further discussed in **D.RR.0**, Section II, part F.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20j	PublicFacilityStds.0130	Subp. 7C Trails & viewing areas	Require screening of public trails and viewing areas to protect views.	Trails, access paths, and viewing areas must be designed, constructed and maintained consistent with BMPS in Trail Planning, Design and Development Guidelines. These guidelines address a wide variety of design considerations including vegetative screening and buffer development. In some cases screening is not desired so as to afford users of trails, access paths and viewing areas a view of the river corridor. See response tocomment 57e.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20k	PrivateFacilityStds.0140	Subp. 7 Signs	The rules should address signs in the MRCCA that are not on the river itself, but are along the Great River Road. Refer to Highway Beautification Act and 23 U.S. Code § 131, which prohibits new billboards on National Scenic Byways, and provides guidelines for signs and billboards.	The proposed rules address the visual impact of signs from views from the river - the ordinary high water level of the opposite shore. These provisions have been reviewed and found to be generally acceptable to most stakeholders involved in the public process. Regulations addressing signs along the Great River Road would be a significant expansion of the proposed rules affecting many stakeholders and requiring significant research and detailed work in developing regulations. It is not reasonable to introduce significant changes into the rules at this point in the rulemaking process.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20l	Vegetation.0150	General	Add to the purpose statement: "D. Protect the public river corridor views and other scenic assets of the critical area."	Protecting public river corridor views and scenic assests is included in purpose statement B, "preserve the natural character and topography of the corridor."
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20m	Vegetation.0150	Subp. 2 Applicability	Clarify that vegetation management standards apply in the UC district.	All standards, including vegetation standards, apply to all land in the corridor. Only height, bluff and OHWL setback standards vary by district. The vegetation standards apply to land in the CA-UC district. However, since the CA-UC district does not have a setback, it does not have a shore impact zone in which to apply vegetation standards. Vegetation standards do apply in the CA-UC district in areas within 50 feet of a wetland or natural drainage way, bluff impact zones, areas of native plant communities, and significant vegetative stands identified in local plans.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20n	Land Alteration.0160	Compliance with other plans	Add reference to Minn. Stat. Ch. 138 regarding protection of historic and cultural resources.	The land alteration provisions are intended to minimize pollution to surface waters from land disturbance and through stormwater management practices. The subpart requiring compliance with other plans and programs only address those plans and programs dealing with water quality and water quantity.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20o	LandAlteration.0160	Subp. 3 Land alteration	Amend: "...impervious surface of more than 10,000 sqaure feet on all parcels in the critical area."	The development of stormwater management regulations was a thoroughly discussed and contentious issue throughout the rulemaking process involving many stakeholders with expertise in stormwater management. The proposed rules represent a balanced approach that is generally acceptable to most stakeholders.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20p	Uses.0110	Subp. 5 Nonmetallic mining	Specify native vegetation for screening mining operations.	The rules specify natural vegetation to screen mining operations. Natural vegetation is defined in the rules and provides both functional and habitat value. Mining areas, by their very nature, are areas of disturbance. Native vegetation may not be practical in all situations, particularly in areas with ongoing disturbance and susceptibility to invasive species.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20q	DimensionalStds.0120	Subp. 3B Bluff setback - General	We support the setbacks from slopes, not just defined bluffs, to help prevent mudslides and other slope erosion.	Setbacks are from bluffs wich are slopes over 18% and meet the height and width parameters.*See* **D.1, Attachment 1** to the DNR's 7/6/16 Response to Comments, part F. The DNR also proposes to modify the definition of steep slopes to include slopes over 18% that are not bluffs. *See* **D.0. July 6, 2016 DNR Response to Comments Memo,** proposed rule modifications. The proposed rules don't require a setback to steep slopes, but do require protection.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20r	DimensionalStds.0120	Subp. 3A OHWL setback - UC	50' OHWL setback is reasonable instead of relying on local zoning. Explain why there is a 40' setback for bluffs but 50' setback from the OHWL.	OWHL setbacks vary based on district. There is no setback in the CA-UC District, thus any setbacks rely on local zoning. The UC district covers much of the same area as the Urban Diversified District under EO 79-19, which also did not have a setback. Due to the developed nature of the corridor, an effort was made to minimize changes to dimensional standards. A 40 foot bluff setback was the required setback EO 79-19 and thus was maintained.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20s	Preparation.0070	Subp. 4 Contents of plans	We encourage stronger language to "maximize" creation of open space and recreational facilities rather than "provide".	See **D.3. Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #8u.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20t	Districts.0100	General	Reinstate the "Urban River Park District", and apply it to the boundaries of existing and planned regional parks along the Mississippi River in the urban core.	The 2011 Draft MRCCA Rules contained a CA-1 district for existing/planned parkland, islands and natural areas that are visible from the river. In 2014, after extensive input from local governments and other stakeholders, the DNR decided to combine the CA-1 and CA-2 districts into what is now the CA-ROS district. It didn't make sense for only one district (the CA-1) to contain only public parks, and for all other districts to contain both public parks and private land. Also, plans for regional parks change too frequently to maintain a district boundary that follows them. This change was incorporated into the June 2014 Workign Draft Rules that were published with the RFC, and received broad support.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20u	Districts.0100	Subp. 7 UM	If the rules do not create a distinct "Urban River Park District", then the UM district should specifically address the creation and management of riverfront parks in this district.	Providing public access to and public views of the river are management priorities in this area. The creation of riverfront parks is not specified as a priority in any district. The creation of parks is identified as an element of local plans. Local planning in concert with the Metropolitan Council is the appropriate vehicle for establishing new parks. The creation of a park district is further discussed in **D.RR.0**, Section II, part E.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20v	DimensionalStds.0120	General	Include "publicly owned parks, trails, and open spaces" to the purpose statement for districts.	The purpose of the districts is to protect primary conservation areas THROUGH the use of dimensional standards. The districts serve a functional service. Parks, trails and open space are protected through the proper administration of the district-based dimensional standards
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20w	Definitions.0050	Resource agency	Add the MN-MRPC to the definition.	The MN-MRPC fits within the definition of a Resource Agency and therefore included
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20x	Administration.0060	Subp. 7 Duties of cities	Add requirement to notify MN-MRPC of all discretionary actions.	The DNR proposes a modification of the rules in part 6106.0070, Subp. 6, to state that the DNR will make requests for flexibility publicly available. See **D.0. Response to Comments Memo 7/6/16**. For all other notifications, the local units of government are the proper authority to give notice of discretionary actions they are planning to take.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20y	Incorporations.0090	General	Add "The current Great River Road Corridor Management Plan" as an incorporation by reference.	Documents included as reference documents are used for technical guidance in implementing the rules. There are too many plans within the MRCCA to include them all as references.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20z	Preparation.0070	Subp. 6 Flexibility requests	The flexibility provision seems unduly broad. If it is retained, then the standard for review should be "consistent" rather than "substantial compliance".	DNR did replace the term "substantially compliant" with "consistent" in the proposed rules.

7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20aa	Districts.0100	Subp. 9 District boundaries	District maps should include the Great River Road Scenic Byway.	The scenic byway is one classification among many significant features and it is not feasible to identify all such features accurately.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20bb	Districts.0100	Subp. 9 District boundaries	Add a requirement to notify the MRPC of district boundary amendments.	To the extent that district boundary amendments will require rulemaking, the DNR will comply with the notification requirements of Minn. Stat. Ch. 14.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20cc	Subdivision.0170	Subp. 4A Alt design incentives	In the design standards, add: "I. Protecting or enhancing public river corridor view, cultural site or historic resource may warant additional protection above the minimum for the designated river district.	The term "additional protection" is vague and does not provide guidance for either local governments or other affected interests. Local governments are always free to add additional protections for specific resources.
7/5/2016	7/5/2016	20	Rep. Sheldon J	MN-MRPC	Letter	20dd	Subdivision.0170	Subp. 5 Land dedication	Add language such as: "Park dedication should be implemented for developments in the critical area, to the maximum extent possible."	The requirements were changed to be consistent with existing statutory requirements for dedication of open space. Dedication under Executive Order 79-79 was rarely implemented.
7/5/2016	7/5/2016	21	Dan Patterson	Hennepin Co	Letter	21a	DimensionalStds.0120	Subp. 2A Height - General	Supports cities' efforts to develop at greater densities where infrastructure and riverfront resources are in place. Building height does not necessarily have a negative impact; it can be addressed through building design. Height standards may reduce availability of affordable housing in the corridor.	Urban Core district provides maximum flexibility for local governments to develop at greater densities, while the height limits in the CA-UM and RTC districts also allow a high degree of flexibility, combined with consideration of river corridor resources.
7/5/2016	7/5/2016	21	Dan Patterson	Hennepin Co	Letter	21b	Definitions.0050	Public river corridor views	"Views toward river" is too broad; includes all views in direction of river and leaves other important views out. Clarify.	The definition is designed to identify viewpoints from which people generally see the river, not to attempt to capture all views. Neither is it meant to imply that views in all directions must be equally protected.
7/5/2016	7/5/2016	21	Dan Patterson	Hennepin Co	Letter	21c	Definitions.0050	Steep Slope	Doesn't account for very steep slopes; doesn't capture slopes over 18%.	This issue was raised by previous commenters and the DNR proposes a modification to the definition of "steep slopes" in **D.0. DNR Response to Comments Memo** 7/6/16.
7/5/2016	7/5/2016	21	Dan Patterson	Hennepin Co	Letter	21d	DimensionalStds.0120	Subp. 2A Height - RTC	Tiering in CA-RTC, SR, UM and UC is inappropriately specific way to lessen visual impact; can have greater negative visual impacts.	The concept of tiering was based on substantial input from local governments and other affected interests, who commented that it would avoid negative visual impacts. Other techniques may be used in addition to tiering. Tiering and visual impact analysis is further discussed in **D.RR.0**, Section II, part F.
7/5/2016	7/5/2016	21	Dan Patterson	Hennepin Co	Letter	21e	PublicFacilityStds.0130	Subp. 7B Roads & driveways	Rules allow hard-surface roads on bluff face >30% where no alternative exist, but not hard-surface trails -- are more restrictive of bicycling and walking facilities than driving, therefore inequitable.	Many hard-surface trails already exist and there are options for pedestrian access within road ROWs. Due to reduced need for roads in areas with slopes over 30% and higher costs and siting issues associated with roads in these areas, there is lower probability that roads will be extended into areas with slopes over 30 percent. The goal is to minimize further destabilization of bluff faces with hard-surface trails. Hard surface trails are further discussed in **D.RR.0**, Section II, part G.
7/5/2016	7/5/2016	21	Dan Patterson	Hennepin Co	Letter	21f	PublicFacilityStds.0130	Subp. 7C Trails & viewing areas	Add stairways, lifts and landings to public facilities	This issue was raised by previous commenters and the DNR propses a modification to add these standards for public facilities in **D.0. Response to Comments Memo** 7/6/16.
7/5/2016	7/5/2016	21	Dan Patterson	Hennepin Co	Letter	21g	Definitions.0050	Other	"Visual impact" is undefined and ambiguous; provide clarity or remove term.	Visual impact analysis will be determined by each local government based on the views they've identified in their MRCCA plans and through other public processes. It's not DNR's role to prescribe a methodology. There are many accepted methods available for assessing visual impact; the choice of which method to use is up to the local government. Visual impact analysis is further discussed in **D.RR.0**, Section II, part F.
7/5/2016	7/5-6/2016	22	John Freeburg	Self	Letter	22a	LandAlteration.0160	General	Concerned about connection between two upstream power plants and the erosion occuring along the river banks in the City of Ramsey. Fluctuating temperatures cause ice dams and flooding that results in extensive undercuts and erosion. 5148 tons/year of rock and sediment end up in the river. Refers to "City of Ramsey River Bank Conditions Inventory" prepared by the Anoka Conservation District for the City of Ramsey, February 2016. Twenty years ago, there was vegetation on the riverbanks, now there isn't. Cost for dealing with this is very high and carried mostly by private property owners. The trees and vegetation at the top of bluffs is at risk - need extensive rip rap as stop gap. These conditions are not "normal or natural" and have not been fully considered by DNR.	Comments raised are substantially similar to comments previously submitted and are addressed in the July 6, 2016 DNR Response to Comments, **D.3. Attachment 3**, comment #19a. These comments reaffirm importance of bluff setbacks and protection for public safety and public costs, and speak to a bigger need (beyond the scope of these rules) to study and understand what is happening on this stretch of the river to ultimately stop the massive erosion and sedimentation that is occuring.
7/5/2016	7/5-6/2016	22	John Freeburg	Self	Letter	22b	General	General	Should be able to mine rocks from the river and place them on affected properties.	Comments raised are substantially similar to comments previously submitted and are addressed in the July 6, 2016 DNR Response to Comments, **D.3. Attachment 3**, comment #24a.
7/5/2016	7/5-6/2016	22	John Freeburg	Self	Letter	22c	Vegetation .0150/LandAlterati	Natural Veg/Subp. 4A Riprap	Look more closely at not just erosion control such as "restoration of native vegetation and cedar tree revetment" which are doomed to fail on most slopes due to ice-in and ice-out cycle. Consider true erosion prevention, and provide assistance in securing permission, equipment, and financing. Telling people to simply plant trees and natural vegetation is simply wrong and a waste of precious time and money.	Similar comments regarding the inefficiency of natural vegetation and non-structural erosion control on/north of the Coon Rapids pool was raised in 2014 and changes were made to the proposed rules to reflect it. The rules no longer require "demonstration that non-structural erosion control such as restoration and cedar revetment won't work" (this was in earlier drafts of the rules), and the rules expressly allow erosion control structures to exceed established design parameters if needed as determined by a professional engineer (6106.0160, subp. 4.B.(3) - (4)). Comments regarding DNR providing assistance in securing permission, equipment, and financing is outside the scope of these rules.
7/5/2016	7/6/2016	23	Lisa Hondros	St Anthony Falls Alliance	Letter	23a	Districts.0100	Subp. 9 District boundaries	Map changes to RN and ROS; modify definition of RN to include "properties within the boundary of a regional park slated for public acquisition..." Riverfront Regional Park should be placed in the most protective district (cites statute). Park Master Plan is the controlling "municipal" plan; City defers to it (in unadopted Downtown Public Realm Framework plan).	See **D.RR.2 - Attachment 2** for the DNR's detailed response to district map changes.
7/5/2016	7/5/2016	24	Paul Mitchell	self	e-comment	24a	DimensionalStds.0120	Subp. 2A Height - General	Against allowing 65' heights in St Paul (and higher with CUP)	Proposed heights and district assignments in St. Paul were the result of a deliberative process that balanced many competing interests and opinions. Commenter proposed no alternatives for consideration, or new information to support a change.
7/5/2016	7/5/2016	24	Paul Mitchell	self	e-comment	24b	DimensionalStds.0120	Subp. 3B Bluff setback - General	Is opposed to any new rules that would weaken the slope definitions, and will now allow bluff development.	Comments raised are substantially similar to comments previously submitted and are addressed in the July 6, 2016 DNR Response to Comments, **D.1. Attachment 1,** part F, bluffs.
7/5&6/16	7/5&6/2016	25	Laura Hedlund	self	e-comment	25a	General	General	Is opposed to Dakota County's recent MRCCA comments and their efforts to weaken the rules to allow hard surface trails on 30% slopes, bathrooms in SIZ, and stairs/lifts in BIZ. DNR should avoid making exceptions "here and there"	Comments raised are substantially similar to comments previously submitted and are addressed in the July 6, 2016 DNR Response to Comments, **D.3. Attachment 3**, comments #53g, 53h, and 53i.
7/6/2016	7/5/2016	26	Janet Lenius	Jalen Enterprises	Letter	26a	Districts.0100	General	Change zoning from R5 to R2 in St. Anthony West neighborhood -- concerned about trash and higher crime levels with higher density	Commenter confuses underlying zoning (City) with MRCCA districts.
7/6/2016	7/6/2016	27	Nate Sparks	City of St Paul Park	Letter	27a	Districts.0100	Subp. 3 ROS	Land on the south end of the City bordering County Road 75 is currently designated ROS and the City would like it reclassified to RN. Reasons cited are that this property is one of the few areas available for growth in the City, the City annexed it to allow for future urban development, and there are utilities adjacent to this area.	See response to Gordon Nesvig above, and **D.RR.2, Attachment 2** for the DNR's detailed response to this and other district map changes.
7/6/2016	7/6/2016	27	Nate Sparks	City of St Paul Park	Letter	27b	Districts.0100	Subp. 4 RN	The City's marina is located in the RN District, which allows "limited commercial" and "marinas" per the proposed rules. The City developed a mixed use zoning district for this site to allow a mixture of commercial and residential uses. The City is unclear what "limited commercial" in the proposed rules and wants assurance that the mixed use designation remains acceptable.	The City's mixed use zoning district would remain acceptable provided all dimensional standards for the RN district are met.

7/6/2016	7/6/2016	28	Sen Sieben	Self	Letter	28a	Districts.0100	Subp. 6 SR	Concerned that so many areas in the communities she represents (on Map 6 - St. Paul to Nininger) are in the Separated from River (SR) district, since they are visible from the river. One good example is Mississippi Dunes Golf Course in Cottage Grove, which is visible from the river and portions of Grey Cloud Island and so should not be in the SR District.	See **D.RR.2 - Attachment 2** for the DNR's detailed response to district map changes.
7/6/2016	7/6/2016	28	Sen Sieben	Self	Letter	28b	Districts.0100	Subp. 3 ROS	Supports placement of Lower Grey Cloud Island in the ROS district. It is the largest in a system of islands that provide remarkable wildlife habitat. ROS provides some flexibility for development whiel still protecting the river.	See **D.RR.2 - Attachment 2** for the DNR's detailed response to district map changes.
7/6/2016	7/6/2016	28	Sen Sieben	Self	Letter	28c	Subdivision.0170	Subp. 5 Land dedication	EO 79-19 requires that local governments "maximize the creation and maintenance of open space:, but like much of EO 79-19, the direction is vague; the proposed rules should establish more clear and concise guidelines.	The proposed rules include more specific standards and guidelines for the protection of open space through the set-aside requirements in part 6106.0170.
7/6/2016	7/6/2016	29	David Kelliher	MNHS	Letter	29a	Policy.0010	General	Add Minn.Stat. § 138 to the list of Minnesota Statutes cited in the policy, since it governs the state's role in history.	The DNR has no legal authority to adopt rules compelling compliance with provisions of statutes, except as provided in Minn. Stat. § 116G and local planning statutes. Furthermore, all units of government within the MRCCA are required to comply with Minn. Stat. § 138 and any other statutory obligation imposed on units of government by the Legislature.
7/6/2016	7/6/2016	29	David Kelliher	MNHS	Letter	29b	Preparation.0070	Subp. 4 Contents of plans	Add: "(7) provide for the identification and protection of historic properties" and renumber the remaining items. This is supported by Minn. Stat. 473.859, Subd. 2, so this would be consistent with existing law.	The obligations of Minn. Stat. § 138 are obligations separate and apart from those imposed by § 116G.15 and nothing in these rules relieves local units of government of their responsibilities related to historic properties imposed by § 138.
7/6/2016	7/6/2016	29	David Kelliher	MNHS	Letter	29c	Incorporations.0090	General	Add "Secretary of the Interior's Standards for Archeaology and Historic Preservation to list of documents incorporated by reference.	Documents included as reference documents are used for technical guidance in implementing the rules. The Secretary of the Interior's Standards, while a widely-accepted reference for historic properties, is not directly related to the purpose of the rules or needed as technical guidance.
7/6/2016	7/6/2016	29	David Kelliher	MNHS	Letter	29d	Districts.0100	Subp. 5 RTC	Add one of two options provided to include historic resources in the directive for how this district is managed. This district includes historic downtown areas, but their importance doesn't carry forward into the description of how this district is managed.	Historic properties are already protected via exemptions from height requirements and setbacks.
7/6/2016	7/6/2016	29	David Kelliher	MNHS	Letter	29e	Districts.0100	Subp. 7 UM	On line 33.24, after "views" add: "or historic properties". Urban areas are rich with historic and cultural resources that merit protection.	The DNR has attempted to balance protection of identified resources with the interests of many cities in economic development and growth in identified areas.
7/6/2016	7/6/2016	29	David Kelliher	MNHS	Letter	29f	Vegetation.0150	General	In the purpose, add a clause that would clarify that public river corridor views are important features of the MRCCA. Add, page 19, line 1, after clause C: "D. Protect public river corridor views and other scenic assets of the critical area.	Protecting public river corridor views and scenic assests is included in purpose statement B "preserve the natural character and topography of the corridor."
7/6/2016	7/6/2016	30	Dan Brady	self	Letter	30a	PublicFacilityStds.0130	Subp. 6 Public utilities	Rules don't adequately regulate overhead transmission lines compared to Executive Order; Power lines will lead to increased development of heavy industry that will create barriers to river.	See **D.3. Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #35a, and **D.13. Attachment 13,** Facilties Standards in Executive Order 79-19.
7/6/2016	7/6/2016	31	Peter Gove	self	Letter	31a	General	General	Former environmental advisor to Gov. Wendell Anderson, and NPS Asst Director. Provides legislative background re: designation. Supportive of rules as proposed.	
7/6/2016	7/6/2016	32	Marilyn Lundberg	self	e-comment & letter	32a	Districts.0100	Subp. 9 District boundaries	Map change: Band of properties along Hway 13 in Lilydale are highly visible; should be in RN, not SR district. Fragile scenic area.	See **D.RR.2 - Attachment 2** for the DNR's detailed response to district map changes.
7/6/2016	7/6/2016	32	Marilyn Lundberg	self	e-comment & letter	32b	DimensionalStds.0120	Subp. 3B Bluff setback - General	Retain requirements preventing development on 18% or greater slopes.	Retained for bluffs. See **D.3 Attachment 3** to the DNR's 7/6/16 Response to Comments, comments# 8c, and also **D.1, Attachment 1**, part F, bluffs**.**
7/6/2016	7/6/2016	33	Margaret Egan	St. Anthony Falls West Neighbor-hood Org.	Letter	33a	Districts.0100	Subp. 9 District boundaries	Based on small area planning process, STAWNO favors designation of neighborhood as UM, not RN	See **D.RR.2 - Attachment 2** for the DNR's detailed response to district map changes.
7/6/2016	7/6/2016	34	Peter Gamades	St. Anthony Falls West Neighbor-hood Org.	Letter	34a	Districts.0100	Subp. 9 District boundaries	Favor designation of all land within Riverfront Regional Park boundary in STAWNO as RN	See **D.RR.2 - Attachment 2** for the DNR's detailed response to district map changes.
7/6/2016	7/6/2016	35	Charlie Stevens	City of Cottage Grove	Letter	35a	General	Support	The City of Cottage Grove is encouraged by the latest revisions to the MRCCA rules. The proposed rules appear to be more reasonable and easier to govern than the existing criteria, and the creation of multiple districts in the MRCCA and in Cottage Grove is sound regulation.	
7/6/2016	7/6/2016	35	Charlie Stevens	City of Cottage Grove	Letter	35b	Districts.0100	Subp. 3 ROS	City is concerned with the inclusion of the entirety of Lower Grey Cloud Island (the island), and surrounding islands in the CA-ROS district. The City requests to change the district designation to CA-RN, citing a number of reasons: over 39 miles of shoreline and bluffs along the Mississippi River and its backwaters have limited development opportunities, there is existing residential development on the island, there are existing approved plans to service the island with public utilities, an existing concept master plan has been reviewed before the City, state-regional-county plans have the entire island guided for development of a regional or state park, and due to other regional and state parks in Cottage Grove, a new regional or state park creates more untaxed land, which is impractical for the City.	A similar comment requesting a district change to UM was submitted previously by another commenter and is addressed in **D.4. Attachment 4,** Map Comment #19. See also **D.RR.2 - Attachment 2** for the DNR's detailed response to this and other district map changes.
7/6/2016	7/6/2016	36	City of St. Paul	City of St. Paul	Letter	36a	DimensionalStds.0120	Subp. 2A Height - General	Supports building height limits to protect river corridor views, standards for evaluating impact on river corridor views and the mandate for local governments to identify additional important public river corridor views as part of local plan development.	
7/6/2016	7/6/2016	36	City of St. Paul	City of St. Paul	Letter	36b	Preparation.0070	Subp. 6 Flexibility requests	Supports provisions providing for flexibility in the development of ordinances, which provide a finer-grained look at issues such as visual impact and building height that can better protect resources and avoid undue regulation and discretionary permitting processes where not needed to achieve resource protection.	
7/6/2016	7/6/2016	36	City of St. Paul	City of St. Paul	Letter	36c	Districts.0100	General	An urban park district would be a good additional district, but recognize that existing districts permit most existing and potential future park facilities.	All districts include park land. Park land varies considerably throughout the corridor from very urban to very rural. Setback and height limits are designed to support the management purpose for each district, regardless of ownership of type of structures.
7/6/2016	7/6/2016	36	City of St. Paul	City of St. Paul	Letter	36d	Districts.0100	Subp. 9 District boundaries	Change Watergate Marina to RN	See **D.4 - Attachment 4** to the 7/6/16 DNR detailed response to district map changes.
7/6/2016	7/6/2016	36	City of St. Paul	City of St. Paul	Letter	36e	ExemptionTable.0180		Keep exemptions for parks (to setbacks, height limits, and other) in final rules.	
7/6/2016	7/6/2016	36	City of St. Paul	City of St. Paul	Letter	36f	Preparation.0070	Subp. 7 Plans and project for parks	Supports uniform administrative requirements for all agencies responsible for developing and managing parks.	
7/6/2016	7/6/2016	36	City of St. Paul	City of St. Paul	Letter	36g	DimensionalStds.0120	Subp. 3B Bluff setback - General	Supports use of bluff impact zone and setbacks to protect steep, unstable, natural bluff features from failure and erosion, to protect public safety and property investments, and to limit the visual impact of structures on scenic resources.	
7/6/2016	7/6/2016	36	City of St. Paul	City of St. Paul	Letter	36h	Definitions.0050	Steep Slope	To avoid any gap between the bluff definition and the steep slope definition, modify the steep slope definition to be a feature with a slope of more than 12 percent that is not a bluff.	See **D.0 DNR's Response to Comments Memorandum** 7/6/16 for proposed modification to the definition for "steep slope."

7/6/2016	7/6/2016	36	City of St. Paul	City of St. Paul	Letter	36i	Definitions.0050	Bluff	Generally supports the bluff definition, however, the definition will continue to pick up relatively low, gentle, stable slopes that can be protected from erosion and failure by less intrusive means than prohibiting development on and near them. These are little slopes that are not part of primary bluff complexes facing the river and that do not affect river corridor views, and slopes in fully developed areas that have little or no natural vegetation. The city would like clarification in the rules that the flexibility provisions would allow for exemption of such slopes from the bluff definition and/or bluff impact zone and setback requirements where regulation of them is not necessary for purposes of the critial area.	The flexibility provisions in 6106.0070, subp. 6 allow local governments to develop and propose alternative bluff definitions or exemptions in their local ordinances based on a landscape/topographical analysis, modeling or other resource impact studies that specifically address existing conditions, while protecting public safety and identified scenic and ecological resources.
?	7/6/2016	37	Edna Brazaitis	self	Letter	37	Districts.0100	Subp. 9 District boundaries	All of Nicollet Island should be placed within the CA-RN district, rather than split between RN and RTC. Existing zoning, land use, and park development plans all point to RN as being more appropriate for the entire island. The RTC district would allow height increases via CUP, which is easier to obtain than a variance, and Minneapolis routinely allows height increases via CUPs.	This comment was previously submitted and addressed in the July 6, 2016 DNR Response to Comments, **D.4. Attachment 4**, map comment #6.
7/6/2016	7/6/2016	38	Lee Krueger	St Paul Port Authority	Letter	38a	General	General	In certain areas of the rules, we do not see evidence of DNR mindfulness of intrusion, or necessity and resonableness of the draft rules.	See **D.1, Attachment 1** to the DNR's 7/6/16 Response to Comments, part D.
7/6/2016	7/6/2016	38	Lee Krueger	St Paul Port Authority	Letter	38b	General	General	DNR has not fully followed state law regarding the requirements that industrial and commercial propoerties be allowed to be developed and redeveloped.	See **D.3, Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #5a and #38c.
7/6/2016	7/6/2016	38	Lee Krueger	St Paul Port Authority	Letter	38c	General	Authority	The proposed rules eliminate local planning and regulatory control, except in certain exceptional circumstances.	See **D.3, Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #38b.
7/6/2016	7/6/2016	38	Lee Krueger	St Paul Port Authority	Letter	38d	General	Takings	Rules negatively impact and stigmatize businesses attempting to expand their operations and facilities labeled as nonconforming	See **D.3, Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #38c and #38e.
7/6/2016	7/6/2016	38	Lee Krueger	St Paul Port Authority	Letter	38e	General	Cost	Rules increase administrative burden and cost to local governments	See **D.3, Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #5e and #40d and #55b.
7/6/2016	7/6/2016	38	Lee Krueger	St Paul Port Authority	Letter	38f	Definitions.0050	Other	DNR has not analyzed the number of privately-owned properties that will be negatively affected by definitions and requirements that will cause nonconformities	Commenter does not specify which definitions should be analyzed for impact on creation of nonconformities - it is unreasonable to expect an analysis on all definitions. If the commenter is concerned about the bluff definition, this definition has been subject to extensive public involvement and has been refined to reduce the number of nonconformities. The proposed bluff definition reduces the number of nonconformities in the City of St. Paul by 310 structures compared to the current city definition. See **D.3. Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #38c and **D.6. Attachment 6** to the DNR's 7/6/16 Response to Comments.
7/6/2016	7/6/2016	38	Lee Krueger	St Paul Port Authority	Letter	38g	General	Takings	Rules create risk of takings, inverse condemnation suits, and dmages awarded against the public sector.	See **D.1, Attachment 1** to the DNR's 7/6/16 Response to Comments, part C, and **D.3. Attachment 3**, comment #38e.
7/6/2016	7/6/2016	38	Lee Krueger	St Paul Port Authority	Letter	38h	Definitions.0050	Bluff	The bluff definition continues to include some relatively low, gentle stable slopes that can be protected form erosion and failure by less intrusive means than prohibiting development on and near them. These are little slopes that are not part of primary bluff complexes facing the river and that do not affect river corridor views, and slopes in fully developed areas that have little or no natural vegetation.	The flexibility provisions in 6106.0070, subp. 6 allow local governments to develop and propose alternative bluff definitions or exemptions in their local ordinances based on a landscape/topographical analysis, modeling or other resource impact studies that specifically address existing conditions, while protecting public safety and identified scenic and ecological resources.
7/6/2016	7/6/2016	38	Lee Krueger	St Paul Port Authority	Letter	38i	Subdivision.0170	Subp. 4B PCA set asides	The subdivision requirements to undertake a vegetation analysis and provide conservation set-asides for habitat is burdensome for private property owners without just compensation - creates inverse condemnation exposure. These will negatively affect the Port Authority's Red Rock Shipping and Southport Shipping Terminals as well as some properties in the Authority's land-based Business Centers. The rules which impair shipping in the Saint Paul Harbor be stricken.	See **D.1, Attachment 1** to the DNR's 7/6/16 Response to Comments, part L. Activities involving river-dependent commercial and industrial uses are exempt from the subdivision design standards including the protection of primary conservation areas through set-aside percentages. Shipping terminal activities, if river-dependent, are exempt from the subdivision design standards. The commenter does not specify which rules will impair shipping and therefore should be stricken.
7/6/2016	7/6/2016	39	Susan Vento	Self	Letter	39a	General	General	Late husband, Bruce Vento, was part of effort to create MNRRA. Confluence of the Mississippi River Minnesota - it is priceless that this is accessible. Concerned about big buildings scarring the view shed in this area. Invitation to view the documentary. "Rebirth: The Mississipi's National Park" at fmr.org/rebirth.	
7/6/2016	7/6/2016	40	Cordelia Pierson	Self	Letter	40a	Districts.0100	Subp. 9 District boundaries	Change area between Main St. SE and Miss. R. between E. Hennepin and Bridge 9 from UC to UM	See **D.RR.2 - Attachment 2** for the DNR's detailed response to district map changes.
7/6/2016	7/6/2016	40	Cordelia Pierson	Self	Letter	40b	AdministrativeProv.0080	General	Provide notification to public when significant changes are proposed, including flexibilty requests, district boundary changes, other local discretionary actions	Public notice is a requirement for local governments when holding public hearings. Public hearings would be required for any local government action, including plan and ordinance amendments, flexibiility requests and district boundary amendments under the proposed rules, and discretionary actions.
7/6/2016	7/6/2016	40	Cordelia Pierson	Self	Letter	40c	AdministrativeProv.0080	General	Expand notice period to 30 days from 10 days; add Miss. River Parkway Commission to those notified	The 10-day notice period is consistent with other notice periods for review of discretionary actions by local governments, and was recommended by many local governments.
7/6/2016	7/6/2016	40	Cordelia Pierson	Self	Letter	40d	Incorporations.0090	General	Add Great River Road Corridor Management Plan to documents incorporated by reference	The documents incorporated by reference were selected based on their usefulness as technical references; e.g., for trail design, boat ramp design, and stormwater management. Local and regional plans are not incorporated by reference because the large number of such documents would make it impossible to develop a comprehesnsive list, and because many of them are subject to frequent udpates and changes, making them unsuitable as reference material.
7/6/2016	7/6/2016	41	Nick Tiedeken	Self	Letter	41a	SONAR	riverfront property values	SONAR mistakenly applied research regarding lakefront properties to riverfront properties, compares properties from rural northern MN to metro area.	Some of the sources cited in our response to "cost of not adopting rules" in **D.2, Attachment 2,** July 6, 2016 Detailed Response to Comments, investigated the effects of water quality on non-lakeshore properties such as the Chesapeake Bay. In addition, the commenter mentions that 'lake-like' properties above the Coon Rapids Dam seem to sell more quickly, which would reinforce the applicability of this research to properties of this type.
7/6/2016	7/6/2016	41	Nick Tiedeken	Self	Letter	41b	Definitions.0050	Bluff	Definitions are overly broad; use shoreland rules definitions and eliminate "cliff" component	The statewide shoreland rules have broad applicability to all public waters in the state. The proposed MRCCA rules are tailored to address the conservation needs of specific resources and development patterns unique to the corridor, which includes the largest metropolitan area in the state. The Mississippi River in the Twin Cities Metropolitan area was designated a Critical Area because it had resources unique to its location. These resources are addressed with specific rules that address those unique resources. The proposed rules are the result of an extensive public involvement process that balance the protection needs of the MRCCA's unique resources with those of cities and stakeholders within the MRCCA
7/6/2016	7/6/2016	41	Nick Tiedeken	Self	Letter	41c	DimensionalStds.0120	Subp. 3B Bluff setback - General	Decks and patios should be allowed to extend into bluff impact zone; approach in rules is not a modification of the shoreland standards.	The approach proposed in part 6106.010140, Subp. 6 is a modification of the shoreland standards based on development patterns within the MRCCA; see SONAR, pages 53-54.
7/6/2016	7/6/2016	41	Nick Tiedeken	Self	Letter	41d	DimensionalStds.0120	Subp. 3D Setback averaging and scale	Setback averaging should be allowed in BIZ if it is to be meaningful	Placement of structures in the BIZ is prohibited for reasons of public safety as well as resource protection. See **D.1. Attachment** 1 of the DNR's 7/6/16 Response to Comments, comment F.

7/6/2016	7/6/2016	41	Nick Tiedeken	Self	Letter	41e	PrivateFacilityStds.0140	Subp. 5 Water access & viewing	Trails should be 8' to accommodate watercraft or equipment, not the specified 4'	Eight foot wide access paths are allowed in the SIZ. The 4-foot standard is for access through the BIZ. These standards are consistent with shoreland rules, and have been used by waterfront landowners statewide since 1989 when the shoreland rules were last updated.
7/6/2016	7/6/2016	41	Nick Tiedeken	Self	Letter	41f	Vegetation.0150	Subp. 2 Applicability	Appears to prohibit tree trimming and other minimal vegetation management activities	Tree trimming and other miminal vegetation management acitivities are allowed without a permit under 6106.0150, Subp. 3.B.
7/6/2016	7/6/2016	41	Nick Tiedeken	Self	Letter	41g	AdministrativeProv.0080	Subp. 5 Mitigation	How is "potential negative impact" to be defined? What would mitigation requirement be for placement of a deck or a doghouse? Too open-ended - should be removed.	Negative impact would be defined through each local government's review process for discretionary actions, and would relate to the resources identified in each local government's critical area plan. Small accessory structures such as doghouses would not be not allowed in the Bluff Impact Zone or Shore Impact Zone under the rules, but are otherwise regulated by local ordinances. Water-oriented accessory structures such as boat houses and detached decks and patios may be placed within the SIZ as close as 10 feet to the ordinary high water level.
7/6/2016	7/6/2016	42	Diane Hofstede	Self	Letter	42a	General	General	Endorses 2006 (Mpls) Critical Area Plan. Incorporate goals of that plan into rules. Supports many aspects of rules.	
7/6/2016	7/6/2016	42	Diane Hofstede	Self	Letter	42b	Preparation.0070	Subp. 6 Flexibility requests	Flexibility provisions are too broad to adequately protect river's resources.	The criteria for reviewing and approving such requests was devleloped through an extensive public process involving a wide range of stakeholders and is based on the criteria used in the shoreland rules which has worked well since 1989.
7/6/2016	7/6/2016	42	Diane Hofstede	Self	Letter	42c	DimensionalStds.0120	Subp. 2A Height - General	Scenic protections have been weakened through increases to maximum height; removal of performance standards re treelines; overuse of CA-SR district.	Maximum heights in the proposed rules compared to the Executive Order districts have been reduced in some locations and increased in others, based on each area's character and existing and planned development. Treelines are retained as a performance standard in the CA-RTC and SR districts. The CA-SR district was applied to areas determined to not be readily visible from the Mississippi River. The DNR will review underlying zoning and associated heights within the CA-SR district to assure consistency with the height of mature treelines during local government ordinance review and approval processes.
7/6/2016	7/6/2016	42	Diane Hofstede	Self	Letter	42d	Districts.0100	Subp. 9 District boundaries	Map changes - STAWNO should be RN, not UM	See **D.RR.2 - Attachment 2** for the DNR's detailed response to district map changes.
7/6/2016	7/6/2016	43	Unknown	Self	Letter	43a	General	General	General comment on significance of Mississippi riverfront in Minneapolis and need to preserve its natural characteristics	
7/6/2016	7/6/2016	44	Tony Hofstede	Self	Letter	44a	Districts.0100	Subp. 9 District boundaries	Maintain St. Anthony West Neighborhood as RN, based on housing character, historic resources, migratory bird flyway.	See **D.RR.2 - Attachment 2** for the DNR's detailed response to district map changes.
7/6/2016	7/6/2016	45	Robert E. Stellar	Self	Letter	45a	DimensionalStds.0120	Subp. 2A Height - UC	City of Minneapolis not adhering to its own zoning rules for projects in Urban Core. Approval by P & Z Committee of 42-story Alatus tower overrules HPC recommendations and St. Anthony Falls Historic District Guidelines. Rules allow City too much leeway.	The intent of the Urban Core district is to provide maximum flexibility for urban uses, consistent with adopted plans and policies for the Minneapolis and St. Paul downtown and East Bank areas. Specific height limits would be inconsistent with the purpose of the district. Furthermore, the DNR cannot control local government actions, such as allowing substantial increases in building height through a conditional use permit or variance in any district.
7/6/2016	7/6/2016	46	Erich Wunderlich	Self	Letter	46a	DimensionalStds.0120	Subp. 2A Height - UC	Add building height limits to Urban Core district; references 42-story Alatus tower approval.	See response to comment 45a
7/6/2016	7/6/2016	47	Judith Stellar	Self	Letter	47a	Districts.0100	Subp. 9 District boundaries	Map changes - St. Anthony Falls Historic District should be changed from UC to UM - ref's 42-story Alatus tower	See **D.RR.2 - Attachment 2** for the DNR's detailed response to district map changes.
7/6/2016	7/6/2016	48	Whitney Clark	FMR	Letter	48a	Definitions.0050	Bluff impact zone and shore impact zor	These definition and standards provide significant improvements over current standards and ensure better protection of bluffs and shorelines. Standards focus on the most sensitive areas in greatest need of protection	
7/6/2016	7/6/2016	48	Whitney Clark	FMR	Letter	48b	Preparation.0070	Subp. 4 Contents of plans	Support requiring MRCCA plans be incorporated into each community's comprehensive plan. Will avoid confusion when CUPs and variances are reviewed by planning commissions. Inclusion of maps, policies and implementation provisions as well as identifying public river corridor views in plans will set baseline for resources important to each city.	
7/6/2016	7/6/2016	48	Whitney Clark	FMR	Letter	48c	AdministrativeProv.0080	Subp. 2 Variances, CUPs, and Mitigatio	Support these standards as they provide criteria for approval and proportional mitigation.	
7/6/2016	7/6/2016	48	Whitney Clark	FMR	Letter	48d	Districts.0100	General	District descriptions and statement of intent from the rules should be included in local MRCCA ordinances once the rules are adopted.	This is will provide clarity of intent and management purpose for local government administration of standards within each district.
7/6/2016	7/6/2016	48	Whitney Clark	FMR	Letter	48e	DimensionalStds.0120	General	Public river corridor views should be added to the purpose in Subp. 1.	See proposed DNR modification in **D.RR.0**, Section III.
7/6/2016	7/6/2016	48	Whitney Clark	FMR	Letter	48f	DimensionalStds.0120	Subp. 2A Height - General	Remove the comma after "accessory structures" on line 38.20. With the comma in place, it reads as though the clause "as defined by local ordinance" applies to both structures and accessory structures. Since structures are defined within these rules, but accessory structures are not, the clause should only apply to accessory structures.	See proposed DNR modification in **D.RR.0**, Section III.
7/6/2016	7/6/2016	48	Whitney Clark	FMR	Letter	48g	DimensionalStds.0120	Subp. 2A Height - General	Support height limits for all districts and inclusion of performance standards for RTC, UM and UC that require or encourage buildings to tier away from the river and to minimize interfere with public river corridor views.	
7/6/2016	7/6/2016	48	Whitney Clark	FMR	Letter	48h	DimensionalStds.0120	Subp. 2D Exceed Height CUP	Support standards for granting CUPs for height in the rules - they ensure that exceptions for height are reviewed within the context of the MRCCA.	
7/6/2016	7/6/2016	48	Whitney Clark	FMR	Letter	48i	DimensionalStds.0120	OHWL and Bluff setbacks	Support setback standards - will prevent erosion and habitat degradation and consistent with shoreland, floodplain and existing MRCCA standards and most city ordinances.	
7/6/2016	7/6/2016	48	Whitney Clark	FMR	Letter	48j	Vegetation.0150	General	Support vegetation standards.	
7/6/2016	7/6/2016	48	Whitney Clark	FMR	Letter	48k	Subdivision.0170	General	Supports the open space protection requirements as it ensures that natural and scenic character of the river, and its biological and ecological functions will be preserved as the corridor develops.	
7/6/2016	7/6/2016	48	Whitney Clark	FMR	Letter	48l	Subdivision.0170	Subp. 2 Applicability	We disagree with the 10-acre threshold for river-adjacent properties and concur with NPS assessment that six acres is a more appropriate threshold for requiring that primary conservation areas be preserved. Most parcels in the UM and RTC districts are smaller than 10 acres.	See **D.3, Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #8ddd. The amount of required set-aside percentage for UM and RTC is relatively small, so that actual amount of potential land that could be permantely protected through the set-aside requirement is relatively small and would be difficult for local governments to manage.
7/6/2016	7/6/2016	48	Whitney Clark	FMR	Letter	48m	Subdivision.0170	Subp. 4B PCA set asides	Supports the set-aside percentages	

7/6/2016	7/6/2016	49	Rep Dave Pinto	Self	Letter	49a	General	General	The Mississippi River is one of our state's and nation's premier natuaral, cultural, and water resources. Proposed rules are intended to provide flexibility, local control, and conservation of MNRRA. On the whole (with exception of height concern below), proposed rules are a strongly positive step to enhance protection of the Mississippi River, an irreplaceable resource, for current and future generations.	
7/6/2016	7/6/2016	49	Rep Dave Pinto	Self	Letter	49b	DimensionalStds.0120/District	Subp. 2A Height - UM	Shares constituents' concern with building heights in the UM district in St. Paul and hopes they are addressed.	Proposed heights and district assignments in St. Paul were the result of a deliberative process that balanced many competing interests and opinions. That said, several changes from the UM district to less intense districts are proposed in **D.RR.2. Attachment 2**.
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50a	Definitions.0050	Bluff	Mathematically, there seems to be no reason to specify horizontal feet. And seriously, an 18% slope? That's only 10.2 degrees. To be a "steep slope" wold be a slope that requires great skill to walk on, and a bluff would be a slope requiring hand-hold options.	The 18% slope standard is carried over from EO 79-19 and has been used by most local governments. Only one paramater (horizontal or vertical) is needed to determined slope. Two paramters where chosen for this definition in order to more precisely identify slopes for protection while minimizing nonconfonformitie. The proposed definition says that the slope must rise at least 25 feet to potentially qualify as a bluff. This parameter is used in order to capture features that rise significantly. If a slope meets this initial qualification, then one determines what the slope is over a 25 foot horizontal distance. These parameter are useful when using GIS systems for mapping bluff features for planning purposes. This is also discussed in **D.1. Attachment 1** to the July 6, 2016 DNR Response to Comments, part F.
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50b	Definitions.0050	Intensive vegetation clearing	Need to define "patch, strip, row, or block."	The definition of intensive vegetation clearing is a common one, and is considered an acceptable term by most registered landscape architects and zoning officials. These terms are intended to communicate a spatial zone for evaluating the proposed cutting area and activity. The shape of the spatial zone can vary widely depending on the needs of the proposer, the location of the vegetation, and the topography. The intent is to identify a spatial area in which one proposes cutting and then using that spatial zone for managing the cutting activity for consistency with the proposed rules. See SONAR, pgs. 31 and 56. The definition of intensive vegetation clearling is further discussed in **D.RR.0**, Section II, part B.
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50c	Definitions.0050	Hard/Natural Surface Trail	Appears to be overlap between these definitions.	While each type of trail could be built of compacted stone, the purpose of the natural-surface trail is different: "primarily for hiking, equestrian, or mountain bike use."
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50d	Definitions.0050	Off-premise advertising signs	Might want to specifically exclude campaigning signs posted in accordance with other controlling rules.	Off-premise advertising signs are different from election signs on individual premises. The latter type are considered a type of noncommercial sign that is protected by Minn. Stat. § 211B.045
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50e	Definitions.0050	Overlay district	This scares me.	
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50f	Definitions.0050	Patio	If there are railings, it's not a patio?	The definition of patio is sufficiently clear in this regard; if it has railings, it does not meet the definition of a patio.
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50g	Definitions.0050	Picnic shelter	If there is a wall on one side, it's not a picnic shelter? It wouldn't meet the definition of a "building" with only one wall.	Picnic shelters are defined in the proposed rules because they are listed as exempt in the SIZ in 6106.0180, and the rules intend that only open-sided picnic shelters are exempt. A picnic shelter with a wall would not be appropriate to place in the SIZ due to visual obstruction and potential flooding hazards in floodway areas of the SIZ
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50h	Definitions.0050	Retaining wall	This definition may need a "and for the purpose of..." clause.	Comment is unclear.
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50i	Definitions.0050	Riprap	No mention of Gabion baskets.	This would fall into the category of "other shoreline structures."
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50j	Definitions.0050	Intensive/selective vegetation clearing/removal	These two definitions should be next to each other. Maybe use "Vegetation removal, selective" and "Vegetation clearing, intensive."	The terms are defined as they are used in the rules to make them easier to reference.
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50k	Definitions.0050	Shore impact zone	Alter the sentence structure for clarity: "Shore impact zone" means land located between the ordinary high water level of public waters and a line parallel to it at a setback of 50 percent of the required structure setback or, in areas of agricultural use, 50 feet landward of the ordinary high water level. See Figure 2.	The DNR proposes a modification to the rule language in **D.0, DNR's 7/6/16 Response to Comments Memo** that is substantially the same as this suggestion.
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50l	Definitions.0050	Steep Slope	Ridiculous. Delete or use sensible definition (see Mr. Bauman's comment for "bluff" definition).	This definition has been carried over from EO 79-19 and is in most local government ordinances. See **D.0, DNR's 7/6/16 Response to Comments Memo** for modifications to the definition for alignment with the new bluff definition.
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50m	Definitions.0050	Toe/top of bluff	No horizontal distance needs to be included in these definitions, mathematically.	The horizontal distance is used for field verification by surveyors. High level of precision is needed for determining structure setbacks and bluff impact zones. These parameters help to ensure consistency in applying bluff standards throughout the corridor.
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50n	Administration.0060	General	This is government saying "you must comply, we know best" and is draconian, bureaucratic and tyrannical. I don't like it, and reject the premise tht you can tell me what to do.	These administrative provisions are based almost entirely on those already in place in Minn. Stat. Ch. 116G and implemented in the MRCCA under Executive Order 79-19 since the mid-1970s. These rules do not change the regulatory framework that's been in place since the mid 1970s.
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50o	AdministrativeProv.0080	Subp. 7 Accommodating disabilities	Requirement to remove ramp or facilities upon expiration of permit is stupid and abusive.	See DNR's proposed modification to this requirement in **D.RR.0**, Section III.
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50p	LandAlteration.0160	Subp. 7B SW Mgmt - WQIZ	"Water quality impact zone" appears to be an undefined term and is used several times in the document.	This term is defined in 6106.0160, Subp. 2.(C).
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50q	General	General	Entire tone should be more helpful, voluntary and collaborative. Property owners do not want to fear fines or expensive orders to remove something they have already invested in building/installing, and they do not want an expensive, time-consuming bureaucratic permitting process.	All development that occurred legally under current local MRCCA ordinances is protected as a legal nonconformity under state law and under these proposed rules. Property owners need have no fear of fines or orders under the proposed rules for existing legal development, or for new development provided it complies with the local MRCCA ordinances adopted consistent with these rules. Furthermore, all permits required under the proposed rules will be locally issued and are in place to ensure that property owners carry out activities properly and in accordance with local ordinances to help property owners avoid costly fines or orders.
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50r	General	General	There should be an exemption for anything a residential property owner can do without power tools, heavy equipment, or professional contactors. In such circumstances, no permitting should be required.	This would be Impossible to define and enforce.
7/6/2016	7/6/2016	50	Jeffrey Baumann	Self	e-comment	50s	General	General	There needs to be a mechanism for those who are negatively impacted by these rules to report the details of such negative impact, with a compulsory method to have the concerning section of the rules removed, or modified if appropriate.	Citizens are always able to request modifications to state rules.
7/6/2016	7/6/2016	51	Cathy Gagliardi	self	e-comment	51a	General	General	Protection of bluff and shoreline vegetation will protect bird survival rates.	
7/6/2016	7/6/2016	51	Cathy Gagliardi	self	e-comment	51b	DimensionalStds.0120	Subp. 2A Height - General	To protect views, building heights should not exceed 50' around the Gorge, Ft Snelling, and Minnesota/Mississippi confluence	This comment does not include any specific changes proposed to district boundaries. See **D.RR.2. Attachment 2** and **D.4, Attachment 4,** DNR's 7/6/16 Response to Comments, for several proposed changes to district boundaries in these areas.

7/6/2016	7/6/2016	52	Rep Rick Hansen	self	e-comment	52a	Definitions.0050	Bluff, Bluffline	Supportive of definitions as proposed.	
7/6/2016	7/6/2016	52	Rep Rick Hansen	self	e-comment	52b	LandAlteration.0160	General	Supportive of the Land Alteration provisions.	
7/6/2016	7/6/2016	52	Rep Rick Hansen	self	e-comment	52c	Vegetation.0150	General	Supportive of the vegetation management provisions	
7/6/2016	7/6/2016	53	Nolan Wall	City of Mendota Heights	e-comment	53a	LandAlteration.0160	General	Any deposits of landscape debris on or near the bluffline may prohibit vegetation growth and compromise the integrity of the bluff slope. Request the addition of language that prohibits such placement.	
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54a	General	Support	The City supports DNR effors to include local governments in preparing the rules and supports expansion of local control within the rules and land use districts that allow continued development of Hastings downtown riverfront and surrounding neighborhoods.	
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54b	Definitions.0050	Bluff	"Field determination" should be added to the determination of a bluff similar to defintitions for "toe of bluff" and "top of bluff."	Bluffs can be mapped via GIS, which is helpful for planning purposes. Toe and top of bluff require field verification to establish setback lines and extent of the bluff impact zone.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54c	Definitions.0050	Deck	Further clarify what constitutes an "unenclosed deck"; would installation of a screen or partial walls meet the threshold?	Definition of deck is sufficiently clear; a screen or partial wall would not qualify.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54d	Definitions.0050	Intensive vegetation clearing	Provide further clarification on what constitutes a "contiguous patch, strip, row, or block."	The definition of intensive vegetation clearing is a common one, and is considered an acceptable term by most registered landscape architects and zoning officials. These terms are intended to communicate a spatial zone for evaluating the proposed cutting area and activity. The shape of the spatial zone can vary widely depending on the needs of the proposer, the location of the vegetation, and the topography. The intent is to identify a spatial area in which one proposes cutting and then using that spatial zone for managing the cutting activity for consistency with the proposed rules. *See* SONAR at 31 and 56.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54e	Definitions.0050	Natural vegetation	There is no reference in the definition to vegetation being natural.	Natural vegetation is defined based on its ecological functions.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54f	Definitions.0050	Primary conservation areas	Provide further clarity on what constitutes a "natural drainage route".	Term is used in most erosion and sedimentation control ordinances and the Minnesota Stormwater Manual.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54g	Definitions.0050	Public river corridor views	"Historic properties" should only include those that are publicly owned. Privately owned historic properties should be excluded.	The rules provide exemptions for historic properties from a number of dimensional standards. No rationale is provided as to why publicly owned structures should be regulated differently.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54h	Definitions.0050	River-dependent use	Non-commercial recreational should be cited.	Comment is unclear.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54i	Administration.0060	Subp. 7 Duties of cities	Further clarify what the threshold will be that "affect lands within the river corridor boundary".	The "river corridor boundary" is defined in 6106.0050, subp. 64. It includes all land within the legally described boundary in the State Register, Volume 3, pages 1681-1691.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54j	Administration.0060	Subp. 7 Duties of cities	Further clarify whether all CUPs or variances must be sent to adjoining governments, or only those for building heights exceeding height limits.	This applies to all "discretionary actions" that involve the proposed rules, including all CUPs and variances. CUPs required under the proposed rules include height CUPs in the RTC and UM districts, nonmetallic mining, and wireless communication facilities.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54k	Preparation.0070	Subp. 3 Plan and ordinance review	Further clarify of "underlying zoning documents must be submitted and considered" to prevent modication of local zoning documents by others; submittal for clarity purposes only.	This provision is important for local MRCCA ordinances that refer to underlying zoning so the DNR can ensure consistency with the rules. It is also especially important for those parts of the proposed rules that refer to underlying zoning, such as height requirements for the Separated from River (SR) district, for which the DNR will need to determine if the height in the underlying district is "generally consistent with the height of the mature treeline, where present, and existing surrounding development as viewed from the OHWL of the opposite shore." (6106.0120, Subp. 2.A.(4)).
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54l	Preparation.0070	Subp. 3 Plan and ordinance review	Specify a definitive time period for Commissioner action (line 20.8).	The commissioner has 45 days as provided in proposed rules line 20.3.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54m	AdministrativeProv.0080	Subp. 3 Nonconformities	Clarity needed on subp. 3.C.(1) - would expansion of an existing structure into the SIZ be allowed? If the structure is presently in the SIZ would expansion be allowed provided it does not increase the nonconformity? (Line 27.13)	Expansion into the SIZ would not be allowed.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54n	AdministrativeProv.0080	Subp. 3 Nonconformities	The term "original structures" should be deleted. A structure's scale and bulk should be consistent with that of the existing surrounding development only. (Line 27.17)	This provision is needed to ensure that expansions are not excessively large compared to the original structure.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54o	AdministrativeProv.0080	Subp. 4 Conditional and IUPs	Interim use should be added along with conditional use. (Line 29.4)	See DNR proposed modification in **D.RR.0**, Section III.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54p	AdministrativeProv.0080	Subp. 7 Accommodating disabilities	Delete Subp. 7.B. - cities do not place an expiration date on permits. (Line 30.19)	DNR is unaware of any law that prohibits expiration of local administrtive permits. Nevertheless, the DNR proposes modifications to this provision in **D.RR.0**, Section III to clarify that local governments may allow ramps and facilities that deviate from the standards in the proposed rules through an interim use permit with an expiration date for removal.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54q	Incorporations.0090	General	All cited documents should be available online with a link.	All are available through interlibary loan, as required. Some publishers do not allow online links.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54r	Districts.0100	Site specific	Clarify district boundary line between RN and RTC - should be Spring Street.	DNR has verified that the district boundary line between the RN and RTC districts is the western edge of the ROW for Spring Street.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54s	Districts.0100	Site specific	District boundary of ROS in Secton 26, T115N, R17W must be modified to only include that portion located north of the north quarter section line (roughly 4th Street). All areas south of said line should be in SR.	The ROS district was assigned to this property because of the Vermillion River - a key tributatry to the Mississippi River and its backwaters and floodplains, and because of the sensitive nature of these features, ROS is still the best fit. See **D.RR.2. Attachment 2** for district map changes and the DNR's response.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54t	DimensionalStds.0120	Subp. 3A OHWL setback - RN	The OHWL setback in RTC should be 50' instead of 75' or 100', which will substantially limit improvements within the district.	DNR arrived at proposed setbacks in each district through a deliberative process as described in the SONAR. The city could request implementation flexibility to deal with existing development in specific areas under 6106.0070, Subp. 6.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54u	DimensionalStds.0120	Subp. 3A OHWL setback - RTC	The OHWL setback in RTC should be 50' instead of 75'.	DNR arrived at proposed setbacks in each district through a deliberative process as described in SONAR. The city could request implementation flexibility to deal with existing development in specific areas under 6106.0070, Subp. 6.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54v	DimensionalStds.0120	Subp. 3A OHWL setback - SR	Delete line 41.3 in its entirety - SR district defined by physical and visual distance and not readily visible from the Mississippi River.	As a key tributary to the Mississippi River, the Vermillion River needs protection under MS §116G. *See* discussion of tributaries in SONAR at 48 - 49.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54w	DimensionalStds.0120	Subp. 3B Bluff setback - RN	The bluff setback of 40' in the RN district will severely limit use of many existing properties within district. Setback should be changed to just being outside BIZ.	See **D.1. Attachment 1** of the DNR's 7/6/16 Response to Comments, comment F. Nonconforming structures are protected by Minn. Stat. § 462.357. The proposed rules permit local governments to allow lateral expansion of nonconforming structures as long as they don't encroach into the BIZ. The flexibility provisions in the proposed rules (6106.0070, subp. 6) also allow local governments to develop and propose alternative bluff definitions or exemptions in their local ordinances based on a landscape/topographical analysis, modeling or other resource impact studies that specifically address existing conditions, while protecting public safety and identified scenic and ecological resources.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54x	Definitions/DimensionalStds.0	Principal structures	"Principal structures" are not defined.	"Structures" are defined. Most local ordinances include definitions of "principal structures" and the rules defer to these definitions.

7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54y	PrivateFacilityStds.0140	Subp. 6 Decks & patios	Change 15% to 25% to allow greater use of constrained properties.	The 15% is drawn from shoreland rules and will be retained for consistency. *See* SONAR at 53-54.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54z	PrivateFacilityStds.0140	Subp. 7 Signs	Delete line 48.20 in its entirety - provision is contrary to the general purpose of a sign.	"Readily visible" pertains to visibility of off-premise signs, including billboards which were a major concern in this rulemaking, from the Mississippi River, not from all vantage points. Executive Order 79-19 similarly allows "general advertising signs not visible from the river" in the rural open space, urban developed, and urban open space districts, and allows all general advertising signs in the urban diversified district.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54aa	Vegetation.0150	Subp. 2 Applicability	Define "natural drainage way."	Term is used in most erosion and sedimentation control ordinances and the Minnesota Stormwater Manual.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54bb	Vegetation.0150	Subp. 4 Permit process	Clarify role (if any) of non-governmental units in the permit process. (Line 50.20)	Local governments may delegate permitting responsibility as discussed in 6106.0150, subp. 4, item C.
7/6/2016	7/6/2016	54	John Hinzman	City of Hastings	Letter	54cc	Subdivision.0170	Subp. 2 Applicability	Exclude all land in the SR district due to its physical and visual distance from the river and not being readily visible from the river.	The set-aside requirements in the SR district are minimal, due to these factors. However, the district can also serve as a receiving area for density transfers from other districts.
7/6/2016	7/6/2016	55	Betty McCollum, U.S. Congress	Self	Letter	55a	General	Support	Writes in support of proposed MRCCA rules. The rules are necessary to protect the resources of the MNRRA as intended by Congress when it created this National Park in 1988. The federal law establishing the MNRRA directs the NPS to enhance the 72-mile stretch of the Mississippi River in the Twin Cities, which was designated a State Critical Area in 1976. No new federal regulations were mandated upon creation of the MNRRA; instead, the State of MN (DNR) entered into a partnership with the NPS to ensure protection of the MRCCA's significant resources and help guide future development.	
7/6/2016	7/6/2016	55	Betty McCollum, U.S. Congress	Self	Letter	55b	General	Authority	In 2009, MN Legislature passed a bipartisan law to direct DNR to provide standards to ensure MRCCA resources are protected and preserved for today and future generations. The proposed rules are the result of that law, and are necessary and reasonable for protection for the Mississippi River.	
7/6/2016	7/6/2016	56	Joane Neland	Self	Letter	56a	Districts.0100/Dimensional Sta	Subp. 8 UC/Height	Resident of East Bank Minneapolis neighborhood. Urges consideration of rules regarding height limitations be the same for all zones of the Urban Core. St. Anthony Falls Historic District has implicit restrictions allowing only low-rise buildings. Concerned about Alatus proposal, which is moving swiftly through local system with no regard to current zoning.	See response to comment 13a.
7/6/2016	7/6/2016	57	Adam Arvidson	MPRB	E-comment	57a	General	General	MPRB applauds the rulemaking effort and, as a major landowner in the Minneapolis reach, has a particular vested interest in the rulemaking.	
7/6/2016	7/6/2016	57	Adam Arvidson	MPRB	E-comment	57b	Districts.0100	Subp. 9 District boundaries	Recommends additional CA-ROS areas in several locations: West River Parkway between Cedar Lake Trail and the Plymouth Avenue Bridge; Boom Island and B.F. Nelson Parks; the North Mississippi Regional Park from near the Camden Bridge to the northern Mpls. city limit. These areas function much like the Miss. Gorge and Minnehaha Park.	See **D.RR.2 - Attachment 2** for the DNR's detailed response to district map changes.
7/6/2016	7/6/2016	57	Adam Arvidson	MPRB	E-comment	57c	Districts.0100	Subp. 9 District boundaries	Supports Nicollet Island RN/RTC district split but recommends that the boundary between them be placed at Hennepin/1st Ave.	See **D.RR.2 - Attachment 2** for the DNR's detailed response to district map changes.
7/6/2016	7/6/2016	57	Adam Arvidson	MPRB	E-comment	57d	PublicFacilityStds.0130	Subp. 7C Trails & viewing areas	MPRB has some concerns about its ability to build crucial trail connections along the river during the implementation of the RiverFirst Plan. Without specific pre-delineation of "bluffs" and 30% slopes, we cannot determine whether any planned trails would be affected by the prohibition of hard surface trails on these slopes. Because of the existing character of the upper river, which consists of developed areas behind steep—and likely unnatural—slopes down to the river, in some locations the only possible trail connection may be to traverse the faces of steeper slopes. This paragraph, however, allows no exemption, unlike those characterized in 6106.0180. Though MPRB will strive to avoid steep slopes, in some limited cases there may be no alternative. MPRB recommends either 1) documenting such slopes as part of the rulemaking so that we can determine if there will be impact or 2) providing an exemption to this rule to allow trail construction on steep slopes if no other alternative is feasible.	See response to Dakota County regarding a similar issue in **D.3, Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #53e. A flexibility request (by Minneapolis as the LGU) may be appropriate in this case.
7/6/2016	7/6/2016	57	Adam Arvidson	MPRB	E-comment	57e	PublicFacilityStds.0130	Subp. 7C Trails & viewing areas	This section lacks enough detail for MPRB to understand the actual impact on planned park improvements, especially as part of RiverFirst, which are the result of extensive community engagement. Some elements of RiverFirst are designed to in fact be visible from the river, and some will be built in association with existing infrastructure, such as road and rail bridges, existing river walls, and other realities of the historically industrial upper Mississippi in Minneapolis. As much of the area of MPRB's concern lies in the CA-UM District—one that is already built-up—perhaps it might be appropriate to differentiate between districts when placing requirements on trails, paths, and viewing areas. MPRB would like to see this language modified to allow more flexibility in implementation of recreational amenities, or to better define what a "visual impact" is.	It is understood that some trails and other infrastructure are designed to be visible from the river. See also comments #21g and #20j in this spreadsheet, the **D.RR.0, Rebuttal Response Memo**, Item F, and **D.3, Attachment 3** to the DNR's 7/6/16 Response to Comments, comment #4i.
7/6/2016	7/6/2016	57	Adam Arvidson	MPRB	E-comment	57f	ExemptionTable.0180	Public recreational facilities	MPRB supports the various exemptions associated with public recreation facilities. We believe that the distinctions made between "exempt" and "allowed only if no alternatives exist" are appropriate for the facilities as noted. The only concern is that listed above with regard to trails on 30% slopes.	

Attachment 2: Requested Revisions to District Maps and DNR Responses, June 25 – July 6, 2016

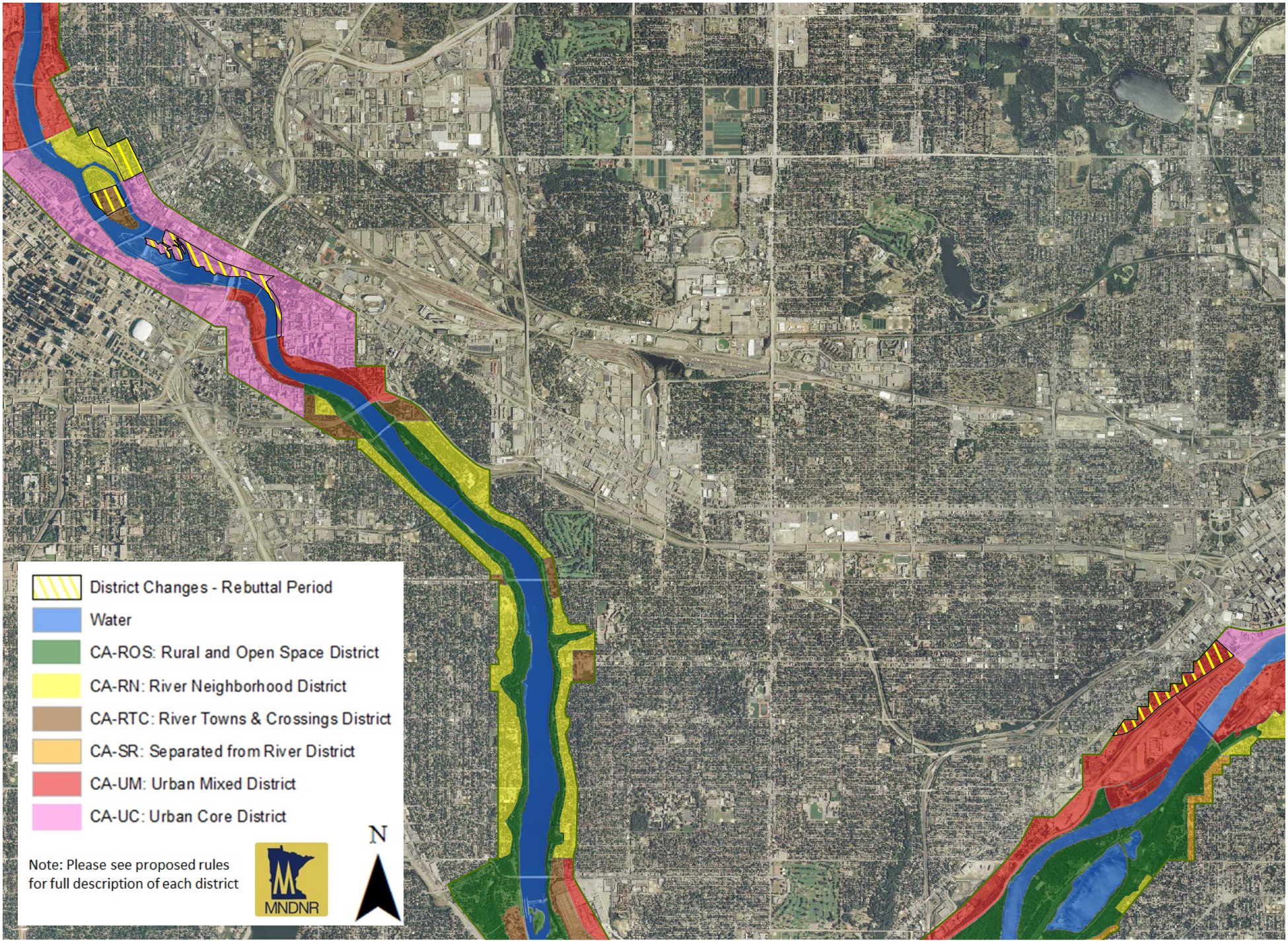
State of Minnesota
Minnesota Department of Natural Resources (DNR)
DNR Rebuttal Response to Comments
July 13, 2016

Map Panel – Community	Location	Map Comment Number	Change Requested		Requested by	Purpose of Request	Local zoning/Area plans reviewed	Decision/Why
			from	to				
4 - Minneapolis	Nicollet Island	1	CA-RTC	CA-RN	Minneapolis Parks & Recreation Board (MPRB)	Change boundary between the CA-RN and the CA-RTC districts to run along Hennepin/1st Avenues. Taller, higher-density development between Hennepin Avenue and the railroad tracks, would significantly diminish the character of the northern half of the island, which is an historic and low density neighborhood.	Nicollet Island/East Bank Small Area Plan, 2014; Central Miss. Riverfront Regional Park Master Plan, 2015	RTC allows lesser setback, consistent with riverfront access; extending RN to Hennepin Ave. provides a buffer for the residential neighborhood. **CHANGE RN/RTC BOUNDARY TO FOLLOW HENNEPIN/1st AVES**
4 - Minneapolis	St. Anthony West	2	CA-RN	CA-UM	Margaret Egan, St. Anthony West Neighborhood Organization (STAWNO) Chair	UM is consistent with 'approved plan'	Above The Falls (ATF) 2013 adopted plan; Small Area Plan in process	Small Area Plan is not yet approved by City because of inconsistencies and differences regarding desired density. Majority of stakeholders favor some density and height increases, but a significant minority view the neighborhood as low-density residential. **CHANGE AS NOTED BELOW UNDER COMMENT #4**
4 - Minneapolis	St. Anthony West – Hennepin Ave. Bridge to Broadway Bridge	3	CA-RN	CA-RN	Diane Hofstede, Great River Coalition; Peter Gamades, STAWNO President	Keep as RN. Opposes City comments to change to UM. This is a residential neighborhood with R1 zoning; similar to river gorge n'hoods and Nicollet Island		See above – part of differing STAWNO interests. **CHANGE AS NOTED BELOW UNDER COMMENT #4**

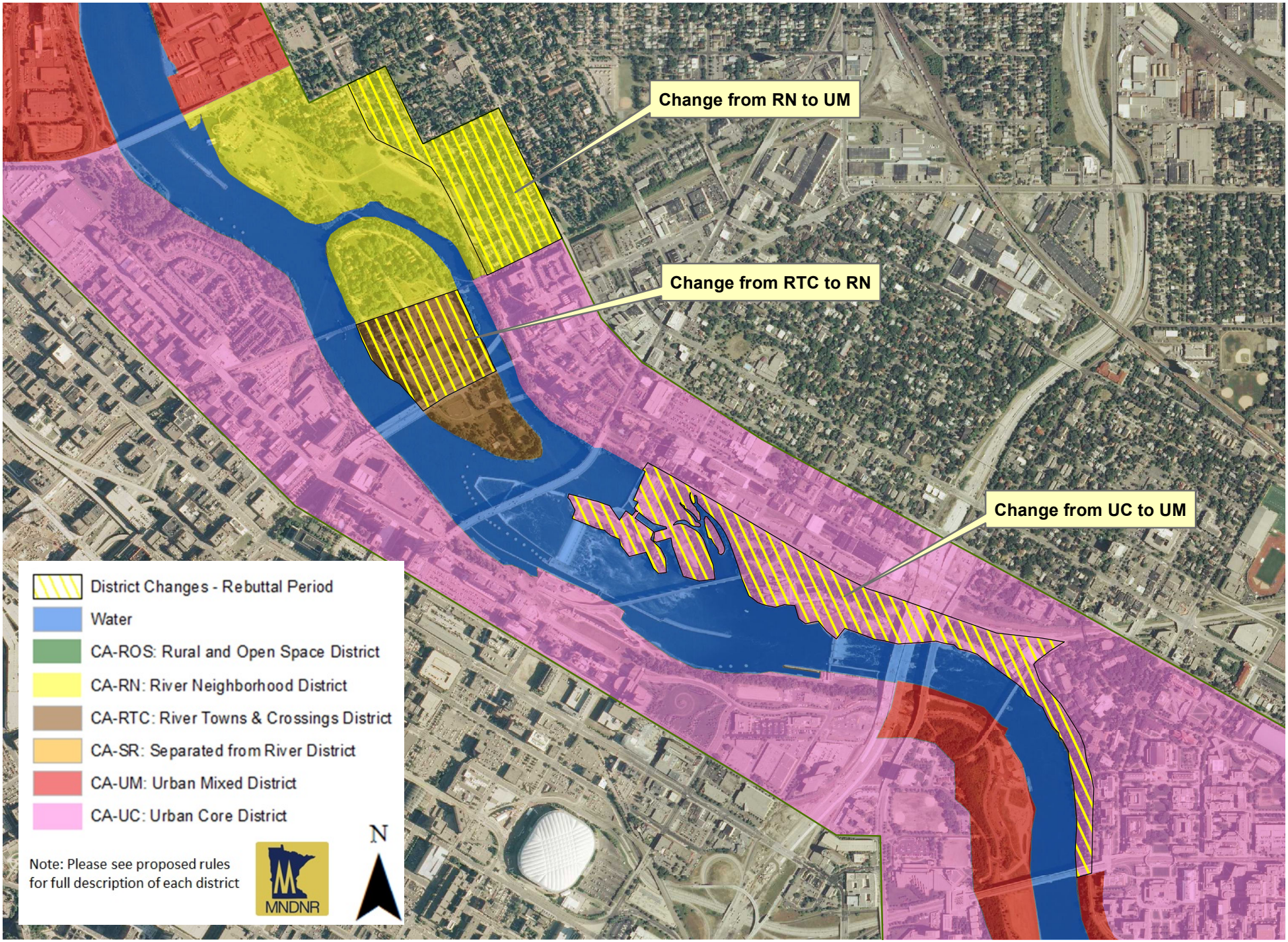
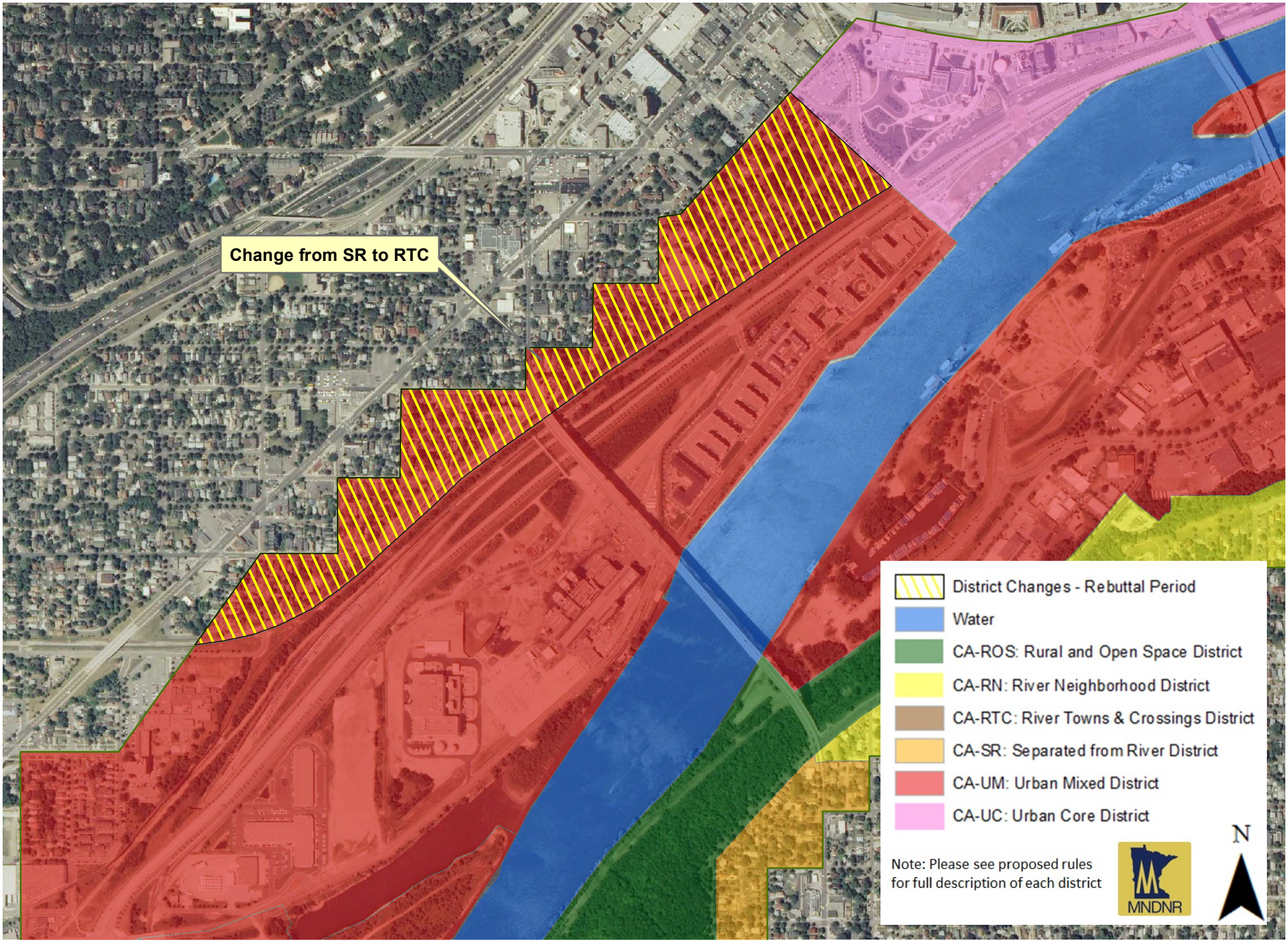
Map Panel – Community	Location	Map Comment Number	Change Requested		Requested by	Purpose of Request	Local zoning/Area plans reviewed	Decision/Why
			from	to				
4 - Minneapolis	NE Minneapolis, NE of Nicollet Island	4	CA-RN	CA-UM/UC	City of Minneapolis	Portions of area zoned R5 and guided medium to high density in draft (STAWNO) neighborhood small area plan or protected as parkland; many taller buildings in area.	St. Anthony West Small Area Plan does not provide definitive guidance; R5 areas exist in current zoning east of Main Street NE	Designation of this area was changed in 11/2014 based on NPS and neighborhood requests and Comp Plan land use boundaries. The Comp Plan designation hasn't changed – still Low-Density. However, current zoning and draft small area plan indicate taller buildings are appropriate moving inland from river. **CHANGE TO UM EAST OF MAIN STREET**
4 - Minneapolis	Riverfront Regional Park	5	CA-UC	CA-RN and ROS (east side channel below Fr. Hennepin Bluff)	St. Anthony Falls Alliance (SAFA)	Protect inholdings within park boundaries from intense development; historic character; park plan is controlling "municipal" plan for this area; unique geologic features; Tricolored Bat hibernaculum; eagles' nest; cultural significance.	Central Mississippi Riverfront Regional Park Master Plan, 2015 Underlying zoning: R1A, I1	Addressed in previous comments from FMR, NPS; this letter provides additional information based on the Park Master Plan; also see requests below. **CHANGE AS NOTED BELOW UNDER COMMENT #6**
4 - Minneapolis	E. Hennepin to Bridge 9; Main St. SE to Miss. R.	6	CA-UC	CA-UM	Cordelia Pierson and Friends of the Mississippi River (FMR)	Historic district; Park Master Plan, differing characterization in city plans from rest of UC district.	Central Mississippi Riverfront Regional Park Master Plan, 2015 Underlying zoning: R1A, I1, I2, OR3	See also SAFA comment #5 above. Change based on new information (recently adopted plan and identified inholdings issues); also consistent with treatment of similar riverfront park areas to the south; change is acceptable to City. **CHANGE TO UM ON RIVER SIDE OF MAIN ST., EXTENDING SOUTH TO WASHINGTON AVE SE**
4 - Minneapolis	St. Anthony Falls Historic District	7	CA-UC	CA-UM	Judith Stellar	This is a broader area than 4b, includes proposed Alatus site.		Retain as UC on landward side of Main Street – clearly identified growth area. **NO CHANGE**
5 – St. Paul	Blufftop on both sides of High Bridge/Smith Avenue, west bank (W. 7th St.)	8	CA-SR	CA-RTC	National Park Service (NPS)	Visibility from shoreline as demonstrated in exhibits.	Underlying zoning: R4, RT1, RM1, RM2, T1, T2	Based on photos provided, this area is visible and does not meet the criteria of the SR district. Infrastructure and proximity to downtown St. Paul ideal for higher density and redevelopment. Current zoning ranges from 35' to 50'. **CHANGE TO RTC**
5 – St. Paul – Mendota Hts. & Lilydale	Properties on both sides of Hwy 13 above Pickerel Lake	9	CA-SR	CA-RN	Marilyn Lundberg	Visibility from shoreline, fragile bluff areas vulnerable to landslides.		No evidence provided to support visibility from opposite shoreline. Field work conducted early in rule development determined this area was not readily visible. Bluff standards apply in SR. **NO CHANGE**

Map Panel – Community	Location	Map Comment Number	Change Requested		Requested by	Purpose of Request	Local zoning/Area plans reviewed	Decision/Why
			from	to				
6 – St. Paul – Nininger	River's Edge property annexed by St. Paul Park from Grey Cloud Island Township	10	CA-ROS	CA-RN	Gordon Nesvig; City of St. Paul Park	Property is planned and approved for development; has been annexed by City; similar to RN areas to south and east	City comprehensive plan states that ROS designation continues to apply; City would like to see higher density development approved through a PUD process	Site is currently in the ROS district under EO79-19. Contains many sensitive resources, including steep limestone bluffs, forests, native prairie remnants, springs and seeps, bays, islands, and rare species habitat, including "Sites of Biological Significance", bald eagle nesting areas, and rare mussel communities on or in the vicinity of the property. The goal is to transfer density away from the river and these resources to protect them. As such, the ROS continues to be the most fitting district for this property. **NO CHANGE**
6 – St. Paul – Nininger	Lower Grey Cloud Island	11	CA-ROS	CA-RN	City of Cottage Grove	There is existing residential development on the island and approved plans to service with public utilities; concept plan has been reviewed	Cottage Grove Future Land Use Map in Comprehensive Plan, 2030 – guided "transition planning area" and Rural Residential	The area is currently in the Rural Open Space (ROS) district under Executive Order 79-19 and a blanket RN district on the entire island would not be appropriate. The site is currently being mined and has great development and restoration potential. Once planning has been completed for the island, the City can request a district change or request ordinance flexibility based on the resulting plan. For now, ROS best reflects restoration potential and ecological significance of the island. **NO CHANGE**
6 – St. Paul – Nininger	Lower Grey Cloud Island	12	CA-ROS	CA-UM	PAS Associates and Aggregate Industries	ROS is incompatible with planned post-mining uses and would restrict all shoreland areas	Cottage Grove Future Land Use Map	See discussion above re map comment #11. **NO CHANGE**
6 – St. Paul – Nininger	Lower Grey Cloud Island	13	CA-ROS	CA-ROS	Sen. Sieben	Keep as ROS	Cottage Grove Future Land Use Map	See discussion above re map comment #11. **NO CHANGE**
6 – St. Paul – Nininger	Mississippi Dunes Golf Course	14	CA-SR	CA-RN	Sen. Sieben	This is an example of a property visible from the river	Cottage Grove Future Land Use Map	That portion of the property that is visible from the river appears to be included in the RN district; the remainder of the property is not readily visible. **NO CHANGE**
6 – St. Paul - Nininger	Twin Cities Marina, Inver Grove Heights	15	CA-UM	CA-RN	NPS	Consistency with other marinas in RN district	IGH Future Land Use Map – Industrial-Office Park	Property is adjacent to other UM areas and in a business park setting; UM as well as RN districts are appropriate for marina uses. **NO CHANGE**
7 –Nininger - Ravenna	Vermillion River East of City	16	CA-ROS	CA-SR	City of Hastings	Area is not visible from the Mississippi River, so should be changed to SR	Hastings Comprehensive Plan, 2010, Planned Land Use: largely Floodplain or Wetland Protection	The ROS district was originally assigned to this property because of the Vermillion River - a key tributary to the Mississippi River –as well as its backwaters and floodplains, and because of the sensitive nature of these features, ROS still the best fit. **NO CHANGE**

MRCCA Proposed District Changes - Overview
July 13, 2016



MRCCA Proposed District Changes
Nicollet Island, Northeast Minneapolis, & Riverfront Regional Park



MRCCA Proposed District Changes
West 7th Neighborhood Blufftop